

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

1. **Name**: State full name (include any former names used).

Ramon Ernesto Reyes, Jr.

2. **Position**: State the position for which you have been nominated.

United States District Judge for the Eastern District of New York

3. **Address**: List current office address. If city and state of residence differs from your place of employment, please list the city and state where you currently reside.

United States District Court for the Eastern District of New York
Theodore Roosevelt United States Courthouse
225 Cadman Plaza East, Room 1217S
Brooklyn, New York 11201

4. **Birthplace**: State year and place of birth.

1966; Brooklyn, New York

5. **Education**: List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

1992 – 1993, New York University School of Law; LL.M., 1993

1989 – 1992, Brooklyn Law School; J.D., 1992

1984 – 1988, Cornell University; B.S., 1988

December 1985 – August 1986, Orange County Community College, no degree earned

6. **Employment Record**: List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

2006 – present
U.S. District Court for the Eastern District of New York
Theodore Roosevelt U.S. Courthouse
225 Cadman Plaza East
Brooklyn, New York 11201
United States Magistrate Judge

1998 – 2006
U.S. Attorney’s Office, Southern District of New York
86 Chambers Street, 3rd Floor
New York, New York 10007
Assistant United States Attorney

1995 – 1998
O’Melveny & Myers LLP
7 Times Square
New York, New York 10036
Associate

1994 – 1995
U.S. District Court, Eastern District of New York
Theodore Roosevelt U.S. Courthouse
225 Cadman Plaza East
Brooklyn, New York 11201
Law Clerk to Judge David Trager

1993 – 1994
New York City Council
250 Broadway
New York, New York 10007
Legislative Attorney

1991
Morrison & Foerster, LLP
1290 Avenue of the Americas
New York, New York 10104
Summer Associate

1990
New York County District Attorney’s Office
One Hogan Place
New York, New York 10013
Intern

1989
Statewide Hispanic Housing Corporation

c/o Carroll Gardens Association
201 Columbia Street
Brooklyn, New York 11231
Program Coordinator

1988 – 1989
Bi-County Gwinnett Pediatrics
976 Killian Hill Road, Southwest
Lilburn, Georgia 30047
Receptionist

1988
Frank's Pizza
64 Main Street
Warwick, New York 10990
Dishwasher, counter-helper

1988
Warwick Valley Central School District
Warwick, New York 10990
Substitute Teacher

Teaching Affiliation

2008 – 2017
Brooklyn Law School
250 Joralemon Street
Brooklyn, New York 11021
Adjunct Professor of Clinical Law

Other Affiliations (uncompensated):

2018 – present
Brooklyn Law School
250 Joralemon Street
Brooklyn, New York 11021
Board of Trustees

2016 – present
Federal Bar Association, EDNY Chapter
225 Old County Road
Melville, New York 11747
Board of Directors

2011 – 2019
Federal Magistrate Judges Association

P.O. Box 249
Stanardsville, Virginia 22973
Board of Directors, Officer

2006 – 2012
Federal Bar Council
150 Broadway, Suite 505
New York, New York 10038
Board of Trustees

1993 – 2000
Carroll Gardens Association
201 Columbia Street
Brooklyn, New York 11231
Officer

7. **Military Service and Draft Status:** Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number (if different from social security number) and type of discharge received, and whether you have registered for selective service.

I did not serve in the military. I timely registered for the selective service.

8. **Honors and Awards:** List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.

Jack B. Weinstein Mediation Settlement Award, Federal Bar Association, Eastern District of New York Chapter (2016)

Alumnus of the Year Award, Brooklyn Law School Alumni Association (2012)

Diversity Leadership Award, LALSA, Brooklyn Law School (2012)

Commander's Award for Civilian Service, United States Department of the Army (2005)

New York University School of Law, *Journal of International Law and Politics*, Staff Member (1993)

Brooklyn Law School

Brooklyn Journal of International Law, Editor in Chief (1992)

First Place, Nathan Burkan Memorial Writing Competition (1992)

Oceana Publications Award (1992)

Fellow, Center for the Study of International Business Law (1991 – 1992)

Moot Court Honor Society (1991 – 1992)

Dean's Merit Scholarship (1990 – 1992)

Geraldo Rivera Scholarship (1990 and 1991)

Dean's List, Cornell University (Spring 1987, Spring 1988)

1st Place Team, Fordham Parliamentary Debate Tournament (1987)

6th Place Individual Speaker, Fordham Parliamentary Debate Tournament (1987)

Cornell Tradition Fellowship (1984 – 1988)

9. **Bar Associations:** List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.

American Bar Association (2013 – present, intermittently)

Judicial Division, Standing Committee on Diversity, Roundtable on Diversity in
Article I Judges (2015)

Coalition on Racial and Ethnic Justice (2013 – 2016)

Brooklyn Bar Association (2010 – 2013)

Federal Bar Association (2016 – present)

Federal Bar Council (1995 – present)

Second Circuit Courts Committee (2007 – 2011)

Inn of Court (2001 – 2006)

Federal Magistrate Judges Association (2006 – present)

Director (2010 – 2013)

Secretary (2014)

Treasurer (2015)

Vice President (2016)

President-Elect (2017)

President (2018)

Immediate Past President (2019)

Hispanic National Bar Association (2006 – present)

Judicial Friends Association (2006 – present)

Latino Judges Association (2006 – present)

Magistrate Judge Merit Selection Panel, EDNY (2000 – 2004)

New York City Bar (2007– 2014)

Federal Courts Committee (2007 – 2010)

New York Hispanic Bar Task Force on Judicial Selection (2007)

New York State Bar Association (approximately 1993 – 1994)

Puerto Rican Bar Association (1993 – present, intermittently)

United States Court of Appeals for the Second Circuit
Judicial Conference Planning Committee (2017 – 2019)

United States District Court, EDNY
Facility Security Sub-Committee (2008 – 2021)

10. **Bar and Court Admission:**

- a. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.

New York, 1993

There have been no lapses in membership.

- b. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse in membership. Give the same information for administrative bodies that require special admission to practice.

United States Court of Appeals for the Second Circuit, 1999
United States District Court, Eastern District of New York, 1995
United States District Court, Southern District of New York, 1996

There have been no lapses in membership.

11. **Memberships:**

- a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

Brooklyn Law School Alumni Association (1992 – present, intermittently)

Carroll Gardens Association (1991 – 2000)
Secretary (1993 – 2000)

Cornell Alumni Association (1988 – present, intermittently)

Additionally, I serve on the University Undergraduate Parents Advisory Council (2020 – present) at my child’s college. I can provide additional details to the Committee upon request

- b. The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, or religion, or national origin. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

To the best of my knowledge, none of these organizations currently discriminates or previously discriminated on the basis of race, sex, religion, or national origin either through formal membership requirements or the practical implementation of membership policies.

12. Published Writings and Public Statements:

- a. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited, including material published only on the Internet. Supply four (4) copies of all published material to the Committee.

“President’s Message: Farewell Message,” FMJA Bulletin (June 2019). Copy supplied.

“President’s Message: FMJA Updates,” FMJA Bulletin (Mar. 2019). Copy supplied.

“President’s Message: Growing Together,” FMJA Bulletin (Dec. 2018). Copy supplied.

“President’s Message: Standing Together,” FMJA Bulletin (Sept. 2018). Copy supplied.

“Hurricane” Sandy: A Case Study of The Eastern District of New York’s Effort to Address Mass Litigation Resulting from The Effects of Climate Change, 5 Tex. A&M J. Prop. L. 157 (2018). Copy supplied.

Freelancers Reeling in Fight Over Online Rights, Nat’l L.J., Oct. 20, 1997, at C2. Copy supplied.

Enforcement of Foreign Court Judgments in the People's Republic of China: What The American Lawyer Needs to Know, 23 Brook. J. Int'l L. 241 (1997). Copy supplied.

Can Common Law Adequately Justify a Home-Taping Royalty Using Economic Efficiency Alone?: A Comparative View, 16 N.Y. Law Sch. J. Int'l & Comp. L. 235 (1996). Copy supplied.

Nauru v. Australia: The International Fiduciary Duty and the Settlement of Nauru's Claims for Rehabilitation of Its Phosphate Lands, 16 N.Y. Law Sch. J. Int'l & Comp. L. 1 (1996). Copy supplied.

Letter to the Editor, Nat'l L.J., Sept. 4, 1995, at A20. Copy supplied.

Taxation, Profit Repatriation and Exchange Control Issues Involved in Doing Business Abroad, 5 Int'l Quarterly 1 (1993). Copy supplied.

Medoil Corp. v. Citicorp.: Uncertainty Requires an In-Depth Inquiry into Forum Selection Clause Enforceability Issues, 17 Brook. J. Int'l L. 687 (1991). Copy supplied.

- b. Supply four (4) copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

“Payment of United States Magistrate Judges if Judiciary Budgetary Resources are Depleted During a Lapse in Appropriations” – Comments on behalf of Federal Magistrate Judges Association to Administrative Office of the Courts, April 15, 2019, proposed changes to Sections 220.30.30 (d)–(g) of the Guide to Judiciary Policy (June 12, 2019). Copy supplied.

“One Case / One Judge” – Proposal for the Southern District of New York Regarding Direct Assignment to Magistrate Judges, Federal Courts Committee, New York City Bar (June 2010). Copy supplied.

Proposals for the 2010 Duke Conference Regarding the Federal Rules of Civil Procedure, Federal Courts Committee, New York City Bar (Apr. 2010). Copy supplied.

New York Hispanic Bar Task Force on Judicial Selection, Report and Recommendations (Jan. 2007). Copy supplied.

- c. Supply four (4) copies of any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation, that you have issued or provided or that others presented on your behalf to public bodies or public officials.

None

- d. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

I have searched my files and electronic databases in an effort to identify all events responsive to this question. I have located the events listed below, but it is possible that there are a few that I have no record of and thus was not able to identify.

November 2, 2021: Guest Speaker, Adjunct Professors John Vagelatos's and Artemis Lekakis's Government Civil Litigation Seminar, Fordham Law School, virtual event. I answered questions from students about the federal courts and being a United States magistrate judge. I have no notes, transcript, or recording. The address of Fordham Law School is 150 West 62nd Street, New York, New York 10023.

October 27, 2021: Panelist, "Diversity on the Bench: Divergent Roads to the Judiciary," Diversity & Public Interest Law Series, Cornell Law School, virtual event. Video available at <https://law-cornell.hosted.panopto.com/Panopto/Pages/Viewer.aspx?id=63c5df85-34ff-450c-b328-adce012f4455>.

September 15, 2021: Presenter, "Almost everything you wanted to know about United States Magistrate Judges but were afraid to ask," Federal Bar Association, Young Lawyers Division, virtual event. Outline supplied.

April 15, 2021: Panelist, "Basics of Federal Civil Litigation," Long Island Hispanic Bar Association, virtual event. Outline supplied.

April 9, 2021: Panelist, Brown Bag Lunch, Federal Bar Council, First Decade Committee, virtual event. Magistrate Judge Ona Wang and I spoke about our paths to the bench, the role of a magistrate judge in civil and criminal matters, our particular practices, and other matters. I have no notes, transcript, or recording.

The address of the Federal Bar Council is 150 Broadway, Suite 505, New York, New York 10038.

March 11, 2021: Guest Speaker, Professor Maryellen Fullerton's Federal Courts Seminar, Brooklyn Law School, virtual event. I answered questions from students about federal jurisdiction, federal courts, and my practices as a U.S. magistrate judge. I have no notes, transcript, or recording. The address of Brooklyn Law School is 250 Joralemon Street, Brooklyn, New York 11201.

January 26, 2021: Guest Speaker, *Reflections on a Path to the Judiciary*, Nassau County Bar Association, Theodore Inns of Court, virtual event. I spoke about my career and path to the judiciary. I have no notes, transcript, or recording. The address of the Nassau County Bar Association is 15th and West Streets, Mineola, New York 11501.

November 20, 2020: Moderator, *Federal Criminal Practice in the Age of COVID*, Brooklyn Law School Chapter of Federal Bar Association: EDNY, virtual event. I was a moderator of a panel of prosecutors and defense counsel that discussed the challenges prosecutors, defense counsel, and judges face during the Covid pandemic. I have no notes, transcript, or recording. The address of Brooklyn Law School is 250 Joralemon Street, Brooklyn, New York 11201. The address of the Federal Bar Association, Eastern District Chapter, is 225 Old County Road, Melville, New York 11747.

October 20, 2020: Guest Speaker, Adjunct Professors John Vagelatos's and Artemis Lekakis's Government Civil Litigation Seminar, Fordham Law School, virtual event. I answered questions from students about the federal courts and being a United States magistrate judge. I have no notes, transcript, or recording. The address of Fordham Law School is 150 West 62nd Street, New York, New York 10023.

July 21, 2020: Guest Speaker, Professor Olivier Silvain's Privacy & Technology Law Seminar, Fordham Law School, virtual event. I answered questions from Professor Silvain and his students about issuing warrants, pen registers, trap and trace devices, and other investigatory devices, and their impact on privacy. I have no notes, transcript, or recording. The address of Fordham Law School is 150 West 62nd Street, New York, New York 10023.

July 6, 2020: Guest Speaker, Professor Olivier Silvain's Information Law Seminar, Fordham Law School, virtual event. I answered questions from Professor Silvain and his students about issuing warrants, pen registers, trap and trace devices, and other investigatory devices, and their impact on privacy. I have no notes, transcript, or recording. The address of Fordham Law School is 150 West 62nd Street, New York, New York 10023.

January 21, 2020: Guest Speaker, Focus Forward Project, Inc.'s graduation ceremony, Theodore Roosevelt United States Courthouse, Brooklyn, New York. I gave brief congratulatory remarks to the graduates of this re-entry program. I have no notes, transcript, or recording. Focus Forward Project's address is P.O. Box 2892, Church Street Station, New York, New York 10008.

December 16, 2019: Guest Speaker, Federal Bar Council Public Service Committee's Court Visits Program with Justice Resource Center, Theodore Roosevelt United States Courthouse, Brooklyn, New York. I spoke to Cardozo High School students and answered their questions about federal courts, federal court jurisdiction, and being a U.S. magistrate judge. I have no notes, transcript, or recording. The address of the Federal Bar Council is 150 Broadway, Suite 505, New York, New York 10038. The Justice Resource Center is located within Martin Luther King, Jr. High School, 122 Amsterdam Avenue, New York, New York 10023.

December 11, 2019: Guest Speaker, Nassau County Bar Association, Mineola, New York. I spoke about my career, path to the judiciary, and judicial practices. I have no notes, transcript, or recording. The address of the Nassau County Bar Association is 15th and West Streets, Mineola, New York 11501.

December 3, 2019: Guest Speaker, Federal Bar Council Public Service Committee's Court Visits Program with Justice Resource Center, Theodore Roosevelt United States Courthouse, Brooklyn, New York. I spoke to Judith S. Kaye High School students and answered their questions about federal courts, federal court jurisdiction, and being a U.S. magistrate judge. I have no notes, transcript, or recording. The address of the Federal Bar Council is 150 Broadway, Suite 505, New York, New York 10038. The Justice Resource Center is located within Martin Luther King, Jr. High School, 122 Amsterdam Avenue, New York, New York 10023.

November 12, 2019: Guest Speaker, Federal Bar Council Public Service Committee's Court Visits Program with Justice Resource Center, Theodore Roosevelt United States Courthouse, Brooklyn, New York. I spoke to Curtis High School students and answered their questions about federal courts, federal court jurisdiction, and being a U.S. magistrate judge. I have no notes, transcript, or recording. The address of the Federal Bar Council is 150 Broadway, Suite 505, New York, New York 10038. The Justice Resource Center is located within Martin Luther King, Jr. High School, 122 Amsterdam Avenue, New York, New York 10023.

October 17, 2019: Panelist, Eastern District Day in Residence, Brooklyn Law School, Brooklyn, New York. At the conclusion of the Day in Residence Program, other judges and I answered questions from the moderator and the audience about our profession. I have no notes, transcript, or recording. The

address of Brooklyn Law School is 250 Joralemon Street, Brooklyn, New York 11201.

September 27, 2019: Panelist, *Pathways to the Judiciary*, Hispanic National Bar Association, Judicial Council, New York, New York. I spoke on a panel of federal and state judges about requirements for becoming a judge, in my case how to become a U.S. magistrate judge, and our particular paths to the judiciary. I have no other notes, transcript, or recording. The address of the Hispanic National Bar Association is 2020 Pennsylvania Avenue, Northwest, Suite 279, Washington, DC 20006.

July 23, 2019: Panelist, *Fireside Chat with the Federal Judges*, National Bar Association, New York, New York. Along with District Judges Sterling Johnson and George Daniels, I answered questions from the moderator and the audience about a variety of topics including our backgrounds and our paths to the judiciary. I have no notes, transcript, or recording. The address of the National Bar Association is 1816 12th Street, Northwest, 4th Floor, Washington, DC 20009.

May 14, 2019: Guest Speaker, Federal Bar Council Public Service Committee's Court Visits Program with Justice Resource Center, Theodore Roosevelt United States Courthouse, Brooklyn, New York. I spoke to Origins High School students and answered their questions about federal courts, federal court jurisdiction, and being a U.S. magistrate judge. I have no notes, transcript, or recording. The address of the Federal Bar Council is 150 Broadway, Suite 505, New York, New York 10038. The Justice Resource Center is located within Martin Luther King, Jr. High School, 122 Amsterdam Avenue, New York, New York 10023.

April 3, 2019: Panelist, *Civility Matters: Managing and Resisting the Temptation Toward Aggressive and Bad Behavior in Practice*, American Bar Association, Tort, Trial and Insurance Practice Section, New York, New York. I have no notes, transcript, or recording. The address of the American Bar Association is 321 North Clark Street, Chicago, Illinois 60654.

March 5, 2019: Master of Ceremonies, "Celebrating Fifty Years of Magistrate Judges in the Federal Courts," Second Circuit Judicial Council, New York, New York. Opening remarks of Chief Judge Katzmman, which I delivered for him in his absence, and my opening and concluding remarks are supplied.

January 24, 2019: Guest Speaker, Brooklyn Law School Federal Courts Seminar taught by Professor Maryellen Fullerton, Theodore Roosevelt United States Courthouse, Brooklyn, New York. District Judges Glasser, Matsumoto and Irizarry, Magistrate Judges Gold and Pollak, and I answered questions from Professor Fullerton and her students about federal jurisdiction, federal courts, and our respective practices as judges. I have no notes, transcript, or recording. The address of Brooklyn Law School is 250 Joralemon Street, Brooklyn, New York 11201.

January 24, 2019: Panelist, *How to Become a Judge*, New York City Bar, New York, New York. I spoke about the process for becoming a United States Magistrate Judge. I have no notes, transcript, or recording. The address of the New York City Bar Association is 42 West 44th Street, New York, New York 10036.

December 11, 2018: Guest Speaker, Brown Bag Luncheon, Puerto Rican Bar Association, Theodore Roosevelt United States Courthouse, Brooklyn, New York. Spoke briefly about my career path, how to become a United States magistrate judge, and the role of magistrate judges within the Eastern District of New York. I have no notes, transcript, or recording. The address of the Puerto Rican Bar Association is c/o Steven M. Cordero, Esq., 11302 200th Street, Saint Albans, New York 11412.

November 28, 2018: Guest Speaker, Federal Bar Council Public Service Committee's Court Visits Program with Justice Resource Center, Theodore Roosevelt United States Courthouse, Brooklyn, New York. I spoke to New Utrecht High School students and answered their questions about federal courts, federal court jurisdiction, and being a U.S. magistrate judge. I have no notes, transcript, or recording. The address of the Federal Bar Council is 150 Broadway, Suite 505, New York, New York 10038. The Justice Resource Center is located within Martin Luther King, Jr. High School, 122 Amsterdam Avenue, New York, New York 10023.

November 26, 2018: Panelist, *How to Handle a Wage and Hour Case*, New York County Lawyers Association, New York, New York. I answered questions from moderator and other panelists about "the judicial perspective" of presiding over wage and hour cases in federal court. I have no notes, transcript, or recording. The address for the New York County Lawyers Association is 111 Broadway, New York, New York 10006.

November 13, 2018: Guest Speaker, Federal Bar Council Public Service Committee's Court Visits Program with Justice Resource Center, Theodore Roosevelt United States Courthouse, Brooklyn, New York. I spoke to Curtis High School students and answered their questions about federal courts, federal court jurisdiction, and being a U.S. magistrate judge. I have no notes, transcript, or recording. The address of the Federal Bar Council is 150 Broadway, Suite 505, New York, New York 10038. The Justice Resource Center is located within Martin Luther King, Jr. High School, 122 Amsterdam Avenue, New York, New York 10023.

November 6, 2018: Guest Speaker, New York University School of Law, Adjunct Professor Michael J. Goldberger's Government Civil Litigation Clinic Seminar, Theodore Roosevelt United States Courthouse, Brooklyn, New York. I answered questions from students about the federal courts, federal court jurisdiction, being a

law clerk, good and bad lawyering practices, and being a U.S. magistrate judge. I have no notes, transcript, or recording. The address of New York University School of Law is 40 Washington Square South, New York, New York 10012.

August 13, 2018: Presenter, Texas A&M University School of Law, Journal of Property Law: Natural Disaster Symposium, Fort Worth, Texas. Presentation and article supplied.

May 7, 2018: Guest Speaker, Federal Bar Council Public Service Committee's Court Visits Program with Justice Resource Center, Theodore Roosevelt United States Courthouse, Brooklyn, New York. I spoke to New Dorp High School students and answered their questions about federal courts, federal court jurisdiction, and being a U.S. magistrate judge. I have no notes, transcript, or recording. The address of the Federal Bar Council is 150 Broadway, Suite 505, New York, New York 10038. The Justice Resource Center is located within Martin Luther King, Jr. High School, 122 Amsterdam Avenue, New York, New York 10023.

April 18, 2018: Co-Presenter with Professor Olivier Silvain, New York City High School Teachers Professional Day: *Privacy in the Digital Age: Social Media & Its Impact on Policing*, Court of Appeals for the Second Circuit, Committee on Civic Education, New York, New York. Professor Silvain and I presented to New York City public high school teachers about the Fourth Amendment and the development of case law relative to digital privacy through 2018. I have no notes, transcript, or recording. The address of the Court of Appeals for the Second Circuit is 40 Foley Square, New York, New York 10007.

April 10, 2018: Guest Speaker, New York University School of Law, Adjunct Professor Michael J. Goldberger's Government Civil Litigation Clinic Seminar, Theodore Roosevelt United States Courthouse, Brooklyn, New York. I answered questions from students about the federal courts, federal court jurisdiction, being a law clerk, good and bad lawyering practices, and being a U.S. magistrate judge. I have no notes, transcript, or recording. The address of New York University School of Law is 40 Washington Square South, New York, New York 10012.

February 17, 2018: Moot Court Judge, Cornell Law School, Ithaca, New York. I served as one of four judges for the final round of the Faust Rossi moot court competition. I have no notes, transcript, or recording. The address of Cornell Law School is Myron Taylor Hall, Ithaca, New York 14853.

January 31, 2018: Guest Speaker and Panelist, *Eastern District Day in Residence*, Fordham Law School, New York, New York. I answered questions from Professor Silvain and his students about issuing warrants, pen registers, trap and trace devices and other investigatory devices, and their impact on privacy. I also spoke on a panel with other Eastern District Judges at the conclusion of the Day in Residence program where we discussed life as judges and answered questions

from the moderator and students. I have no notes, transcript, or recording. The address of Fordham Law School is 150 West 62nd Street, New York, New York 10023.

September 28, 2017: Guest Speaker, Diversity Speaker Series, Debevoise & Plimpton LLP, New York, New York. I spoke about my path to the judiciary, my life as a judge, and answered questions from the moderators and audience. I have no notes, transcript, or recording. The address of Debevoise & Plimpton LLP is 919 Third Avenue, New York, New York 10022

May 17, 2017: Guest Speaker, Federal Bar Council Public Service Committee's Court Visits Program with Justice Resource Center, Theodore Roosevelt United States Courthouse, Brooklyn, New York. I spoke to Knowledge & Power Academy students and answered their questions about federal courts, federal court jurisdiction, and being a U.S. magistrate judge. I have no notes, transcript, or recording. The address of the Federal Bar Council is 150 Broadway, Suite 505, New York, New York 10038. The Justice Resource Center is located within Martin Luther King, Jr. High School, 122 Amsterdam Avenue, New York, New York 10023.

April 25, 2017: Guest Speaker, New York University School of Law, Adjunct Professor Michael J. Goldberger's Government Civil Litigation Clinic Seminar, Theodore Roosevelt United States Courthouse, Brooklyn, New York. I answered questions from students about the federal courts, federal court jurisdiction, being a law clerk, good and bad lawyering practices, and being a U.S. magistrate judge. I have no notes, transcript, or recording. The address of New York University School of Law is 40 Washington Square South, New York, New York 10012.

March 23, 2017: Guest Speaker, Professor Maryellen Fullerton's Federal Courts Seminar, Brooklyn Law School, virtual event. I answered questions from students about federal jurisdiction, federal courts, and my practices as a U.S. magistrate judge. I have no notes, transcript, or recording. The address of Brooklyn Law School is 250 Joralemon Street, Brooklyn, New York 11201.

March 8, 2017: Panelist, Diversity Clerkship Panel, New York University School of Law, New York, New York. I spoke with students about the value clerking for a federal judge, how to obtain a clerkship, and what judges look for in law clerks. I have no notes, transcript, or recording. The address of New York University School of Law is 40 Washington Square South, New York, New York 10012.

November 29, 2016: Guest Speaker, New York University School of Law, Adjunct Professor Michael J. Goldberger's Government Civil Litigation Clinic Seminar, Theodore Roosevelt United States Courthouse, Brooklyn, New York. I answered questions from students about the federal courts, federal court jurisdiction, being a law clerk, good and bad lawyering practices, and being a U.S. magistrate judge. I have no notes, transcript, or recording. The address of New

York University School of Law is 40 Washington Square South, New York, New York 10012.

April 19, 2016: Guest Speaker, New York University School of Law, Adjunct Professor Michael J. Goldberger's Government Civil Litigation Clinic Seminar, Theodore Roosevelt United States Courthouse, Brooklyn, New York. I answered questions from students about the federal courts, federal court jurisdiction, being a law clerk, good and bad lawyering practices, and being a U.S. magistrate judge. I have no notes, transcript, or recording. The address of New York University School of Law is 40 Washington Square South, New York, New York 10012.

November 2, 2015: Guest Speaker, Fundamentals of Legal Drafting course taught by Adjunct Professor Erin Argo, Brooklyn Law School, Brooklyn, New York. I spoke about the importance of writing in the practice of law, and answered questions from students about federal jurisdiction, federal courts, and my practices as a U.S. magistrate judge. I have no notes, transcript, or recording. The address of Brooklyn Law School is 250 Joralemon Street, Brooklyn, New York 11201.

September 30, 2015: Panelist, BBNA Webinar: *Top Ten FLSA [Fair Labor Standards Act] Litigation Issues, 2015 Edition*. I was asked to provide the judicial perspective on several of the "Top Ten" FLSA litigation issues noted in the PowerPoint presentation supplied. I have no notes, transcript, or recording. The address for the Bureau of National Affairs, Inc. (BNA) is 3 Bethesda Metro Center, Bethesda, Maryland 20814.

May 14, 2015: Guest Speaker, Federal Bar Council Public Service Committee's Court Visits Program with Justice Resource Center, Theodore Roosevelt United States Courthouse, Brooklyn, New York. I spoke to Urban Assembly Academy of Government and Law students and answered their questions about federal courts, federal court jurisdiction, and being a U.S. magistrate judge. I have no notes, transcript, or recording. The address of the Federal Bar Council is 150 Broadway, Suite 505, New York, New York 10038. The Justice Resource Center is located within Martin Luther King, Jr. High School, 122 Amsterdam Avenue, New York, New York 10023.

April 28, 2015: Guest Speaker, New York University School of Law, Adjunct Professor Michael J. Goldberger's Government Civil Litigation Clinic Seminar, Theodore Roosevelt United States Courthouse, Brooklyn, New York. I answered questions from students about the federal courts, federal court jurisdiction, being a law clerk, good and bad lawyering practices, and being a U.S. magistrate judge. I have no notes, transcript, or recording. The address of New York University School of Law is 40 Washington Square South, New York, New York 10012.

November 25, 2014: Guest Speaker, New York University School of Law, Adjunct Professor Michael J. Goldberger's Government Civil Litigation Clinic

Seminar, Theodore Roosevelt United States Courthouse, Brooklyn, New York. I answered questions from students about the federal courts, federal court jurisdiction, being a law clerk, good and bad lawyering practices, and being a U.S. magistrate judge. I have no notes, transcript, or recording. The address of New York University School of Law is 40 Washington Square South, New York, New York 10012.

November 13, 2014: Guest Speaker, Professor Maryellen Fullerton's Federal Courts Seminar, Brooklyn Law School, virtual event. I answered questions from students about federal jurisdiction, federal courts, and my practices as a U.S. magistrate judge. I have no notes, transcript, or recording. The address of Brooklyn Law School is 250 Joralemon Street, Brooklyn, New York 11201.

October 27, 2014: Guest Speaker, Fundamentals of Legal Drafting course taught by Adjunct Professor Erin Argo, Brooklyn Law School, Brooklyn, New York. I spoke about the importance of writing in the practice of law, and answered questions from students about federal jurisdiction, federal courts, and my practices as a U.S. magistrate judge. I have no notes, transcript, or recording. The address of Brooklyn Law School is 250 Joralemon Street, Brooklyn, New York 11201.

October 9, 2014: Guest Speaker, Judicial Externship Seminar taught by Adjunct Professor Hon. Nicholas Garaufis, Columbia University School of Law, Theodore Roosevelt Courthouse, Brooklyn, New York. I answered questions from Judge Garaufis and his students about my role as a U.S. magistrate judge, my path to the judiciary, the Federal Rules of Civil Procedure, and how I select law clerks. I have no notes, transcript, or recording. The address of Columbia University School of Law is 435 West 116th Street, New York, New York 10027.

May 9, 2014: Panelist, *Superstorm Sandy Insurance Coverage Litigation*, Harris Martin, New York, New York. I spoke on a panel concerning judicial management of the "Hurricane Sandy" insurance coverage cases in the Eastern District of New York and the District of New Jersey. I have no notes, transcript, or recording. The address of Harris Martin Publishing is 920 Cassatt Road # 210, Berwyn, Pennsylvania 19312.

April 29, 2014: Guest Speaker, New York University School of Law, Adjunct Professor Michael J. Goldberger's Government Civil Litigation Clinic Seminar, Theodore Roosevelt United States Courthouse, Brooklyn, New York. I answered questions from students about the federal courts, federal court jurisdiction, being a law clerk, good and bad lawyering practices, and being a U.S. magistrate judge. I have no notes, transcript, or recording. The address of New York University School of Law is 40 Washington Square South, New York, New York 10012.

November 19, 2013: Guest Speaker, New York University School of Law, Adjunct Professor Michael J. Goldberger's Government Civil Litigation Clinic

Seminar, Theodore Roosevelt United States Courthouse, Brooklyn, New York. I answered questions from students about the federal courts, federal court jurisdiction, being a law clerk, good and bad lawyering practices, and being a U.S. magistrate judge. I have no notes, transcript, or recording. The address of New York University School of Law is 40 Washington Square South, New York, New York 10012.

October 23, 2013: Guest Speaker, 25th Anniversary Celebration of Brooklyn Law School's Summer Legal Process (SLP) class, Brooklyn, New York. I delivered brief remarks on being a member of the inaugural SLP class in 1989. I have no notes, transcript, or recording. The address of Brooklyn Law School is 250 Joralemon Street, Brooklyn, New York 11201.

October 15, 2013: Panelist, *How to Handle a Wage and Hour Case*, New York County Lawyers Association, New York, New York. I answered questions from moderator and other panelists about "the judicial perspective" of presiding over wage and hour cases in federal court. I have no notes, transcript, or recording. The address for the New York County Lawyers Association is 111 Broadway, New York, New York 10006.

October 10, 2013: Guest Speaker, Adjunct Professor Ameet Kabrawala's Advanced Legal Writing Seminar, Brooklyn Law School, Brooklyn, New York. I spoke about the importance of writing in the practice of law, and answered questions from students about federal jurisdiction, federal courts, and my practices as a U.S. magistrate judge. I have no notes, transcript, or recording. The address of Brooklyn Law School is 250 Joralemon Street, Brooklyn, New York 11201.

September 17, 2013: Guest Speaker, Professor Maryellen Fullerton's Federal Courts Seminar, Brooklyn Law School, virtual event. I answered questions from students about federal jurisdiction, federal courts, and my practices as a U.S. magistrate judge. I have no notes, transcript, or recording. The address of Brooklyn Law School is 250 Joralemon Street, Brooklyn, New York 11201.

July 15, 2013: Panelist, Federal Clerkship Panel, Practicing Attorneys for Law Students Program, Inc., Orrick, Herrington & Sutcliffe, LLP, New York, New York. I spoke with students about the value of clerking for a federal judge, how to obtain a clerkship, and what judges look for in law clerks. I have no notes, transcript, or recording. Practicing Attorneys for Law Students Program, Inc. does not have a physical address.

May 29, 2013: Guest Speaker, Federal Bar Council Public Service Committee's Court Visits Program with Justice Resource Center, Theodore Roosevelt United States Courthouse, Brooklyn, New York. I spoke to Greenpoint Youth Court and Tottenville High School students and answered their questions about federal courts, federal court jurisdiction, and being a U.S. magistrate judge. I have no

notes, transcript, or recording. The address of the Federal Bar Council is 150 Broadway, Suite 505, New York, New York 10038. The Justice Resource Center is located within Martin Luther King, Jr. High School, 122 Amsterdam Avenue, New York, New York 10023.

May 8, 2013: Guest Speaker, Federal Bar Council Public Service Committee's Court Visits Program with Justice Resource Center, Theodore Roosevelt United States Courthouse, Brooklyn, New York. I spoke to Aviation High School students and answered their questions about federal courts, federal court jurisdiction, and being a U.S. magistrate judge. I have no notes, transcript, or recording. The address of the Federal Bar Council is 150 Broadway, Suite 505, New York, New York 10038. The Justice Resource Center is located within Martin Luther King, Jr. High School, 122 Amsterdam Avenue, New York, New York 10023.

April 22, 2013: Guest Speaker, Federal Bar Council Public Service Committee's Court Visits Program with Justice Resource Center, Theodore Roosevelt United States Courthouse, Brooklyn, New York. I spoke to Midwood High School students and answered their questions about federal courts, federal court jurisdiction, and being a U.S. magistrate judge. I have no notes, transcript, or recording. The address of the Federal Bar Council is 150 Broadway, Suite 505, New York, New York 10038. The Justice Resource Center is located within Martin Luther King, Jr. High School, 122 Amsterdam Avenue, New York, New York 10023.

March 11, 2013: Guest Speaker, Adjunct Professor Ameet Kabrawala's Advanced Legal Writing Seminar, Brooklyn Law School, Brooklyn, New York. I spoke about the importance of writing in the practice of law, and answered questions from students about federal jurisdiction, federal courts, and my practices as a U.S. magistrate judge. I have no notes, transcript, or recording. The address of Brooklyn Law School is 250 Joralemon Street, Brooklyn, New York 11201.

February 12, 2013: Guest Speaker, Judicial Externship Seminar taught by Adjunct Professor Hon. Nicholas Garaufis, Columbia University School of Law, Theodore Roosevelt Courthouse, Brooklyn, New York. I answered questions from Judge Garaufis and his students about my role as a U.S. magistrate judge, my path to the judiciary, the Federal Rules of Civil Procedure, and how I select law clerks. I have no notes, transcript, or recording. The address of Columbia University School of Law is 435 West 116th Street, New York, New York 10027.

December 10, 2012: Moderator, *Your Client was Arrested by the Feds – Now What?: Initial Criminal Proceedings in Federal Court*, sponsored by Eastern District of New York Criminal Justice Act Panel, Theodore Roosevelt United States Courthouse, Brooklyn, New York. I moderated a panel on the procedures by which criminal proceedings are initiated, the defendant's processing by the arresting agents, Pretrial Services and the U.S. Marshals, arraignment and bail

hearings, alternatives to detention and incarceration, and what happens if the defendant is remanded. I have no notes, transcript, or recording. The address of the Criminal Justice Act Panel is c/o Theodore Roosevelt Courthouse, 225 Cadman Plaza East, Brooklyn, New York 11201.

September 19, 2012: Guest Speaker, New York University School of Law, Adjunct Professor Michael J. Goldberger's Government Civil Litigation Clinic Seminar, Theodore Roosevelt United States Courthouse, Brooklyn, New York. I answered questions from students about the federal courts, federal court jurisdiction, being a law clerk, good and bad lawyering practices, and being a U.S. magistrate judge. I have no notes, transcript, or recording. The address of New York University School of Law is 40 Washington Square South, New York, New York 10012.

September 12, 2012: Guest Speaker, Professor Paul Radvany's Federal Court Clerk Externship Seminar, Fordham Law School, New York, New York. I spoke briefly about opinion writing and settlement conferences, and answered questions from students about those topics and my other practices as a U.S. magistrate judge. I have no notes, transcript, or recording. The address of Fordham Law School is 150 West 62nd Street, New York, New York 10023.

July 27, 2012: Panelist, Legal Outreach Program, Baker & Hostetler LLP, New York, New York. I joined a panel of lawyers, judges, and elected officials who described their careers to soon-to-be high school students. I have no notes, transcript, or recording. The address of Baker & Hostetler is 45 Rockefeller Plaza New York, New York 10111.

July 19, 2012: Panelist, Diversity Day Program, O'Melveny & Myers LLP, New York, New York. I joined a panel of lawyers, judges, and others who described their careers to soon-to-be high school students. I have no notes, transcript, or recording. The address of O'Melveny & Myers LLP is 7 Times Square, New York, New York 10036.

April 18, 2012: Guest Speaker, New York University School of Law, Adjunct Professor Michael J. Goldberger's Government Civil Litigation Clinic Seminar, Theodore Roosevelt United States Courthouse, Brooklyn, New York. I answered questions from students about the federal courts, federal court jurisdiction, being a law clerk, good and bad lawyering practices, and being a U.S. magistrate judge. I have no notes, transcript, or recording. The address of New York University School of Law is 40 Washington Square South, New York, New York 10012.

April 15, 2012: Guest Speaker, 7th Grade Social Studies Class taught by David Grosshandler, The Math & Science Exploratory School, Public School 447, Brooklyn, New York. I spoke about federal courts, my role as a U.S. magistrate judge, and my path to the judiciary. I have no notes, transcript, or recording. The address of P.S. 447 is 345 Dean Street, Brooklyn, New York 11217.

November 3, 2011: Co-guest speaker along with Hon. Steven Gold, *How Judges Think*, seminar taught by Brooklyn Law School professor Gary Minda, held in Judge Gold's courtroom, Eastern District of New York. We discussed our roles as magistrate judges and how we approach adjudication of cases. We also answered questions from Professor Minda and his students. I have no notes, transcript, or recording. The address of Brooklyn Law School is 250 Joralemon Street, Brooklyn, New York 11201.

October 18, 2011: Moderator, *Initial Criminal Proceedings in Federal Court: What Every Lawyer Needs to Know*, Brooklyn Bar Association, Theodore Roosevelt United States Courthouse, Brooklyn, New York. I moderated a panel of practitioners concerning initial criminal proceedings in federal court. I have no notes, transcript, or recording. The address of the Brooklyn Bar Association is 123 Remsen Street, Brooklyn, New York 11201.

September 23, 2011: Guest Speaker, National Hispanic Heritage Month Celebration, Equal Employment Opportunity Commission (EEOC), New York, New York. I spoke with the EEOC about my life, family, and career. I have no notes, transcript, or recording. The address of the EEOC is 33 Whitehall Street, New York, New York 10004.

September 21, 2011: Guest Speaker, New York University School of Law, Adjunct Professor Michael J. Goldberger's Government Civil Litigation Clinic Seminar, Theodore Roosevelt United States Courthouse, Brooklyn, New York. I answered questions from students about the federal courts, federal court jurisdiction, being a law clerk, good and bad lawyering practices, and being a U.S. magistrate judge. I have no notes, transcript, or recording. The address of New York University School of Law is 40 Washington Square South, New York, New York 10012.

September 21, 2011: Guest Speaker, Visiting Assistant Professor Sarah E. Light's Environmental Dispute Resolution Seminar, Brooklyn Law School, Brooklyn, New York. I spoke to law school class about my approach to settlements and my case management practices. I have no notes, transcript, or recording. The address of Brooklyn Law School is 250 Joralemon Street, Brooklyn, New York 11201.

July 12, 2011: Guest Speaker, New York State Bar Association, Commercial & Federal Litigation Section, Nixon Peabody LLC, New York, New York. I delivered brief remarks at the Commercial Federal Litigation Section and answered questions from members about my experiences and practices as a U.S. magistrate judge. I have no notes, transcript, or recording. The address of Nixon Peabody LLC is 55 West 46th Street, Tower 46, New York, New York 10036.

April 27, 2011: Memorial Service for the late-Honorable David G. Trager, Brooklyn Law School, Brooklyn, New York. Prepared text supplied.

April 6, 2011: Keynote Address, Brooklyn Law Students for the Public Interest Alumni Dinner and Public Service Programs Office Award Ceremony, Brooklyn Law School, Brooklyn, New York. I delivered the keynote address to recipients of public service awards. I have no notes, transcript, or recording, but press coverage is supplied. The address of Brooklyn Law School is 250 Joralemon Street, Brooklyn, New York 11201.

December 4, 2010: Panelist, *How to Become a Judge*, New York City Bar, New York, New York. I spoke about the process for becoming a United States magistrate judge. I have no notes, transcript, or recording. The address of the New York City Bar Association is 42 West 44th Street, New York, New York 10036.

April 8, 2010: Guest Speaker, Professor Maryellen Fullerton's Federal Courts Seminar, Brooklyn Law School, virtual event. I answered questions from students about federal jurisdiction, federal courts, and my practices as a U.S. magistrate judge. I have no notes, transcript, or recording. The address of Brooklyn Law School is 250 Joralemon Street, Brooklyn, New York 11201.

November 19, 2009: Presenter, Presentation on the Federal Courts, Warwick Valley High School, Warwick, New York. I spoke with high school students about the jurisdiction of the federal courts and my role as a U.S. magistrate judge. I have no notes, transcript, or recording. The address of the Warwick Valley High School is 89 Sanfordville Road, Warwick, New York 10990.

November 7, 2009: Speaker, Opening Remarks for the Third Annual Visions for Tomorrow Workshop, What About the Children, Inc., Theodore Roosevelt United States Courthouse, Brooklyn, New York. I welcomed students to the Eastern District Court and described the work of the federal court. I have no notes, transcript, or recording. The address of What About the Children, Inc. is 249 Thomas Boyland Street, Suite 3-K, Brooklyn, New York 11233.

October 28, 2009: Panelist, The Art of Asserting Privilege in Federal Civil Litigation, Asian American Bar Association of New York, Kirkland & Ellis LLP, New York, New York. I offered my judicial perspective on assertions of attorney-client privilege and work product protection in federal court. I have no notes, transcript, or recording. The address of the Asian American Bar Association is 45 Rockefeller Plaza, 20th Floor, New York, New York 10111.

October 15, 2009: Guest Speaker, National Hispanic Heritage Month Celebration, National Labor Relations Board (NLRB), Brooklyn, New York. I spoke with NLRB about my life, family, and career. I have no notes, transcript, or recording. The address of the NLRB is 16 Court Street, Brooklyn, New York 11201.

September 23, 2009: Guest Speaker, National Hispanic Heritage Month Celebration, Equal Employment Opportunity Commission (EEOC), New York,

New York. I spoke with the EEOC about my life, family, and career. I have no notes, transcript, or recording. The address of the EEOC is 33 Whitehall Street, New York, New York 10004.

December 6, 2008: Panelist, *How to Become a Judge*, New York City Bar, New York, New York. I spoke about the process for becoming a United States magistrate judge. I have no notes, transcript, or recording. The address of the New York City Bar Association is 42 West 44th Street, New York, New York 10036.

November 8, 2008: Second Annual Visions for Tomorrow Workshop, What About the Children, Inc., Brooklyn Public Library, Grand Army Plaza, Brooklyn, New York. I welcomed students and encouraged them to make the most of their opportunities in life. I have no notes, transcript, or recording. The address of What About the Children, Inc. is 249 Thomas Boyland Street, Suite 3-K, Brooklyn, New York 11233.

October 24, 2008: Panelist, *The More Things Change . . . Recurring Discovery Problems in Employment Cases*, National Employment Lawyers Association, Yale Club, New York, New York. I answered questions from panelists and audience about my judicial practices and resolving discovery disputes in employment cases. I have no notes, transcript, or recording. The address of the National Employment Lawyers Association is 39 Broadway, Suite 2420, New York, New York 10006.

September 9, 2008: Panelist, *E-Discovery & the Rule 26(f) Conference: Strategic & Practical Considerations*, New York City Bar, New York, New York. I offered the judicial perspective on the Rule 26(f) conference and parties' e-discovery obligations under the Federal Rules of Civil Procedure. I have no notes, transcript, or recording. The address of the New York City Bar Association is 42 West 44th Street, New York, New York 10036.

June 21, 2007: Opening Speaker, Fifth Annual O'Melveny & Myers LLP Scholarship Awards Ceremony, New York, New York. I offered introductory and congratulatory remarks for the scholarship recipients. I have no notes, transcript, or recording. The address of O'Melveny & Myers LLP is 7 Times Square, New York, New York 10036.

December 2, 2006: Panelist, *How to Become a Judge*, New York City Bar, New York, New York. I spoke about the process for becoming a United States magistrate judge. I have no notes, transcript, or recording. The address of the New York City Bar Association is 42 West 44th Street, New York, New York 10036.
July 18, 2006: Panelist, *Taking & Defending Depositions*, New York City Bar Association, New York, New York. I offered my judicial perspective on taking and defending depositions in a question-and-answer format. I have no notes, transcript, or recording. The address of the New York City Bar Association is 42 West 44th Street, New York, New York 10036.

June 1, 2006: Speaker, Investiture of Ramon E. Reyes, Jr., Brooklyn, New York. Uncorrected transcript supplied.

March 5, 1999: Speaker, *Fifth Annual Career Conversations Fair*, Brooklyn Law School, Brooklyn, New York. I spoke about my career path from legislative attorney to Assistant U.S. Attorney. I have no notes, transcript, or recording. The address of Brooklyn Law School is 250 Joralemon Street, Brooklyn, New York 11201.

April 8, 1992: Panelist, *Writing Competition Workshop*, Practicing Attorneys for Law Students Program, Inc, New York, New York. I spoke about how to prepare for the first-year writing competition at most law schools. I have no notes, transcript, or recording. Practicing Attorneys for Law Students Program, Inc. does not have a physical address.

In the past 16 years as a U.S. magistrate judge I have performed at least 143 oath ceremonies (naturalization ceremonies and attorney admissions). My script for naturalization ceremonies is supplied. I do not have a script for attorney admissions.

- e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and four (4) copies of the clips or transcripts of these interviews where they are available to you.

Magistrate Judges: The Selection Process, Administrative Office of the United States Courts (June 5, 2019). Video available at https://www.youtube.com/watch?v=kU_jV_x-xJM.

“Brooklyn Law School Appoints Judge Ramon E. Reyes, Jr. '92 To Board Of Trustees Brooklyn Law School,” Health Policy and Law Daily, NewsRx LLC (Dec. 27, 2018). Copy supplied

Magistrate Judges: Serving the Judiciary and the Public, Administrative Office of the Courts (Oct. 29, 2018). Video available at <https://www.youtube.com/watch?v=v81yi5GbECc>.

Sam Newhouse, Obituary: David Trager, Brooklyn Eagle (Jan. 2011). I am unable to locate a copy.

“Picture Your Future,” *In Your Interest*, Brooklyn Law School Public Service Programs Office (Dec. 3, 2009). Copy supplied.

Class Notes, Brooklyn Law School (Fall 2006). Copy supplied.

“The Case for Clerking,” Law Notes, Brooklyn Law School, Law Notes (Summer 2005). Copy supplied.

13. **Judicial Office:** State (chronologically) any judicial offices you have held, including positions as an administrative law judge, whether such position was elected or appointed, and a description of the jurisdiction of each such court.

Since 2006 I have served as a magistrate judge for the United States District Court for the Eastern District of New York. This is an appointed position. The jurisdiction of the United States district courts is prescribed by Congress in 28 U.S.C. §§ 1330 – 1369. The authority of United States magistrate judges is prescribed by Congress in 28 U.S.C. § 636.

- a. Approximately how many cases have you presided over that have gone to verdict or judgment?

I have presided over 33 trials: 15 jury trials and 18 bench trials.

- i. Of these cases, approximately what percent were:

jury trials:	45%
bench trials:	55%

- ii. Of these cases, approximately what percent were:

civil proceedings:	94%
criminal proceedings:	6%

- b. Provide citations for all opinions you have written, including concurrences and dissents.

See attached list of opinions.

- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature of the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (4) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

1. *Bauta v. Greyhound Lines, Inc.*, No. 14-CV-3725 (RER), 2020 WL 1237123 (E.D.N.Y. Mar. 13, 2020); *see also* 2020 WL 1227157 (E.D.N.Y. Mar. 13, 2020); 2019 WL 8060183 (E.D.N.Y. Jan. 1, 2019); 2019 WL 8060181 (E.D.N.Y. June 17, 2019); 2019 WL 6682318 (E.D.N.Y. Dec. 6, 2019); 2018 WL 10466841 (E.D.N.Y. July 2, 2018); 2016 WL 11670643 (E.D.N.Y. July 11, 2016)

This was an action for personal injuries sustained in a serious bus accident. The parties consented to my jurisdiction to preside over the case for all purposes pursuant to 28 U.S.C. § 636(c). I gave collateral estoppel effect on liability and punitive damages to a Pennsylvania state court action involving the same accident. I held separate trials on the amount of compensatory and punitive damages and the jury returned verdicts in plaintiff's favor for several million dollars. The parties settled after extensive briefing on a number of post-trial issues.

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2. *Hernandez v. NJK Contr., Inc.*, No. 09-CV-4812 (RER), 2015 WL 5178119 (E.D.N.Y. Sept. 3, 2015); *see also* 2015 WL 1966355 (E.D.N.Y. May 1, 2015)

This was a multi-plaintiff wage and hour case under the Fair Labor Standards Act and related New York and New Jersey labor laws. The parties consented to my jurisdiction to preside over the case for all purposes pursuant to 28 U.S.C. § 636(c). After a four-day bench trial, defendants were found jointly and severally liable for more than \$400,000 in unpaid wages, pre- and post-judgment interest, as well as more than \$400,000 in attorney's fees.

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3. *In re: Hurricane Sandy Cases*, 14-MC-41 (E.D.N.Y.): *see also* 2014 WL 12661272 (E.D.N.Y. Dec. 12, 2014); 2014 WL 7011069 (E.D.N.Y. Dec. 8, 2014); 2014 U.S. Dist. LEXIS 168814 (E.D.N.Y. Dec. 2, 2014); 2014 WL 12834832 (E.D.N.Y. June 11, 2014); 2014 WL 3489852 (E.D.N.Y. June 4, 2014); 2014 WL 1379612 (E.D.N.Y. Mar. 28, 2014)

This is a master calendar of approximately 1,500 individual insurance cases under the National Flood Insurance Act, 42 U.S.C. §§ 4001–4127 and New York state law resulting from super storm Sandy in October 2012. Magistrate Judges Cheryl Pollak, Gary Brown, and I were tasked by the Eastern District Board of Judges with developing a case management system to expeditiously process and resolve these cases. With input from the parties, we developed such a system, including an innovative, specifically-dedicated mediation program. This system facilitated the expeditious resolution of virtually all of these cases well beyond the temporal expectations of the parties and the court. Magistrate Judges Pollak, Brown, and I were integrally involved in resolving these cases through the implementation of the case management system and the handling of hundreds of cases each, including convening case management and settlement conferences.

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4. *Wells Fargo Bank, N.A. v. Nat'l Gasoline, Inc.*, No. 10-CV-1762 (RER), 2013 WL 12357753 (E.D.N.Y. Dec. 31, 2013); *see also* 2013 WL 1822288 (E.D.N.Y. Apr. 30, 2013), *aff'd*, 577 F. App'x 58 (2d Cir. 2014); 2013 WL 1686458 (E.D.N.Y. Apr. 18, 2013); 2013 WL 696651 (E.D.N.Y. Feb. 26, 2013); 2013 WL 168079 (E.D.N.Y. Jan. 16, 2013)

Lender brought breach of contract and conversion claims against a corporate borrower, related entities, and individual shareholders, claiming that the defendants diverted accounts receivable, which was security for a line of credit, into other accounts. The parties consented to my jurisdiction to preside over the case for all purposes pursuant to 28 U.S.C. § 636(c). Following grant of plaintiff's motion for summary judgment as to liability, I held a bench trial as to joint and several liability and damages. The trial resulted in findings of joint and several liability as to many defendants and damages of nearly \$7 million. Both summary judgment and trial findings were affirmed on appeal.

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5. *In re: American Express Anti-Steering Rules Antitrust Litigation (No. II)*, 11-MD-2221 (NGG) (RER) (E.D.N.Y.); *United States of America v. American Express Company*, 10-CV-4496 (NGG) (RER) (E.D.N.Y.); *see also* 2012 WL 13098456 (E.D.N.Y. Nov. 16, 2012); 2012 WL 2885367 (E.D.N.Y. July 13, 2012); 2012 WL 13103525 (E.D.N.Y. July 13, 2012); 2011 WL 13073683 (E.D.N.Y. July 29, 2011)

These are a consolidated multi-district litigation and a direct action by the United States against defendants for violation of the antitrust laws in relation to defendants' use of purportedly "anti-steering" merchant service agreements that prevent merchants who accept certain payment cards from steering customers to alternative card brands. I presided over all pre-trial discovery and related proceedings and issued several rulings thereon. The cases have been resolved in litigation with the district judge, and through the Court of Appeals for the Second Circuit and Supreme Court.

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6. *Artica v. J.B. Custom Masonry & Concrete, Inc.*, Nos. 09-CV-3796 (RER), 11-CV-0842 (RER), 2012 WL 11945654 (E.D.N.Y. July 16, 2012); *see also* 2012 WL 13102524 (E.D.N.Y. June 4, 2012); 2011 WL 13295445 (E.D.N.Y. Oct. 21, 2011)

A group of more than 20 plaintiffs brought suit against several related entities and individuals for unpaid wages and retaliation under the Fair Labor Standards Act and New York Labor Law, and breach of contract and assault and battery under state common law. The parties consented to my jurisdiction to preside over the case for all purposes pursuant to 28 U.S.C. § 636(c). Following contentious pre-trial proceedings the case proceeded to a jury trial. The jury returned verdicts in favor of plaintiffs on nearly all claims, and made specific findings of fact on liability and damages. Following submission of proposed damages calculations and post-trial briefing, judgment was entered against defendants for several million dollars. Subsequent post trial proceedings occurred for enforcement of the judgment. Ultimately, the case settled.

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7. *Castro v. City of New York*, No. 06-CV-2253 (RER), 2010 WL 889865 (E.D.N.Y. Mar. 6, 2010), *aff'd*, 413 F. App'x 364 (2d Cir. 2011)

Plaintiff, a former New York City police officer, brought suit against the City of New York under, *inter alia*, 42 U.S.C. §§ 1981, 1983, and 42 U.S.C. § 2000e, *et seq.*, for its refusal to hire him as a sanitation worker in retaliation for his involvement as a named plaintiff in a prior class action against the New York Police Department. The parties consented to my jurisdiction to preside over the case for all purposes pursuant to 28 U.S.C. § 636(c). Following discovery, a jury returned a verdict in plaintiff's favor and awarded him \$73,000 in damages.

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8. *Lewis v. City of New York*, No. 06-CV-516 (RER), 689 F. Supp. 2d 417 (E.D.N.Y. 2010); *see also* 2009 WL 5125484 (E.D.N.Y. Mar. 12, 2009)

Plaintiff brought this action against defendants for excessive force under 42 U.S.C. § 1983 and battery under New York law. Plaintiff alleged that defendant police officers subjected him to excessive force and battery during his arrest, which rendered him paraplegic. The parties consented to my jurisdiction to preside over the case for all purposes pursuant to 28 U.S.C. § 636 (c). Following discovery, a jury found only the City vicariously liable for the battery committed

by a nonparty police officer and awarded plaintiff more than \$4 million in compensatory damages.

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9. *Wentworth v. Hedson*, No. 06-CVC-3373 (RER), 2008 WL 687077 (E.D.N.Y. Mar. 7, 2008); *see also* 248 F.R.D. 123 (E.D.N.Y. 2008); 248 F.R.D. 121 (E.D.N.Y. 2008); 493 F. Supp. 2d 559 (E.D.N.Y. 2007)

Plaintiffs brought claims under the Fair Housing Act of 1968, 42 U.S.C. §§ 3604(c) and 3617, the Civil Rights Act of 1866, 42 U.S.C. § 1982, and the New York Executive Law § 296. Plaintiffs claimed that defendants unlawfully interfered with their housing rights by harassing them, disturbing the quiet enjoyment of their apartment, and instituting eviction proceedings against them because they associated with people of color. The parties consented to my jurisdiction to preside over the case for all purposes pursuant to 28 U.S.C. § 636(c). Following discovery and the denial of summary judgment, the case proceeded to a jury trial. The jury found against plaintiffs on their claims and in favor of defendants on their counterclaims, awarding defendants \$1 each in nominal damages. I subsequently denied defendants' request for attorneys' fees.

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10. *Patsy's Italian Rest., Inc. v. Banas et al.*, Nos. 06–CV–729 (RER), 06–CV–5857 (RER), 575 F. Supp. 2d 427 (E.D.N.Y. 2008), *aff'd*, 658 F.3d 254 (2d. Cir. 2011)

Plaintiff, an iconic New York City restaurant utilizing the mark “Patsy’s,” brought suit for trademark infringement and related claims against a similarly iconic New York City pizzeria also utilizing the mark “Patsy’s” in relation to itself and certain franchised locations. Defendants raised counterclaims and sought cancellation of plaintiff’s registered trademarks. The parties consented to my jurisdiction to preside over the case for all purposes pursuant to 28 U.S.C. § 636 (c). Following a trial in which a jury decided certain factual issues, I issued an extensive decision on post trial motions, which included certain injunctive relief. I cancelled two of plaintiff’s federal trademark registrations, prohibited the U.S. Patent and Trademark Office from restoring one of defendant’s trademark registrations, and enjoined both parties from using the trademark “Patsy’s” alone in any advertising, signs, menus or anything similarly associated with their establishments. The U.S. Court of Appeals for the Second Circuit affirmed my decision in all respects.

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- d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.

1. *Hasemann v. Gerber Prods. Co.*, Nos. 15-CV-2995, 16-CV-1153, 17-CV-93 (MKB) (RER), 2019 WL 2250687 (E.D.N.Y. Feb. 20, 2019), *R & R adopted as modified*, 331 F.R.D. 239 (E.D.N.Y. 2019)

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2. *United States v. Riccardi*, No. 12-CR-447 (ERK) (RER) (E.D.N.Y. Feb. 4, 2020), *R & R adopted*, (E.D.N.Y. Apr. 4, 2020), *aff'd*, 859 F. App'x 590 (2d Cir. 2021). Copies of unpublished decisions supplied.

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Defendant appeared pro se

3. *N.K. v. Abbott Laboratories*, No. 14-CV-4875 (RER), 2017 WL 2241507 (E.D.N.Y. May 22, 2017), *aff'd*, 731 F. App'x 24 (2d Cir. 2018), *cert. denied*, 139 S. Ct. 794 (2019)

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4. *United States v. Browne*, No. 11-CR-449 (SJ) (RER), 2016 WL 11263165 (E.D.N.Y. Dec. 2, 2016), *R & R adopted*, 2018 WL 418900 (E.D.N.Y. Jan. 16, 2018), *aff'd*, 771 F. App'x 81 (2d Cir. 2019), *cert. denied*, 141 S. Ct. 874 (2020)

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5. *New York State Citizens' Coal. For Child. v. Velez*, No. 10-CV-3485 (WFK) (RER), 2016 WL 11263164 (E.D.N.Y. Nov. 7, 2016), *R & R adopted*, 2017 WL 4402461 (E.D.N.Y. Sept. 29, 2017), *aff'd*, 922 F.3d 69 (2d Cir. 2019), *reh'g en banc denied*, 935 F.3d 56 (2d Cir. 2019), *cert. denied*, 140 S. Ct. 956 (2020)

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6. *United States v. Parker*, No. 12-CR-120 (ERK) (RER) (E.D.N.Y. Sept. 9, 2016), *R & R adopted in part*, (E.D.N.Y. Jan. 5, 2017). Decisions supplied.

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7. *Mui v. United States*, No. 99-CV-3627 (SJ) (RER), 2013 WL 6330661 (E.D.N.Y. Dec. 5, 2013), *appeal dismissed*, 2014 WL 12971964 (2d Cir. Aug. 5, 2014), *cert. denied*, 574 U.S. 1109 (2015)

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8. *Web Tracking Solutions, L.L.C. v. Google, Inc.*, No. 08-CV-3139 (RRM) (RER), 2011 WL 3418323 (E.D.N.Y. July 27, 2011), *R & R adopted*, 2011 WL 3418311 (E.D.N.Y. Aug. 3, 2011), *appeal dismissed*, 12-1368 (Fed. Cir. Aug. 7, 2012)

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9. *Sergeants Benev. Ass'n Health and Welfare Fund v. Sanofi-Aventis U.S. LLP*, No. 08-CV-179 (SLT) (RER), 2011 WL 824607 (E.D.N.Y. Feb. 16, 2011), *R & R adopted*, 2011 WL 1326365 (E.D.N.Y. Mar. 30, 2011) and 2012 WL 4336218 (E.D.N.Y. Sept. 17, 2012), *R & R adopted in part*, 20 F. Supp. 3d 305 (E.D.N.Y. May 12, 2014), *aff'd*, 806 F.3d 71 (2d Cir. 2015), *cert. denied*, 137 S. Ct. 140 (2016)

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10. *Patsy's Italian Rest., Inc. v. Banas et al.*, 575 F. Supp. 2d 427 (E.D.N.Y. 2008), *aff'd*, 658 F.3d 254 (2d. Cir. 2011)

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e. Provide a list of all cases in which certiorari was requested or granted.

N.K. v. Abbott Laboratories, No. 14-CV-4875 (RER), 2017 WL 2241507 (E.D.N.Y. May 22, 2017), *aff'd*, 731 F. App'x 24 (2d Cir. 2018), *cert. denied*, 139 S. Ct. 794 (2019)

United States v. Browne, No. 11-CR-449 (SJ) (RER), 2016 WL 11263165 (E.D.N.Y. Dec. 2, 2016), *R & R adopted*, 2018 WL 418900 (E.D.N.Y. Jan. 16, 2018), *aff'd sub nom. United States v. Cean*, 771 F. App'x 81 (2d Cir. 2019), *cert. denied*, 141 S. Ct. 874 (2020)

New York State Citizens' Coal. For Child. v. Velez, No. 10-CV-3485 (WFK) (RER), 2016 WL 11263164 (E.D.N.Y. Nov. 7, 2016), *R & R adopted*, 2017 WL 4402461 (E.D.N.Y. Sept. 29, 2017), *aff'd sub nom. N.Y. State Citizens' Coalition for Children v. Poole*, 922 F.3d 69 (2d Cir. 2019), *reh'g en banc denied*, 935 F.3d 56 (2d Cir. 2019), *cert. denied*, 140 S. Ct. 956 (2020)

Mui v. United States, No. 99-CV-3627 (SJ) (RER), 2013 WL 6330661 (E.D.N.Y. Dec. 5, 2013), *appeal dismissed*, 2014 WL 12971964 (2d Cir. Aug. 5, 2014), *cert. denied*, 574 U.S. 1109 (2015)

Sergeants Benev. Ass'n Health and Welfare Fund v. Sanofi-Aventis U.S. LLP, No. 08-CV-179 (SLT) (RER), 2011 WL 824607 (E.D.N.Y. Feb. 16, 2011), *R & R adopted*, 2011 WL 1326365 (E.D.N.Y. Mar. 30, 2011) and 2012 WL 4336218 (E.D.N.Y. Sept. 17, 2012), *R & R adopted in part*, 20 F. Supp. 3d 305 (E.D.N.Y.

May 12, 2014), *aff'd*, 806 F.3d 71 (2d Cir. 2015), *cert. denied*, 137 S. Ct. 140 (2016)

Johnson v. Bellnier, No. 09–CV–00381 (KAM)(RER), 2010 WL 7100915 (E.D.N.Y. Nov. 8, 2010), *R & R adopted in part and modified in part*, 2011 WL 3235708 (E.D.N.Y. July 27, 2011), *rev'd*, 508 F. App'x 23 (2d Cir. 2013), *cert. denied sub nom. Johnson v. Chappius*, 570 U.S. 922 (2013)

Armatas v. Maroulleti, No. 08-CV-310 (SJF)(RER), 2010 WL 4340437 (E.D.N.Y. Oct. 19, 2010), *R & R adopted in part*, 2010 WL 4340334 (E.D.N.Y. Oct. 22, 2010), *aff'd*, 484 F. App'x 576 (2d Cir. 2012), *cert. denied*, 569 U.S. 904 (2013)

- f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.

I have searched my files and electronic databases concerning the more than 600 reports and recommendations, opinions, and other substantive orders that I have issued. The following are those cases in which I was either reversed or where my decisions were affirmed but with significant criticism.

Pryce v. Progressive Corp., No. 19-CV-1467 (RJD) (RER), 2022 WL 1085489 (E.D.N.Y. Feb. 17, 2022), *R & R adopted as modified*, 2022 WL 969740 (E.D.N.Y. Mar. 31, 2022). Putative class action for breach of contract and violation of New York General Business Law § 349 in relation to miscalculation of automobile insurance policy benefits under New York's Comprehensive Motor Vehicle Insurance Reparations Act, N.Y. Ins. L. §§ 5101, *et seq.* I issued a report recommending, *inter alia*, that plaintiff's motion for class certification be granted. While the district judge adopted my "through and well-reasoned" report and recommendation in nearly all respects, he modified the recommended class definition to address defendant's written objection to the report.

Gonzalez v. Victoria G'S Pizzeria LLC, No. 19-CV-6996 (DLI) (RER), 2021 WL 8316282 (E.D.N.Y. Nov. 12, 2021), *R & R adopted as modified*, (E.D.N.Y. Order dated Dec. 22, 2021). Action for unpaid wages under the Fair Labor Standards Act, 29 U.S.C. §§ 201, *et seq.* I issued a report recommending that the settlement agreement be approved, but that the amount of attorney's fees be reduced. While the district judge adopted my report and recommendation to grant plaintiff's motion for settlement approval, the district judge modified the attorneys' fees and costs awarded to reflect parties' agreement, rather than the amount I had recommended. Copy supplied.

Am. Empire Surplus Lines Ins. Co. v. Concord Restoration, No. 20-CV-2341

(RPK) (RER), 2021 WL 7830142 (E.D.N.Y. July 28, 2021), *R & R adopted*, 2022 WL 950432 (E.D.N.Y. Mar. 30, 2022). Action for damages and declaratory relief for failure to pay insurance premiums as required by contract. I issued a report recommending that plaintiff's motion for default judgment be denied or in the alternative, granted only as to liability with the matter referred back to me for an inquest on damages. While the district judge adopted my recommendation to deny plaintiff's motion for default judgment, she found that defendant's default was willful, which I had found it was not.

U.S. v. Rufai, No. 21-MJ-598 (JRC) (E.D.N.Y. May 25, 2021). This was a criminal action for removal to the Western District of Washington pursuant to Rule 5 of the Federal Rules of Criminal Procedure. Defendant was charged with wire fraud. During a bail hearing, I granted the defendant's request for release on a \$300,000 bond with strict conditions and one surety, finding that the risk of flight was substantially outweighed by the strict conditions of release. I stayed the release to permit the government to appeal to a district judge in the prosecuting district. Ultimately, the district judge in the Western District of Washington reversed my bail determination, finding that the risk of flight was not outweighed by the combination of conditions of proposed release. Copies supplied.

Rodriguez v. Cricket Wireless LLC, No. 20-CV-1596 (LDH) (RER), 2021 WL 7906565 (E.D.N.Y. Apr. 20, 2021), *R & R adopted in part*, (E.D.N.Y. Order dated Sept. 24, 2021). Action for unpaid wages under the Fair Labor Standards Act, 29 U.S.C. §§ 201, *et seq.* I issued a report recommending that the court approve and enforce the settlement reached by parties through court-annexed mediation. The district judge adopted my recommendation to approve the settlement, but rejected my recommendation to enforce the terms of the settlement. The district judge noted that plaintiffs had not identified any breach, nor could they prior to the court's approval of the settlement agreement. Copy supplied.

Raja v. Burns, No. 19-CV-1328 (AMD)(RER), 2021 WL 1394638 (E.D.N.Y. Feb. 2, 2021), *R & R adopted*, 2021 WL 1099931 (E.D.N.Y. Mar. 23, 2021), *vacated and remanded*, 2022 WL 3022527 (2d Cir. Aug. 1, 2022). Action asserting claims under 42 U.S.C. § 1983. After district judge granted partial summary judgment in plaintiff's favor, she referred plaintiff's motion for attorney's fees to me for a report and recommendation. I recommended that plaintiff's motion be granted in part, and that he be awarded attorney's fees reduced by 40 percent from what he requested. The district judge adopted in full the report and recommendation. On appeal the Second Circuit vacated and remanded, finding the recommendation to reduce the attorney's fees by 40 percent to be an abuse of discretion.

Wells Fargo Bank, N.A. v. Krenzen Auto Inc., No. 19-CV-5329 (E.D.N.Y. Dec. 20, 2019), *sua sponte R & R not adopted*, (E.D.N.Y. Dec. 27, 2019). Interpleader action pursuant to 28 U.S.C. § 1335. I issued a report recommending that this case

be dismissed for plaintiff's failure to prosecute and failure to follow the scheduling order. The district judge declined to adopt my sua sponte report and recommendation based on plaintiff's subsequent submission which established that it was making efforts to prosecute its case. Copies supplied.

Morales v. United States, No. 18-CV-4247 (CBA) (RER), 2020 WL 4504655 (E.D.N.Y. Aug. 5, 2020), *remanded in part*, 2020 WL 6799681 (E.D.N.Y. Nov. 19, 2020). Action for damages under the Federal Tort Claims Act, 28 U.S.C. § 1346(b) and *Bivens v. Six Unknown Federal Narcotics Agents*, 403 U.S. 388 (1971). I issued an order granting in part plaintiff's motion to compel disclosure of certain documents protected by law enforcement privilege and denying the motion to strip those documents of their designation as "confidential" under a stipulated protective order to be used in a related state court action. Although finding that my discovery order was neither clearly erroneous nor contrary to law as to the motion to compel, the district judge remanded the matter to me for clarification of whether defendants satisfied their burden to sustain the continued confidentiality designations as to those documents.

MJC Supply, LLC v. Powis, No. 18-CV-1539 (PKC) (RER), 2019 WL 2271789 (E.D.N.Y. Feb. 20, 2019), *R & R adopted in part*, 2019 WL 1429625 (E.D.N.Y. Mar. 29, 2019). Action for breach of contract arising out of a personal guarantee. I issued a report recommending that the defendant's motion for vacatur of default be granted, the plaintiff's cross-motion for default judgment be denied, and that the action be dismissed without prejudice for lack of personal jurisdiction due to insufficient service of process. The district judge adopted my recommendations except as to dismissal, and instead gave plaintiff sixty days to cure its defective service of process on defendant.

Hasemann v. Gerber Prods. Co., Nos. 15-CV-2995, 16-CV-1153, 17-CV-93 (MKB) (RER), 2019 WL 2250687 (E.D.N.Y. Feb. 20, 2019), *R & R adopted as modified*, 331 F.R.D. 239 (E.D.N.Y. Mar. 31, 2019). Putative class action for false, deceptive, and unfair business practices under various state laws in relation to advertising and marketing misrepresentations of defendant's infant formula products. I issued a report recommending that the proposed Florida and New York Sub-Classes be certified but that certification of the proposed North Carolina and Multistate Sub-Classes be denied. While the district judge adopted the recommendation that plaintiffs' motion for class certification be granted in part and denied in part, she modified the proposed class definitions for two of the recommended subclasses.

Lopez v. Cajmant LLC, No. 15-CV-593 (ENV) (RER) (E.D.N.Y. Nov. 8, 2018), *R & R adopted in part*, (E.D.N.Y. Order dated Jan. 11, 2019). Action for unpaid wages under the Fair Labor Standards Act, 29 U.S.C. §§ 201 *et seq.* I issued a report recommending that a settlement agreement be approved. The district judge adopted my report, but, based on discrepancies between plaintiff's letter motion

for settlement approval and the settlement agreement itself, reduced the amount approved for attorney's fees and costs, as well as for duplicative and excessive costs. Copies supplied.

U.S. Underwriters Ins. Co. v. Orion Plumbing & Heating Corp., 416 F. Supp. 3d 184 (E.D.N.Y. 2018) (adopting report and recommendation in full and dismissing action), *aff'd in part vacated in part*, 765 F. App'x 534 (2d Cir. 2019). Action seeking rescission of an insurance policy and declaratory relief. I issued a report recommending that plaintiff's motion for default judgment be denied and that plaintiff's claims be dismissed for lack of subject matter jurisdiction. The district judge adopted the recommendation, *inter alia*, to dismiss the rescission claim for lack of an actual case or controversy under Article III of the Constitution. The Court of Appeals affirmed in all respects, except as to the rescission claim, finding that the claim as stated presented an actual case or controversy under Article III.

Harte v. Ocwen Fin. Corp., No. 13-CV-5410, 2018 WL 1830811 (E.D.N.Y. Feb. 8, 2018), *R & R adopted in part*, 2018 WL 1559766 (E.D.N.Y. Mar. 30, 2018). Putative class action for violation of New York statutory and common laws in relation to misrepresentations to mortgage borrowers seeking loan modifications. I issued a report recommending that defendant's motion for summary judgment be granted in part and denied in part, and that plaintiff's motion for class certification be granted in part and denied in part. The district court adopted the recommendation to deny defendant's motion for summary judgment as to plaintiff's promissory estoppel and New York General Business Law § 349 claims for failure to provide pre-foreclosure notice, but reserved decision on defendant's motion for summary judgment as to GBL § 349 "dual-tracking" claim and as to plaintiff's motion for class certification, contrary to the recommendation.

Poole v. N.Y. Police Dep't, No. 15-CV-6033 (CBA) (RER), 2018 WL 4635733 (E.D.N.Y. Jan. 9, 2018), *R & R not adopted*, 2018 WL 3970895 (E.D.N.Y. Aug. 17, 2018). Action under 42 U.S.C. § 1983 alleging unlawful search and false arrest. I issued a report recommending that the case be dismissed based upon the plaintiff's failure to prosecute his claims and failure to participate in discovery. Although the district judge found that my recommendation to dismiss plaintiff's complaint for failure to prosecute and follow a court order "was likely correct at the time it was issued," she declined to adopt it based on plaintiff's argument that the injuries he sustained in the underlying incident caused him to miss the deadlines and court appearances that formed the basis for the recommended dismissal.

Ctr. for Discovery, Inc. v. D.P., No. 16-CV-3936, 2017 WL 9674514 (E.D.N.Y. July 17, 2017), *R & R adopted*, 2018 WL 1583971 (E.D.N.Y. Mar. 31, 2018). Action seeking injunctive relief under the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400, *et seq.* I issued a report recommending that plaintiff's

motion to dismiss be granted with prejudice and that its motion to dismiss defendant's counterclaims be granted without prejudice. The district court adopted the report and recommendation in its entirety as to the judgment, but, without criticizing the reasoning applied in the report, employed additional or different reasoning for dismissal as to three counterclaims and the denial of attorneys' fees.

LG Capital Funding, LLC v. On4 Communs., Inc., No. 16-CV-6943, 2017 U.S. Dist. LEXIS 117201 (E.D.N.Y. July 25, 2017) and 2018 U.S. Dist. LEXIS 8353 (E.D.N.Y. Jan. 17, 2018), *R & R adopted as modified*, 2018 U.S. Dist. LEXIS 164370 (E.D.N.Y. Sept. 9, 2018). Action for breach of contract and unjust enrichment for failure to deliver shares of common stock. I issued reports recommending that plaintiff's motion for default judgment be granted and that defendant's subsequent motion to set aside default be denied. The district judge adopted the reports, but modified the recommended damages award based on an incorrect calculation of lost profits in the report.

Courchevel 1850 LLC v. Pinto-Bedoya, No. 16-CV-6716 (NGG)(RER), 2017 WL 8793381 (E.D.N.Y. May 11, 2017), *R & R adopted in part*, 2017 WL 5157451 (E.D.N.Y. Nov. 7, 2017). Action seeking foreclosure and sale of property pursuant to New York Real Property Actions and Proceedings Law §§ 1301, *et seq.* I issued a report recommending that plaintiff's motion for default judgment be granted and a deficiency judgment be entered against the defendant. The district judge found no clear error in my conclusions that plaintiff established entitlement to default judgment, but held that the recommendation to grant a deficiency judgment in foreclosure action would be premature before filing a separate motion after the foreclosure sale had been consummated.

Ansoralli v. CVS Pharmacy, Inc., No. 16-CV-1506 (CBA) (RER), 2017 WL 570767 (E.D.N.Y. Feb. 13, 2017), *rev'd*, 2017 WL 8676437 (E.D.N.Y. July 24, 2017). Action alleging violations of the Fair Labor Standards Act, 29 U.S.C. §§ 201–219 and New York Labor Law. I granted the plaintiff's motion to conditionally certify a collective action under 29 U.S.C. § 216(b). The district court sustained defendant's objection under Federal Rule of Civil Procedure 72(a) to an order setting a six-year notice period in the collective action notice, finding that the circumstances of case and authority in Circuit supported using a three-year notice period instead.

U.S. v. Zhang, 16-CR-614 (AMD) (E.D.N.Y. Nov. 17, 2016). Defendant was charged with, *inter alia*, forced labor and forced labor conspiracy. Following an extensive detention hearing I ordered defendant released on a \$10 million bond secured by properties, multiple sureties, and stringent conditions, finding that any risk of flight was outweighed by such conditions. I stayed defendant's release to permit the government to appeal to a district judge. Upon appeal, my decision granting bail was reversed by the district judge without elaboration. Copies supplied.

Berlyavsky v. N.Y.C. Dep't of Env't'l Prot., No. 14-CV-3217 (KAM) (RER), 2015 WL 5772266 (E.D.N.Y. Aug. 28, 2015), *R & R adopted as modified*, 2015 WL 5772255 (E.D.N.Y. Sept. 30, 2015), *reconsideration denied*, 2016 WL 1383486 (E.D.N.Y. Apr. 7, 2016), *aff'd*, 671 F. App'x 836 (2d Cir. 2016). Religion, age, and national origin discrimination and retaliation action under various federal, state, and local laws. I issued a report recommending that defendants' motions to dismiss be granted but that the plaintiff be granted one final opportunity to amend his complaint to assert viable claims. Although the district judge adopted the recommendation that pro se plaintiff's second amended complaint be dismissed under Federal Rule of Civil Procedure 12(b)(6), she declined to adopt the recommendation to grant plaintiff a final opportunity to amend his complaint again because the proposed third amended complaint submitted with his objection to the report and recommendation also failed to state a claim upon which relief could be granted.

Lafarge N. Am., Inc. v. All Star Ready Mix Corp., No. 14-CV-2481 (WFK)(RER), 2014 U.S. Dist. LEXIS 164422 (E.D.N.Y. Nov. 6, 2014), *R & R adopted as modified*, 2014 U.S. Dist. LEXIS 164083 (E.D.N.Y. Nov. 21, 2014). Action for damages in relation to a credit agreement. I issued a report recommending defendants' counsel's motion to withdraw be granted as to the corporate defendant but denied as to the corporation's president. In a minute entry, the district court adopted as modified the report and recommendation on defendants' counsel's motion to be relieved, ordering defense counsel to maintain representation as to both defendants rather than only one.

Snyder v. Perry, No. 14-CV-2090 (CBA) (RER), 2015 U.S. Dist. LEXIS 34499 (E.D.N.Y. Feb. 4, 2015), *R & R adopted in part*, 2015 U.S. Dist. LEXIS 33668 (E.D.N.Y. Mar. 18, 2015). Pro se action for violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, Telephone Consumer Protection Act, 47 U.S.C. § 227, Fair Housing Act, 42 U.S.C. § 3613, 42 U.S.C. §§ 1983, 1988, New York General Business Law §§ 349, 352-c, and common law invasion of privacy, negligence, and breach of contract. I issued a report recommending that defendants' motion to dismiss be granted with prejudice as to the federal claims and without prejudice as to the state law claims, and that plaintiff's motions to strike be denied as moot. While the district judge adopted the recommendation that the pro se complaint be dismissed, she did not adopt the recommendation that it be dismissed with prejudice, and instead granted the plaintiff 30 days to amend the complaint to cure the deficiencies noted in the report and recommendation.

Chapin Home for the Aging v. McKimm, No. 11-CV-667 (FB) (RER), 2014 WL 12883697 (E.D.N.Y. Aug. 7, 2014), *R & R adopted in part*, 2014 WL 4662401 (E.D.N.Y. Sept. 18, 2014). Action for damages under New York Debtor Creditor Law in relation to purported fraudulent conveyance. I issued a report recommending that defendant's motion to dismiss be denied and plaintiff's motion for summary judgment be granted in part, and recommended that certain

damages be assessed. The district judge adopted the recommendations, but altered the recommended damages to apportion liability amongst the defendants, finding that creditor plaintiff was only entitled to receive that portion of fraudulently conveyed mortgage proceeds that corresponded with debtor defendant's ownership interest in the property, rather than the full amount of mortgage proceeds as recommended.

United States ex rel. Trane US, Inc. v. JHJ Enters., LLC, No. 13-CV-2689 (NGG) (RER), 2014 U.S. Dist. LEXIS 121471 (E.D.N.Y. Aug. 1, 2014), *R & R adopted as modified*, 2014 U.S. Dist. LEXIS 121326 (E.D.N.Y. Aug. 29, 2014). Action to enforce a settlement and recover funds pursuant to the Miller Act, 40 U.S.C. §§ 3131, *et seq.* I issued a report recommending that plaintiff's motion for summary judgment be granted. The district judge adopted the recommendation, but modified the recommended damages award to correct a computational error in the report.

Suvill v. Bogopa Serv. Corp., No. 11-CV-3372 (SLT) (RER), 2013 WL 9769068 (E.D.N.Y. Aug. 12, 2013), *R & R rejected*, 2014 WL 4966029 (E.D.N.Y. Sept. 30, 2014). Purported class action under the Fair Labor Standards Act, 29 U.S.C. §§ 201, *et seq.*, and the New York Labor Law, N.Y. Lab. Law §§ 650, *et seq.* I issued a report recommending that plaintiffs' motion for class certification be granted as modified. The district court declined to adopt the report, finding Rule 23(a)'s commonality and Rule 23(b)(3)'s predominance requirements unsatisfied.

Gov't Emples. Ins. Co. v. Park Slope Med. & Surgical Supply, Inc., No. 11-CV-4028 (SLT) (RER), 2013 U.S. Dist. LEXIS 135888 (E.D.N.Y. July 12, 2013) and 2013 U.S. Dist. LEXIS 135880 (E.D.N.Y. July 19, 2013), *R & R adopted in part*, 2013 U.S. Dist. LEXIS 131305 (E.D.N.Y. Sept. 13, 2013). Action for declaratory relief and damages for common law fraud, unjust enrichment, and violations of the civil RICO act in connection with an alleged automobile no-fault insurance fraud scheme. I issued a report recommending that plaintiff's motion for default judgment be granted with respect to plaintiffs' common law fraud, unjust enrichment, and aiding and abetting fraud claims against certain defendants. I issued a second report recommending that plaintiffs' motion for default judgment be granted as to aiding and abetting fraud, common law fraud, unjust enrichment, civil RICO, and civil RICO conspiracy claims for an overlapping set of defendants. The district judge adopted the reports except to the extent they recommended the court enter partial judgment against participants of RICO schemes without supplemental briefing explaining why there was no just reason for delay.

Boyd v. J.E. Robert Co., No. 05-CV-2455 (KAM) (RER), 2012 WL 4718823 (E.D.N.Y. Aug. 27, 2012), *R & R adopted in part and modified in part*, 2012 WL 4718723 (E.D.N.Y. Oct. 2, 2012), *reconsideration denied*, 2013 WL 5436969 (E.D.N.Y. Sept. 27, 2013), *aff'd*, 765 F. 3d 123 (2d Cir. 2014). Action for damages under the Fair Debt Collection Practices Act, 15 U.S.C. §§ 1692, *et seq.*,

and New York statutory and common law. I issued a report recommending that defendants' summary judgment motion be granted with respect to plaintiffs' federal claims and that the court decline to exercise supplemental jurisdiction over plaintiffs' state law claims. Without criticizing the reasoning in the report and recommendation, the district judge adopted the recommended resolution for different reasons advanced by defendants.

United States v. Butler, No. 08-CR-370 (JBW) (RER), 2012 U.S. Dist. LEXIS 160758 (E.D.N.Y. June 27, 2012), *R & R adopted as modified*, 2012 U.S. Dist. LEXIS 166885 (E.D.N.Y. Oct. 19, 2012), *aff'd*, 543 F. App'x 95 (2d Cir. 2013). Forfeiture action under 21 U.S.C. § 853(n) to enjoin government from executing against assets to satisfy a criminal defendant's forfeiture order and fine. I issued a report recommending denial of the non-party movant's motion to preliminarily enjoin the government from executing against the assets in satisfaction of forfeiture order and criminal fine. The district judge adopted the recommendation, but struck a portion of the report. The Court of Appeals for the Second Circuit affirmed the conclusions of law in the report.

United States v. Vernace, No. 11-CR-05 (E.D.N.Y. Jan. 27, 2011), *rev'd*, (E.D.N.Y. Feb. 9, 2011). Criminal action charging a leader of the Gambino organized crime family with, *inter alia*, racketeering conspiracy involving multiple crimes of violence and the use of a firearm. At a detention hearing I indicated that I would release the defendant on a \$5 million dollar secured bond with stringent conditions and ten sureties. The release was stayed to permit the government to appeal to the assigned district judge. Upon de novo review the district judge denied the defendant's release, finding that the defendant was a danger to the community and no conditions of release or combinations of conditions of release could guard against that danger. Copies supplied.

Goldmark, Inc. v. Catlin Syndicate Ltd., No. 09-CV-3876, 2010 WL 5872337 (E.D.N.Y. Nov. 22, 2010), *R & R adopted in part*, 2011 WL 743568 (E.D.N.Y. Feb. 24, 2011). Action for breach of contract, violation of the implied covenant of good faith and fair dealing, and violations of New York Insurance Law, N.Y. Ins. L. §§ 1213(d), 2601, arising out of an insurance coverage dispute. I issued a report recommending that plaintiff's claims be dismissed for failure to state a claim. The district judge adopted the report in full effect and dismissed plaintiff's claims, but nevertheless rejected "the statement of law regarding the relationship between consequential damages and the breach of the covenant of good faith and fair dealing" contained in the report.

Jackson Hewitt Inc. v. Excellent Professional Services LLC, No. 08-CV-5237 (JG) (RER), 2010 WL 5665033 (E.D.N.Y. Nov. 8, 2010) and 2010 WL 5665032 (E.D.N.Y. Aug. 6, 2010), *R & R adopted in part*, 2011 WL 317969 (E.D.N.Y. Jan. 31, 2011). Action for breach of contract arising out of a franchise agreement. I issued a report recommending that plaintiff's motion for entry of default judgment be granted, but that plaintiff's motion to dismiss defendants'

counterclaims for violations of New York General Business Law § 349, common law fraudulent concealment, unjust enrichment, and unlawful termination of contract be denied, and that plaintiff's motion for attorney's fees be denied. I issued a supplemental report recommending that plaintiff's motion to dismiss defendants' counterclaims and motion for attorney's fees be granted after defendants failed to object to the initial report, to show cause as to why their counterclaims should not be dismissed, or object to plaintiff's fee application. The district judge adopted the report and recommendation in full, but awarded plaintiff interest at a higher annual rate based on the parties' written agreement and not limited by New Jersey usury laws as I had recommended.

Johnson v. Bellnier, No. 09-CV-381 (KAM) (RER), 2010 WL 7100915 (E.D.N.Y. Nov. 8, 2010), *R & R adopted in part and modified in part*, 2011 WL 3235708 (E.D.N.Y. July 27, 2011), *rev'd*, 508 F. App'x 23 (2d Cir. 2013), *cert. denied sub nom. Johnson v. Chappius*, 570 U.S. 922 (2013). A state jury convicted petitioner of depraved indifference murder, but acquitted him of intentional murder, for what the prosecution contended and petitioner admitted was the intentional killing of another man. Petitioner brought this action under 28 U.S.C. § 2254 to challenge that conviction. Upon referral from the district judge, I issued a report recommending in part that petitioner's conviction for depraved indifference murder be vacated as legally insufficient under New York law. The district judge adopted the recommendation in part, agreeing with the conclusion that petitioner's conviction was legally insufficient under New York law. On appeal, but the Second Circuit reversed the district court's decision, finding that petitioner's conviction was not legally insufficient as a reasonable jury could have concluded that, despite his confession that he intended to cause the victim's death, petitioner's actions illustrated depraved indifference to the victim and the public.

United States v. Butler, No. 08-CR-370 (E.D.N.Y. Apr. 27, 2010), *rev'd*, (E.D.N.Y. June 25, 2010). Defendant was found guilty of conspiracy to commit securities fraud, securities fraud, and conspiracy to commit wire fraud. Following his conviction, I issued a memorandum and order granting the government's motion to revoke the defendant's bond and remand him pending an appeal of his conviction. Without much substantive explanation the district court vacated my order to revoke defendant's bond and remand him pending appeal. Copies supplied.

Anderson v. City of N.Y., No. 06-CV-5726 (RRM) (RER), 2010 WL 9071556 (E.D.N.Y. Mar. 26, 2010), *R & R adopted in part and rejected in part*, 2012 WL 6720694 (E.D.N.Y. Dec. 27, 2012). This was an action for race discrimination and a hostile work environment under Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e-2 and 2000e-3(a), 42 U.S.C. §§ 1981 and 1983, and related New York State and New York City law. Defendant moved for summary judgment on all of plaintiff's claims. I issued a report recommending that defendant's summary judgment be granted in part and denied in part. The district judge adopted the recommendation granting defendants' summary judgment

motion as to certain claims, but rejected the recommendation to dismiss plaintiff's state and city discrimination claims based on failure to file a notice of claim pursuant to section 50-e(1)(a) of New York General Municipal Law, finding that such failure does not require dismissal in employment discrimination cases.

Rupolo v. Oshkosh Truck Corp., No. 05-CV-2978 (SLT) (RER) 2009 WL 6547339 (E.D.N.Y. Oct. 27, 2009), *R & R adopted in part and rejected in part*, 749 F. Supp. 2d 31 (E.D.N.Y. 2010). This was an action for personal injuries plaintiff allegedly sustained while working on a truck designed and manufactured by defendant. I issued a report recommending that (1) plaintiff's motion for a jury demand be denied, (2) plaintiff's motion to exclude defendant's expert be denied, and (3) defendant's motion for summary judgment be denied. The district court adopted the recommendation to deny plaintiff's motion to exclude defendant's expert witness and to deny defendant's motion for summary judgment, but rejected the recommendation to deny plaintiff's motion for trial by jury, which it determined was not formally referred to me.

ASA Mgmt. Corp. v. IADC, Inc.; No. 08-CV-3488 (ARR)(RER), 2009 WL 2208086 (E.D.N.Y. May 6, 2009), *R & R adopted as modified*, 2009 WL 2208083 (E.D.N.Y. July 21, 2009). This was a maritime action for breach of contract for carriage of goods by sea. I issued a report recommending that plaintiff's motion for default judgment be granted in part, and that it be awarded damages and interest less than requested in the motion. The district judge adopted the report and recommendation, but awarded additional damages based on evidence plaintiff submitted along with its objection to the report and recommendation.

Dasrath v. Ross Univ. Sch. of Med., No. 07-CV-2433 (CBA) (RER), 2008 WL 11438041 (E.D.N.Y. Aug. 6, 2008), *R & R adopted in part and modified in part*, 2009 WL 891765 (E.D.N.Y. Mar. 31, 2009). This was an action for breach of contract, fraud, violation of New York Human Rights Law, N.Y. Executive Law § 296(4), and violations of the Age Discrimination Act of 1975, 42 U.S.C. §§ 6101, *et seq.* I issued a report recommending that defendant's motion to dismiss for lack of subject matter jurisdiction and for failure to state a claim be granted in its entirety, and that plaintiff's motion for a stay to permit him to satisfy the Age Discrimination Act notice requirements be denied. While adopting the recommendation that all of plaintiff's claims be dismissed and that plaintiff's motion to stay be denied, the district court declined to dismiss the claims with prejudice as recommended, and granted plaintiff leave to file an amend complaint within thirty days.

Kawan Food Manufacturing SDN BHD v. Bengal Sea Foods USA Canada, inc., et al., No. 06-CV-5430 (ERK) (RER) (E.D.N.Y. May 9, 2008), *R & R adopted in part*, (E.D.N.Y. Jul. 7, 2008); *see also Kawan Food Manufacturing SDN BHD v. Bengal Sea Foods USA Canada, inc., et al.*, No. 06-CV-5430 (ERK) (RER) (E.D.N.Y. Feb. 26, 2008), *R & R not adopted*, (E.D.N.Y. Mar. 21, 2008). This was an action for, *inter alia*, trademark infringement under the Lanham Act of

1946, 15 U.S.C. §§ 1051, *et seq.* On February 26, 2008, I issued a report recommending that the corporate and individual defendants be held in contempt for marketing products that violated a permanent injunction previously entered by the district judge. The district judge rejected that recommendation, finding on *de novo* review that the products did not appear substantially similar to plaintiff's products, and that I had improperly placed the burden on the defendants to prove that they did not violate the permanent injunction. The district judge remanded the matter to me for further proceedings consistent with his written decision. Copy supplied. Subsequently, on May 9, 2008, I issued a second report, again recommending that the corporate and individual defendants be held to have violated the permanent injunction by marketing products that were substantially similar to plaintiff's products. The district judge adopted the recommendation in part, albeit applying different reasoning, but rejected without analysis the recommendation that the individual defendants be sanctioned. Copies supplied.

In re Comverse Tech., Inc. Sec. Litig., No. 06-CV-1825 (NGG) (RER), 2006 WL 2792757 (E.D.N.Y. Sept. 27, 2006), *vacated*, 2007 WL 680779 (E.D.N.Y. Mar. 2, 2007), *adhered to on reconsideration*, 2008 U.S. Dist. LEXIS 121650 (E.D.N.Y. Mar. 24, 2008). This was an action under the Private Securities Litigation Reform Act of 1995, Pub. L. 104-67, 109 Stat. 737 (1995). I issued an order appointing a lead plaintiff and counsel. The district judge vacated that order, finding that I had not properly applied *Dura Pharmaceuticals, Inc. v. Broudo*, 544 U.S. 336 (2005) to determine which proposed lead plaintiff sustained the largest loss during the applicable period.

Phelps v. Szubinski, No. 04-CV-773 (ERK) (RER) (E.D.N.Y. Sep. 1, 2006), *rev'd*, (E.D.N.Y. Nov. 15, 2006). Civil rights action for excessive force and false arrest under 42 U.S.C. § 1983 and New York State law. I issued an order permitting plaintiff to serve an untimely expert report but assessing him the costs for that expert's deposition due to his unjustified delay in producing the report. Upon plaintiff's appeal from that order, the district judge reversed, finding that the circumstances did not come within the "manifest injustice" exception to the rule that the party seeking discovery from an expert (here the defendant) pay the expert a reasonable fee. Copies supplied.

United States v. Young et al., No. 06-CR-285 (NGG) (E.D.N.Y. Jul. 28, 2006), *vacated*, (E.D.N.Y. Aug. 7, 2006). Multi-defendant criminal action for, *inter alia*, racketeering and racketeering conspiracy. I issued an order releasing one of the defendants on a \$750,000 secured bond with strict conditions and pretrial supervision, but stayed the defendant's release pending the government's appeal to the district judge. Upon *de novo* review, the district judge vacated the order setting conditions for release on bond, finding that the defendant was a risk of flight and danger to the community, and that no conditions or combination of conditions could guard against that risk and danger. Copies supplied.

- g. Provide a description of the number and percentage of your decisions in which

you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.

As a U.S. magistrate judge, some of my opinions, reports and recommendations, and other decisions and rulings are not selected for publication in reporters. I estimate that in my 16 years as a magistrate judge, I have issued fewer than 100 such unreported opinions, reports and recommendations and other decisions and rulings, representing less than 15 percent of my total opinions. All reported and unreported opinions, reports and recommendations, and other decisions and rulings I have issued are filed and stored on CM/ECF, the federal court Case Management/Electronic Case Files system.

- h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.

Kaikov v. Kaikov, No. 19-CV-2521 (LDH) (RER), 2020 WL 9812923 (E.D.N.Y. Oct. 5, 2020)

New York State Citizens' Coal. For Child. v. Velez, No. 10-CV-3485 (WFK) (RER), 2016 WL 11263164 (E.D.N.Y. Nov. 7, 2016), *R & R adopted*, 2017 WL 4402461 (E.D.N.Y. Sept. 29, 2017), *aff'd*, 922 F.3d 69 (2d Cir. 2019), *reh'g en banc denied*, 935 F.3d 56 (2d Cir. 2019), *cert. denied*, 140 S. Ct. 956 (2020)

- i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.

I have never sat by designation on any federal court of appeals.

14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

- a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;
- b. a brief description of the asserted conflict of interest or other ground for recusal;
- c. the procedure you followed in determining whether or not to recuse yourself;

- d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

The United States District Court for the Eastern District of New York employs a system that flags newly assigned cases based on recusal criteria that each judge identifies. This system permits a judge to identify potential conflicts *ex ante*, and then decide whether to recuse *sua sponte* in a newly assigned case.

Motions for my recusal were filed in *Schultz v. Tribune Company, Inc.*, No. 06-CV-4800 (FB) (RER), *Wise v. City of New York*, No. 12-CV-1823 (ENV) (RER), and *Jones Bey v. Sirius-El*, No. 22-CV-4649 (PKC) (RER). In the former two cases I reviewed the parties' submissions, the docket, my personal notes, consulted the Code of Conduct for United States Judges, and conducted legal research and rendered decisions denying the motions. In the latter case, *Jones Bey*, the district judge denied the motion without my involvement.

In *Schultz v. Tribune Company, Inc.*, plaintiff sought my recusal based on: (1) my former association with O'Melveny & Myers, LLP, the firm with which defendants' counsel was formerly a member; (2) my former affiliation with the United States Attorney's Office for the Southern District of New York, which had investigated defendants in a purportedly related criminal matter; and (3) because one of the defendants' witnesses was a former Assistant in the Criminal Division of the United States Attorney for the Southern District of New York. I denied the motion without prejudice because "[o]n the present record, there is no basis, or need, for recusal. My tenure with O'Melveny & Myers, LLP, with which [defense counsel] was also associated, ended in April 1998, at least 5 years before the genesis of the instant lawsuit. Also, while I was an Assistant United States Attorney in the Southern District of New York, I was assigned to the Civil Division, not the Criminal Division. Thus, I have no knowledge of any of the underlying facts of this case or the purportedly related criminal investigation and/or prosecution. I also do not know [the former Assistant United States Attorney who represented the defendant in connection with an investigation of the plaintiff and others], nor have I ever worked with him."

In *Wise v. City of New York*, defendants sought my recusal because one of the plaintiff's attorneys was appointed to the Merit Selection Panel considering my reappointment to a second term as a U.S. magistrate judge, and I had allegedly uttered remarks during a telephone conference that exhibited possible bias toward defendants and/or their counsel. I denied the motion without prejudice because plaintiff's attorney had already recused himself from the Merit Selection Panel as per the Panel's standard practice, and defendants' contentions about my remarks during the telephone conference were factually incorrect and legally baseless. *See Wise v. City of New York*, No. 12-CV-1823 (ENV) (RER), 2013 WL 3190230 (E.D.N.Y. June 21, 2013).

In *Jones Bey v. Sirius-El*, the pro se plaintiff sought my recusal and that of the district judge based on the contention that we had denied all of her motions and various

applications in her prior cases and because she believed we were biased against her. The district judge denied the motion in a summary order on CM/ECF that refuted all of the pro se plaintiff's accusations and noted that recusal is not warranted based on prior adverse rulings.

15. **Public Office, Political Activities and Affiliations:**

- a. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

None

- b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

None

16. **Legal Career:** Answer each part separately.

- a. Describe chronologically your law practice and legal experience after graduation from law school including:

- i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

From 1994 to 1995, I served as a law clerk to the Honorable David G. Trager of the Eastern District of New York.

- ii. whether you practiced alone, and if so, the addresses and dates;

I have not practiced law alone.

- iii. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been affiliated, and the nature of your affiliation with each;

1993 – 1994
New York City Council
250 Broadway
New York, New York 10007

Legislative Attorney

1995 – 1998
O'Melveny & Myers LLP
7 Times Square
New York, New York 10036
Associate

1998 – 2006
U.S. Attorney's Office, Southern District of New York
86 Chambers Street, 3rd Floor
New York, New York 10007
Assistant U.S. Attorney

2006 – present
U.S. District Court, Eastern District of New York
Theodore Roosevelt Courthouse
225 Cadman Plaza East, Room 1215S
Brooklyn, New York 11201
U.S. Magistrate Judge

- iv. whether you served as a mediator or arbitrator in alternative dispute resolution proceedings and, if so, a description of the 10 most significant matters with which you were involved in that capacity.

Before becoming a U.S. magistrate judge in February 2006 I did not serve as a mediator or arbitrator in alternative dispute resolution proceedings.

b. Describe:

- i. the general character of your law practice and indicate by date when its character has changed over the years.

I began my legal career in 1993 as a legislative attorney for the New York City Council. I drafted legislation as requested by Council members and served as counsel to a number of the Council's committees and subcommittees. As counsel I would draft briefing papers and agendas for monthly committee meetings and hearings.

After serving as a law clerk in the Eastern District of New York from 1994 to 1995, I joined O'Melveny & Myers LLP in New York as an associate in the litigation department. My practice at O'Melveny from 1995 to 1998 was evenly split between intellectual property and insurance defense. Our intellectual property cases involved trademark and copyright infringement, and our insurance cases mostly involved environmental coverage issues. On the intellectual property cases, I worked directly with a partner, and

performed a wide variety of tasks from drafting pleadings, discovery requests and responses, and motions, to negotiating discovery disputes with adversaries. On the insurance side, I also drafted discovery requests and responses, pleadings, and various substantive motions, including motions for summary judgment and to dismiss, and took and defended depositions of fact and expert witnesses.

My next position was as an Assistant U.S. Attorney in the civil division of the U.S. Attorney's Office for the Southern District of New York beginning in May 1998. Initially, I was the sole attorney responsible for 40 to 70 cases in a wide variety of areas: civil rights, employment, tax, bankruptcy, challenges to administrative or regulatory actions, and all varieties of tort claims against the United States. In that capacity, I drafted all pleadings, discovery requests and responses, substantive and procedural motions, pretrial papers, and attended all court conferences and hearings. I had three jury trials and three appeals during that period and appeared in court frequently.

As I became more senior in the U.S. Attorney's Office, I handled more complex cases involving health care fraud, false claims, environmental issues, and criminal civil rights violations. I worked on several large cases as part of a team of attorneys. During this period, the number of district court appearances declined due to the nature of the cases, however, I produced a significant amount of written work. I also served as second chair in three bench trials during this period and argued six times in the Court of Appeals for the Second Circuit.

In mid- to late-2004 I was appointed as an Acting Deputy Chief of Appeals, and later Deputy Chief of Appeals. My docket became largely appellate in nature, although I continued to handle several large cases in the district court. In this capacity, I edited briefs to the Court of Appeals for the Second Circuit for other Assistant U.S. Attorneys, conducted their moot appellate court arguments, and was second chair during their oral arguments. My appearances in district court declined further during this period, although my appearances in the Second Circuit increased. I left the U.S. Attorney's Office in February 2006 to become a U.S. magistrate judge.

- ii. your typical clients and the areas at each period of your legal career, if any, in which you have specialized.

As a Legislative Attorney my clients were the New York City Council and its elected members. While an Associate at O'Melveny & Myers my clients were several large commercial insurance carriers and several large media companies. My clients as an Assistant U.S. Attorney were the United States of America, its governmental agencies, and employees. I

represented the Internal Revenue Service, the Postal Service, the State Department, the Department of Defense, the Department of Homeland Security, the Federal Bureau of Investigation, the Department of Veterans Affairs, U.S. Customs Service, the Department of the Army, and the Army Corps of Engineers to name just a few.

- c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

As a Legislative Attorney in 1993, my practice was not in litigation and I did not appear in court.

As an associate with O'Melveny & Myers from 1995 to 1998 my practice was almost entirely in litigation, but I appeared in court only a handful of times.

As an Assistant U.S. Attorney from 1998 to 2006 my practice was entirely litigation and I appeared frequently in both the district court and Court of Appeals for the Second Circuit.

- i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|-----|
| 1. federal courts: | 95% |
| 2. state courts of record: | 5% |
| 3. other courts: | 0% |
| 4. administrative agencies: | 0% |

- ii. Indicate the percentage of your practice in:

- | | |
|--------------------------|-----|
| 1. civil proceedings: | 85% |
| 2. criminal proceedings: | 15% |

- d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

When I was in private practice, my responsibilities included pre-trial preparation (e.g., managing discovery, taking and defending depositions, and drafting pre-trial pleadings and dispositive motions) and I was not primarily responsible for trying cases and did not handle any matters that were tried to verdict while I worked on them.

While I was an Assistant U.S. Attorney from 1998 to 2006, I tried six cases to verdict: three jury trials and three bench trials.

- i. What percentage of these trials were:

- | | |
|----------|-----|
| 1. jury: | 50% |
|----------|-----|

2. non-jury: 50%

- e. Describe your practice, if any, before the Supreme Court of the United States. Supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

I have not practiced before the Supreme Court of the United States.

17. **Litigation:** Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

- a. the date of representation;
 - b. the name of the court and the name of the judge or judges before whom the case was litigated; and
 - c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.
1. *NRDC et al. v. Army Corps of Engineers*, No. 05 Civ. 762 (SAS) (S.D.N.Y.), 457 F. Supp. 2d 198 (S.D.N.Y. 2006); *see also* 399 F. Supp. 2d 386 (S.D.N.Y. 2005)

From 2005 to 2006, I represented the U.S. Army Corps of Engineers in an action brought by a group of environmental organizations and concerned citizens under the National Environmental Policy Act, 42 U.S.C. §§ 4321 *et seq.* The plaintiffs challenged the Army Corps' decision to proceed with the \$2.3 billion New York/New Jersey harbor deepening project without conducting an additional Supplemental Environmental Impact Statement. Plaintiffs claimed the Army Corps decision did not adequately consider the impact of the harbor deepening project on the Environmental Protection Agency's (EPA) plan to study industrial pollution and evaluate possible cleanup options for contamination in the harbor. I successfully opposed plaintiffs' motion for preliminary injunction, which they withdrew. The parties' cross-motions for summary judgment were decided largely in plaintiffs' favor, with the exception of their renewed request for an injunction, which was denied. I became a magistrate judge in February 2006 while the case was still being litigated. Ultimately, the case settled.

Co-counsel

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Opposing Counsel

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2. *United States v. City of New York*, No. 02 Civ. 4699 (DC) (MHD) (S.D.N.Y.), and *Wright v. Stern*, No. 01 Civ. 4437 (DC) (MHD), 2004 WL 2360147 (S.D.N.Y. Oct. 20, 2004); 2003 WL 23095571 (S.D.N.Y. Dec. 3, 2003); 2003 WL 21543539 (S.D.N.Y. July 9, 2003); 2003 WL 21543539 (S.D.N.Y. July 3, 2003); 2003 WL 136090 (S.D.N.Y. Jan. 14, 2003); 2003 WL 115232 (S.D.N.Y. Jan. 13, 2003); *see also Wright v. Stern*, 553 F. Supp. 2d 337 (S.D.N.Y. 2008); 450 F. Supp. 2d 335 (S.D.N.Y. 2006)

From 2001 to 2006, I, along with other Assistant U.S. Attorneys, investigated and litigated an action under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq.*, against the City of New York and the Department of Parks and Recreation for a pattern and practice of discrimination in promotions. We were each involved in all aspects of the case, including discovery, depositions, and settlement discussions. After several years of litigation, we succeeded in negotiating a consent judgment that established a written, objective, and non-discriminatory promotion policy. A consolidated private class action for the same violations was litigated concurrently and ultimately settled for \$21 million.

Co-Counsel

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Barbara Butler (contact information unavailable)
Kathleen Comfrey (contact information unavailable)

3. *United States v. Westchester County*, No. 05 Civ. 0650 (CM) (S.D.N.Y.)

From 2003 to 2005, I was the sole attorney responsible for investigating allegations that Westchester County, New York had failed to comply with the provisions of the Voting Right Act and Help America Vote Act that mandate language accommodations at the polls for non-English speaking citizens. Following the investigation, I was the sole attorney responsible for prosecuting this lawsuit under Section 203 of the Voting Rights Act, *see* 42 U.S.C. §§ 1973aa-1a, 1973aa-2, and section 302 of the Help America Vote Act, *see* 42 U.S.C. §§ 15482, 15511. In July 2005, Westchester County voluntarily entered into a consent decree that provided for a comprehensive remedial plan for compliance with the language requirements of the Voting Rights Act and the posting requirements of the Help America Vote Act.

Opposing Counsel

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4. *U.S. ex rel. Reilly v. Catskill Regional Medical Center*, No. 00 Civ. 7906 (KMW) (S.D.N.Y.)

From 2000 to 2006, I was the sole attorney responsible for investigating and prosecuting this health care fraud action brought pursuant to the *qui tam* provisions of False Claims Act, 31 U.S.C. § 3730. The relator alleged that one of the corporate defendants entered into illegal patient referral schemes with local hospitals to supply them with Medicaid-eligible drug and alcohol detoxification patients for a monthly fee, *i.e.*, a kickback

scheme. After much investigation and negotiation with defendants, the government intervened in the action and settled the claims against three of the four corporate defendants for nearly \$7 million. The fourth defendant settled for an additional \$3.4 million after I became a magistrate judge.

Relator's Counsel

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5. *Kalsson v. Fed. Election Comm'n*, No. 04 Civ. 6984 (LAK) (S.D.N.Y.), 356 F. Supp. 2d. 371 (S.D.N.Y. 2005), *aff'd*, 159 F. App'x 326 (2d Cir. 2005)

From 2004 to 2006, I was the sole attorney defending the United States, the Federal Election Commission and the Attorney General against a constitutional challenge to the National Voter Registration Act of 1993 ("NVRA"), 42 U.S.C. § 1973gg, *et seq.* Plaintiff

contended that the NVRA was unconstitutional on the theories that its enactment was not within the enumerated powers of the federal government and that it violated Article II of the U.S. Constitution. Upon the government's motion, the district judge dismissed the case for lack of Article III standing. The District Court's decision was affirmed on appeal.

Opposing Counsel

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6. *In re Tyson*, No. 03 B 41900 (ALG) (S.D.N.Y.)

From 2003 to 2005 I represented the Internal Revenue Service in the Chapter 11 bankruptcy of boxer Mike Tyson and his professional corporation. I successfully negotiated a bankruptcy plan requiring substantial contributions of Tyson's future fight and non-fight income into fund to pay, among other things, the Internal Revenue Service's \$20 million secured claim.

Opposing Counsel

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7. *United States v. Cote*, No. 06 CR. 0121 (CLB), 2007 WL 1000849 (S.D.N.Y.), *rev'd and remanded*, 544 F.3d 88 (2d Cir. 2008)

From 2003 to 2006, I was the lead investigative attorney on this criminal civil rights case under 18 U.S.C. § 242. I collected documents, interviewed witnesses, prepared the memorandum to the U.S. Attorney recommending prosecution, and secured a tolling agreement from the defendant. I left the U.S. Attorney's Office at the initial stages of the grand jury proceedings. The defendant corrections officer was ultimately convicted by a jury of using excessive force against an inmate and causing serious and permanent physical injuries in violation of 18 U.S.C. § 242.

Co-Counsel

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Opposing Counsel

William I. Aronwald (deceased)

8. *United States v. Sforza*, No. 00 Civ. 1307 (DCF) (S.D.N.Y.), 2000 WL 1818686 (S.D.N.Y. Dec. 12, 2000), *aff'd*, 326 F.3d 107 (2d Cir. 2003)

From 1999 to 2003, I was the principal attorney in an action under the False Claims Act, 31 U.S.C. §§ 3729, *et seq.*, and federal common law against a former Postal Service employee and his wife for submitting and conspiring to submit false claims for benefits under the Federal Employees' Compensation Act, 5 U.S.C. §§ 8101, *et seq.* I successfully defended against defendants' motion to dismiss under FECA's statutory preclusion provision. Ultimately the case was settled one week prior to trial before Magistrate Judge Debra Freeman. Defendants subsequently renege on the settlement and Magistrate Judge Freeman enforced the settlement. I also successfully defended against appeal of FECA preclusion & forced settlement issues.

Trial Co-Counsel

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Opposing Counsel

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9. *Economou v. Caldera*, No. 99 Civ. 12117 (AJP) (S.D.N.Y.), 2000 WL 1844773 (S.D.N.Y. Dec. 18, 2000), *aff'd*, 286 F.3d 144 (2d Cir. 2002), *cert. denied*, 537 U.S. 975 (2002)

From 1999 to 2002 I was the principal attorney defending the Secretary of the United States Department of the Army against a race, disability, and age discrimination lawsuit brought by a senior official within of the Army Corps of Engineers' New York District. I defended my clients against plaintiff's challenge to alleged discriminatory termination, failure to train, failure to accommodate disability, and retaliatory investigations. All but the failure to train claim were dismissed on summary judgment. After trial, the jury returned a verdict for defendant on plaintiff's failure to train claim. Both the summary judgment decision and trial verdict were affirmed on appeal.

Opposing Counsel

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10. *South Bronx Coalition for Clean Air v. Conroy*, No. 98 Civ. 4404 (AGS) (S.D.N.Y.), 20 F. Supp. 2d 565 (S.D.N.Y. 1998)

In 1998, I defended the Administrator of the Environmental Protection Agency and the Secretary of the Department of Transportation in an action under the National Environmental Policy Act, 42 U.S.C. § 4321 *et seq.*, from a group of environmental organizations challenging state and city transportation and environmental agencies' decisions to situate a bus transfer station in a particular neighborhood. We successfully argued that the federal government's involvement in the project did not rise to the level of a "major federal action," and therefore, the National Environmental Policy Act did not apply. The court denied plaintiffs' motion for a preliminary injunction and granted defendants' cross-motions to dismiss.

Opposing Counsel

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18. **Legal Activities:** Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

In addition to my regular duties as a magistrate judge, at the appointment of the Board of Judges I worked as part of a three-magistrate judge committee on *In re: Hurricane Sandy Cases*, 14-MC-41 (E.D.N.Y.). In that role, I helped to design, implement, and oversee an innovative expedited discovery and case management procedure to handle a docket of 1,500 insurance cases arising from super storm Sandy. Our work also involved the design and implementation of a dedicated mediation program, through which we trained more than 100 mediators, all intended to ensure fair and expeditious review and resolution of those claims while minimizing the burden on the parties and the court.

From 2008 to 2019, I served on the court security committee, a multi-agency committee convened to insure the safe and secure operation of both the district and bankruptcy courts. From 2017 to 2019, I served on the Second Circuit conference planning committee, developing the educational programs for the Circuit's annual judicial conferences. Finally, throughout my legal and judicial career I have served on many governing boards and committees of bar associations and educational institutions (e.g., Federal Magistrate Judges Association, Federal Bar Council, Federal Bar Association,

Brooklyn Law School), and participated in numerous continuing legal education and civic outreach programs.

I have not performed lobbying activity and I have never registered as a lobbyist.

19. **Teaching:** What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide four (4) copies to the committee.

I am an adjunct professor of clinical law at Brooklyn Law School and from 2008 to 2017 taught the Judicial Externship Seminar. The seminar is required for all Brooklyn Law School students enrolled in the Judicial Externship Clinic, and who serve as externs for federal judges. The seminar examines various aspects of the students' experiences as externs in federal judicial chambers, including the ethics rules applicable to court employees, initial proceedings in civil and criminal cases in federal court, the division of labor between district and magistrate judges, and the judicial decision-making process. Representative syllabus supplied.

20. **Deferred Income/ Future Benefits:** List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

None.

21. **Outside Commitments During Court Service:** Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the court? If so, explain.

None.

22. **Sources of Income:** List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding \$500 or more (if you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here).

See attached Financial Disclosure Report.

23. **Statement of Net Worth:** Please complete the attached financial net worth statement in detail (add schedules as called for).

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

- a. Identify the family members or other persons, parties, categories of litigation, and financial arrangements that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

No family members or other persons, parties, categories of litigation or financial arrangements are likely to present potential conflicts of interest for me.

- b. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern.

I will follow the recusal statutes and Canon 3 of the Code of Conduct for United States Judges. I will recuse myself when necessary to resolve any real or apparent conflict of interest.

25. **Pro Bono Work:** An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.

As a U.S. magistrate judge I have always taken very seriously my oath "to do equal right to the poor and to the rich," giving special solicitude to pro se parties who appear before me, whether they be plaintiffs or defendants. I take special care to ensure that they receive full due process, that they are guided to available pro se legal services, and that all court proceedings and procedures are explained to them fully in a manner which they can understand. On several occasions I have found pro bono legal representation for pro se litigants to ensure that their rights are properly defended. I have also participated extensively in our Court's civic education program, hosting New York City high school students and speaking with them about the importance of the federal courts.

While an Assistant U.S. Attorney, I participated as a mentor attorney in a mock trial program for public high school students hosted by then-Second Circuit Judge Sonia Sotomayor, "The Trial of Goldilocks."

For almost two years as an associate at O'Melveny & Myers, I represented an inmate challenging the conditions of his confinement as part of the Southern District of New York's pro bono panel. I litigated his case through an adverse decision on summary judgment, but secured for him the opportunity to file an amended complaint. My representation ended when I became an Assistant U.S. Attorney.

26. **Selection Process:**

- a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

In March 2021, I submitted an application for a position on the U.S. District Court for the Eastern District of New York to Senator Charles Schumer's Judicial Screening Committee. On March 30, 2021, I interviewed with Senator Schumer's Screening Committee. On May 27, 2022, I interviewed with Senator Schumer. On June 2, 2022, I heard from Senator Schumer that he would be submitting my name to the White House for consideration regarding a federal district court vacancy in the Eastern District of New York. On June 9, 2022, I was contacted by the White House Counsel's Office concerning my potential nomination. On June 10, 2022, I interviewed with attorneys from the White House Counsel's Office. Since that date, I have been in contact with officials from the White House Counsel's Office and the Office of Legal Policy at the Department of Justice. On September 6, 2022, my nomination was submitted to the Senate.

- b. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any currently pending or specific case, legal issue or question in a manner that could reasonably be interpreted as seeking any express or implied assurances concerning your position on such case, issue, or question? If so, explain fully.

No.