

**UNITED STATES SENATE  
COMMITTEE ON THE JUDICIARY**

**QUESTIONNAIRE FOR JUDICIAL NOMINEES**

**PUBLIC**

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

Deborah Lynn Boardman

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

United States District Judge for the District of Maryland

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 District of Maryland, Chambers 8C  
101 West Lombard Street  
Baltimore, Maryland 21201

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

1974; Silver Spring, Maryland

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.

1997 – 2000, University of Virginia School of Law; J.D., 2000

1993, Georgetown University; no degree awarded

1992 – 1996, Villanova University; B.A., 1996

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.

2019 – Present

United States District Court for the District of Maryland, Chambers 8C  
101 West Lombard Street

Baltimore, Maryland 21201  
United States Magistrate Judge

2008 – 2019

Office of the Federal Public Defender for the District of Maryland  
100 South Charles Street, Tower II, Ninth Floor  
Baltimore, Maryland 21201  
First Assistant Federal Public Defender (2015 – 2019)  
Assistant Federal Public Defender (2008 – 2015)

Summer 1999, 2001 – 2008

Hogan & Hartson LLP (now Hogan Lovells US LLP)  
555 Thirteenth Street Northwest  
Washington, District of Columbia 20009  
Senior Pro Bono Associate (2005 – 2007)  
Litigation Associate (2001 – 2005; 2007 – 2008)  
Summer Associate (1999)

2000 – 2001

United States District Court for the Eastern District of Virginia  
401 Courthouse Square  
Alexandria, Virginia 22314  
Law Clerk to the Honorable James C. Cacheris

Summer 1998

United States District Court for the District of Columbia  
333 Constitution Avenue Northwest  
Washington, District of Columbia 20001  
Summer Intern (uncompensated) for the Honorable Paul L. Friedman

Summer 1997

Wilmer Cutler & Pickering LLP (now Wilmer Cutler Pickering Hale and Dorr LLP)  
1875 Pennsylvania Avenue Northwest  
Washington, District of Columbia 20006  
Project Assistant

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 have not served in the military. I was not required to register for 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.

The Defender Award, Office of the Federal Public Defender, District of Maryland (2018)

Defender of Innocence Award, Mid-Atlantic Innocence Project (2010)

Virginia Law Review, Editorial Board Member, University of Virginia School of Law (1998 – 2000)

Fulbright Scholar, Amman, Jordan (1996 – 1997)

B.A., *summa cum laude*, Villanova University (1996)

John Maynard Keynes Award for Excellence in Economics, Villanova University (1996)

Phi Beta Kappa, Villanova University (1995)

Presidential Scholar, Villanova University (1992 – 1996)

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.

Federal Magistrate Judges Association

Maryland State Bar Association

United States District Court for the District of Maryland

Information Technology Committee, Member (2021 – Present)

Disciplinary and Admissions Committee, Member (2019 – Present)

Criminal Justice Act Committee, Member (2019 – Present)

Securities and Facilities Committee, Member (2019)

Local Criminal Discovery Rule Committee, Member (2019)

Sealed Filings Committee, Member (2018)

Bench-Bar Committee, Member (2013 – 2019)

Virginia Bar Association

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.

Maryland, 2011

District of Columbia, 2002 (inactive)

Virginia, 2000 (inactive)

After becoming a magistrate judge, I did not pay my District of Columbia and Virginia bar dues and my memberships were administratively suspended for non-payment of dues in 2020. I reinstated my District of Columbia and Virginia bar memberships in 2021. There have been no other 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 Fourth Circuit, 2001  
United States District Court for the District of Columbia, 2003  
United States District Court for the District of Maryland, 2008  
United States District Court for the Eastern District of Virginia, 2001

To my knowledge, my memberships in the United States District Court for the District of Maryland and the United States Court of Appeals for the Fourth Circuit have never lapsed. I allowed my memberships in the United States District Courts for District of Columbia and the Eastern District of Virginia to lapse because I was no longer practicing in those jurisdictions.

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.

Capital Coed Soccer League, Washington, District of Columbia (2002 – 2012)

The Lawyers' Round Table of Baltimore, Member (2019 – Present)

University of Virginia School of Law, Class of 2000 Gift & Reunion Committee (2000)

- 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 the organizations listed in response to 11a currently discriminates or formerly discriminated on the basis of race, sex, religion or national origin.

**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.

None.

- 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.

None.

- 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 personal files and the Internet in an effort to identify all events responsive to this question. I may have omitted one or more events inadvertently.

March 12, 2021: Speaker, Attorney Admissions Ceremony, United States District Court for the District of Maryland, Baltimore, Maryland. I used the same remarks that were provided for the attorney admissions ceremony on August 12, 2020.

November 5, 2020: Speaker, Grand Jury Empaneling, United States District Court for the District of Maryland, Baltimore, Maryland. Notes supplied.

August 13, 2020: Speaker, Naturalization Ceremony, United States District Court for the District of Maryland, Baltimore, Maryland. Remarks supplied.

August 12, 2020: Speaker, Attorney Admissions Ceremony, United States District Court for the District of Maryland, Baltimore, Maryland. Remarks supplied.

February 27, 2020: Speaker, Naturalization Ceremony, United States District Court for the District of Maryland, Baltimore, Maryland. I used the same remarks that were provided for the naturalization ceremony on August 13, 2020.

January 30, 2020: Speaker, Naturalization Ceremony, United States District Court for the District of Maryland, Baltimore, Maryland. I used the same remarks that were provided for the naturalization ceremony on August 13, 2020.

November 22, 2019: Speaker, Investiture of Deborah L. Boardman, United States District Court for the District of Maryland, Baltimore, Maryland. Transcript supplied.

November 21, 2019: Speaker, Naturalization Ceremony, United States District Court for the District of Maryland, Baltimore, Maryland. I used the same remarks that were provided for the naturalization ceremony on August 13, 2020.

September 2017: Panel Speaker, "Investigating Key Witnesses," National Association of Criminal Defense Lawyers White Collar Seminar, Washington, District of Columbia. PowerPoint presentation supplied.

June 2011: Panel Speaker, National Association of Criminal Defense Lawyers West Coast White Collar Conference, Lake Tahoe, Nevada. At the time, I had just concluded my representation of a former National Security Agency executive charged with improperly retaining national defense information. I discussed my experience defending the case and offered strategies for defending other national security cases. I have no notes, transcript, or recording. The address for the National Association of Criminal Defense Lawyers is 1660 L Street Northwest, Twelfth Floor, Washington, District of Columbia 20036.

- 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.

*Episode 4: A False Confession*, Hogan Lovells Pro Bono Reflections, Aug. 2020. Audio recording supplied.

Aron Zavaro, *The Scales of Justice – Inspiration for Balanced Life*, Federal Bar Association – Maryland Chapter Newsletter, Feb. 2020. Copy supplied.

*Mornings on the Mall 04.03.19*, WMAL, Apr. 3, 2019. Copy supplied.

Scott Shane, *N.S.A. Contractor Admits Guilt Over Stolen Secrets*, N.Y. Times, Mar. 29, 2019. Copy supplied (reprinted in multiple outlets).

*'Hoarder' pleads guilty to potentially largest theft of classified information in history*, Telegraph Online, Mar. 29, 2019. Copy supplied (reprinted in multiple outlets).

Kaitlyn Burton, *Ex-NSA Contractor Pleads Guilty To Stealing Secret Info*, Law360, Mar. 28, 2019. Copy supplied.

David McFadden, *Ex-NSA contractor expected to plead guilty in document theft*, Associated Press, Mar. 27, 2019. Copy supplied (reprinted in multiple outlets).

Eric Tucker & Tami Abdollah, *NSA says stolen info included agent names*, Seattle Times, Oct. 28, 2016. Copy supplied.

Eric Tucker & Tami Abdollah, *US: Contractor in NSA case had intelligence officers' names*, Associated Press, Oct. 27, 2016. Copy supplied (reprinted in multiple outlets).

Ellen Nakashima, *Ex-NSA contractor deemed flight risk in theft case*, Wash. Post, Oct. 23, 2016. Copy supplied.

*'Prime Target': NSA Contractor to Be Detained Before Trial*, WFIN – 1330, Oct. 21, 2016. Copy supplied (reprinted in multiple outlets).

*Feds seek detention of man accused of stealing top secret documents*, NBC – 2 WCBD, Oct. 21, 2016. Copy supplied.

Merrit Kennedy, *Ex-NSA Contractor Accused of Theft Must Remain in Federal Custody, Judge Orders*, NPR, Oct. 21, 2016. Copy supplied (reprinted in multiple outlets).

Carrie Johnson, *U.S. Calls Alleged Theft By NSA Contractor 'Breathtaking' In Longevity, Scale*, NPR, Oct. 20, 2016. Copy supplied (reprinted in multiple outlets).

David Smith, *Accused NSA contractor was workaholic hoarder into computers, says ex-wife; Elizabeth Martin says ex-husband was 'one of the most patriotic*

*people I knew' Harold Martin charged with stealing classified information from spy*, The Guardian, Oct. 8, 2016. Copy supplied.

*October 05, 2016: Shearman Corporation: NSA contractor accused of taking classified information*, News Bites – Private Companies, Oct. 7, 2016. Copy supplied.

*A federal government contractor accused of stealing highly classified information*, Legal Monitor Worldwide, Oct. 7, 2016. Copy supplied.

Ellen Nakashima, Matt Zaptosky & John Woodrow Cox, *Worker held in leak of secrets*, Wash. Post, Oct. 6, 2016. Copy supplied.

Laura Bult, *NSA PLUNDER Contractor busted with hack codes – 'grave' harm feared*, N.Y. Daily News, Oct. 6, 2016. Copy supplied (reprinted in multiple outlets).

Tami Abdollah & Eric Tucker, *NSA contractor accused of taking classified information*, Associated Press, Oct. 6, 2016. Copy supplied (reprinted in multiple outlets).

Tami Abdollah & Eric Tucker, *NSA contractor arrest highlights challenge of insider threat*, Associated Press, Oct. 6, 2016. Copy supplied (reprinted in multiple outlets).

*Man charged in theft of U.S. classified files; NSA contractor kept material at home and in his car: prosecutors*, Victoria Times Colonist, Oct. 6, 2016. Copy supplied (reprinted in multiple outlets).

Matt Zaptosky & Ellen Nakashima, *Government contractor charged with stealing top secret data; Man accused of taking classified information home*, Bos. Globe, Oct. 6, 2016. Copy supplied.

*FBI arrests NSA cyber contractor; Suspect had highly classified data at home, complaint says*, Ark. Democrat Gazette, Oct. 6, 2016. Copy supplied.

Matt Zaptosky & Ellen Nakashima, *At NSA, fears arising of Snowden 2.0; Contractor charged with theft; probed for hacking leak*, Chi. Tribune, Oct. 6, 2016. Copy supplied (reprinted in multiple outlets).

Ben Rosen, *Is NSA contractor arrested for stealing codes another Snowden? Not quite.; Harold Martin was arrested for stealing six highly classified documents, but his motivations remain a mystery to investigators*, Christian Sci. Monitor, Oct. 5, 2016. Copy supplied.

Esme Cribb, *FBI Arrests, Charges NSA Contractor with Removal of Classified Materials*, Talking Points Memo, Oct. 5, 2016. Copy supplied (reprinted in multiple outlets).

Tal Kopan, *DOJ: Government contractor stole secret intelligence*, CNN Wire, Oct. 5, 2016. Copy supplied (reprinted in multiple outlets).

Nichole Manna, *Former president of Southern Pines company sentenced to four years in prison*, The Fayetteville Observer, Feb. 6, 2015. Copy supplied.

*Four year term for UK businessman*, Belfast Telegraph Online, Feb. 5, 2015. Copy supplied (reprinted in multiple outlets).

From Wire Reports, *National Brief*, High Point Enterprise, Jan. 6, 2013. Copy supplied.

Brian Witte & Associated Press, *Man pleads guilty in case involving inmate death*, Capital Gazette, Jan. 5, 2013. Copy supplied (reprinted in multiple outlets).

Veronica Robinson, *Former jail guard pleads guilty to falsification of records*, WTOP, Jan. 5, 2013. Copy supplied.

Justin Fenton, *City hires heralded young prosecutor; Vignarajah, 34, will lead new Major Investigations Unit in city state's attorney's office*, Balt. Sun, Nov. 27, 2011. Copy supplied (reprinted in multiple outlets).

Dan Rivoli, *Ex-NSA Official Gets 1 Year Probation For Leaking Info*, Law360, July 15, 2011. Copy supplied.

Tricia Bishop, *THE NATION: Resolved NSA case seen as warning to leakers*, L.A. Times, June 11, 2011. Copy supplied (reprinted in multiple outlets).

Ellen Nakashima & Jerry Markon, *NSA leak trial exposes dilemma for prosecutors*, Wash. Post, June 11, 2011. Copy supplied.

*Ex-Official for N.S.A. Accepts Deal In Leak Case*, N.Y. Times, June 11, 2011. Copy supplied.

Andrew Ackerman, *Judge Accepts Plea Deal in NSA Leak Case*, Wall St. J. Online, June 10, 2011. Copy supplied (reprinted in multiple outlets).

Derek Hawkins, *Judge Allows US Redactions In NSA Leak Case*, Law360, June 3, 2011. Copy supplied.

Ofra Bikel, *The Confessions*, PBS, Nov. 9, 2010. Transcript supplied.

Chris Amos, *Did 'Norfolk Four' fall through the cracks?; Former sailors confessed to brutal murder, but evidence doesn't link them to crime scene – Correction Appended*, Navy Times, Mar. 17, 2008. Copy supplied.

Michelle Washington, *Conviction upheld in Navy wife's rape and murder in 1997*, The Virginian-Pilot, Jan. 12, 2008. Copy supplied.

Tom Jackman, *Conviction in 1997 Rape-Murder Affirmed*, Wash. Post, Jan. 12, 2008. Copy supplied.

Michelle Washington, *Appeal accepted for '97 murder convict*, The Virginian-Pilot, June 12, 2007. Copy supplied.

Frank Green, *Norfolk slaying conviction voided: Judge cites problem with use of confession in capital-murder case*, Richmond Times Dispatch, Nov. 30, 2006. Copy supplied (reprinted in multiple outlets).

Michelle Washington, *Judge: Man could be released from prison*, The Virginian-Pilot, Nov. 30, 2006. Copy supplied.

Matt Reed, *Judge overturns conviction in 1997 Norfolk murder case*, The Associated Press State & Local Wire, Nov. 30, 2006. Copy supplied (reprinted in multiple outlets).

Peter Bacque, *Killer: 3 others wrongly convicted man says 'I acted alone' in woman's rape, slaying; Jailed men seek pardons*, Richmond Times Dispatch (Virginia), Nov. 11, 2005. Copy supplied (reprinted in multiple outlets).

Claudia Pasquantonio, *Villanovans For Life promote various issues*, The Villanovan, Feb. 18, 1994. 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.

In September 2019, the District Judges of the United States District Court for the District of Maryland appointed me a United States Magistrate Judge. The District Court has jurisdiction over civil matters raising federal questions, civil matters with diversity of citizenship, and federal criminal matters. As a Magistrate Judge, my jurisdiction is governed by 28 U.S.C. § 636. I preside over civil lawsuits by consent of the parties, decide civil discovery disputes and non-dispositive motions referred to me by District Judges, and conduct settlement conferences in civil lawsuits. I coordinate the District of Maryland's Social Security appeals docket. I preside over preliminary criminal proceedings, including initial appearances, detention hearings, and arraignments. I review applications for search and arrest warrants.

a. Approximately how many cases have you presided over that have gone to verdict or judgment? 0

i. Of these cases, approximately what percent were:

jury trials: \_\_\_\_\_ %  
bench trials: \_\_\_\_\_ %

ii. Of these cases, approximately what percent were:

civil proceedings: \_\_\_\_\_ %  
criminal proceedings: \_\_\_\_\_ %

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

*Borjas Gutierrez v. Cooper Foods, Inc.*, No. DLB-20-2437, 2021 WL 1174700 (D. Md. Mar. 29, 2021).

*Jones v. Time Org. LLC*, No. DLB-20-1935, 2021 WL 1117275 (D. Md. Mar. 24, 2021).

*Lee v. Ex-Exec Lube, LLC*, No. DLB-19-3195, 2021 WL 1117274 (D. Md. Mar. 24, 2021).

*United States v. Johnson*, No. RDB-20-223, 2021 WL 784131 (D. Md. Mar. 1, 2021).

*United States v. Morris*, No. ELH-19-286, 2021 WL 734091 (D. Md. Feb. 25, 2021).

*United States v. Neal*, No. RDB-20-330, 2021 WL 681219 (D. Md. Feb. 22, 2021).

*White v. LLPD, LLC*, No. DLB-18-2900, 2021 WL 195335 (D. Md. Jan. 20, 2021).

*Wendy S. v. Saul*, No. DLB-19-3553, 2021 WL 168444 (D. Md. Jan. 19, 2021).

*Terri S. v. Saul*, No. DLB-19-3607, 2021 WL 168456 (D. Md. Jan. 19, 2021).

*Lacey S. v. Saul*, No. DLB-20-640, 2021 WL 130102 (D. Md. Jan. 14, 2021).

*United States v. Conway*, No. JKB-20-269, 2021 WL 82957 (D. Md. Jan. 11, 2021).

*Brown v. JP Morgan Chase Bank, N.A.*, No. DLB-19-3301, 2021 WL 37656 (D. Md. Jan. 5, 2021).

*Clark v. Saval*, No. DLB-19-3519, 2020 WL 7640819 (D. Md. Dec. 23, 2020).

*Shackleford v. Vivint Solar Dev. LLC*, No. ELH-19-954, 2020 U.S. Dist. LEXIS 242419 (D. Md. Dec. 23, 2020).

*Welcher v. Corizon Health, Inc.*, No. DLB-20-1360, 2020 WL 7384738 (D. Md. Dec. 16, 2020).

*Megan H. v. Saul*, No. DLB-19-1320, 2020 WL 7338080 (D. Md. Dec. 14, 2020).

*Timothy M. v. Saul*, No. DLB-19-2234, 2020 WL 7074632 (D. Md. Dec. 3, 2020).

*U.S. EEOC v. CACI Secured Transformations, LLC*, No. JKB-19-2693, 2020 U.S. Dist. LEXIS 228058 (D. Md. Dec. 3, 2020).

*Taft W. v. Saul*, No. DLB-19-2781, 2020 WL 7074628 (D. Md. Dec. 3, 2020).

*Sumpter v. Penn. Nat'l Mut. Cas. Ins. Co.*, No. DLB-19-3270, 2020 WL 7043860 (D. Md. Dec. 1, 2020).

*Josie R. v. Saul*, No. DLB-19-2324, 2020 WL 6746844 (D. Md. Nov. 16, 2020).

*Shawna G. v. Saul*, No. DLB-20-1640, 2020 U.S. Dist. LEXIS 213217 (D. Md. Nov. 16, 2020).

*Black v. Riviera Enters., Inc.*, No. DLB-19-201, 2020 WL 6544820 (D. Md. Nov. 6, 2020).

*BnP Ventures, LLC v. G-Force Sportfishing, Inc.*, --- F. Supp. 3d ----, 2020 WL 6544821 (D. Md. Nov. 6, 2020).

*Est. of Malcolm J. Bryant v. Balt. Police Dep't*, No. ELH-19-384, 2020 WL 6363965 (D. Md. Oct. 29, 2020).

*Shackleford v. Vivint Solar Dev., LLC*, No. ELH-19-954, 2020 WL 6273892 (D. Md. Oct. 26, 2020).

*Est. of Malcolm J. Bryant v. Balt. Police Dep't*, No. ELH-19-384, 2020 WL 6161708 (D. Md. Oct. 21, 2020).

*Czach v. Intercont'l Hotels Grp. Res., LLC*, No. DLB-20-125, 2020 WL 6150961 (D. Md. Oct. 20, 2020).

*Tyheia S. v. Saul*, No. DLB-19-1378, 2020 WL 5983154 (D. Md. Oct. 8, 2020).

*Sharon S. v. Saul*, No. DLB-19-1995, 2020 WL 5947024 (D. Md. Oct. 7, 2020).

*Worsham v. Discount Power, Inc.*, No. RDB-20-08, 2020 WL 5834246 (D. Md. Oct. 1, 2020).

*Terry G. v. Saul*, No. DLB-17-3383, 2020 WL 5706076 (D. Md. Sept. 24, 2020).

*Roxanne P. v. Saul*, No. DLB-19-1879, 2020 WL 5642110 (D. Md. Sept. 22, 2020).

*Estelle G. v. Saul*, No. DLB-19-1537, 2020 WL 5642114 (D. Md. Sept. 22, 2020).

*Chaim N. v. Saul*, No. DLB-19-1884, 2020 U.S. Dist. LEXIS 172456 (D. Md. Sept. 21, 2020).

*Stormy A. v. Saul*, No. DLB-18-717, 2020 U.S. Dist. LEXIS 172453 (D. Md. Sept. 21, 2020).

*Timothy K. v. Saul*, No. DLB-15-1, 2020 WL 5642111 (D. Md. Sept. 21, 2020).

*Charlene J. v. Saul*, No. DLB-19-2188, 2020 WL 5629062 (D. Md. Sept. 21, 2020).

*Stuck Enters., Inc. v. Red Rock Enters., LLC*, No. JKB-20-2406, 2020 WL 5593045 (D. Md. Sept. 18, 2020).

*Patricia M. v. Saul*, No. DLB-18-1320, 2020 WL 5544332 (D. Md. Sept. 16, 2020).

*Sheila W. v. Saul*, No. DLB-19-2501, 2020 WL 5544335 (D. Md. Sept. 16, 2020).

*Aimy S. v. Saul*, No. DLB-18-1821, 2020 WL 5500225 (D. Md. Sept. 11, 2020).

*Jonathan S. v. Saul*, No. DLB-18-3469, 2020 U.S. Dist. LEXIS 165667 (D. Md. Sept. 10, 2020).

*Darien L. v. Saul*, No. RDB-19-2843, 2020 WL 5250273 (D. Md. Sept. 3, 2020) (report and recommendation).

*Earnest K. v. Saul*, No. DLB-19-2232, 2020 U.S. Dist. LEXIS 160751 (D. Md. Sept. 3, 2020).

*Barbara S. v. Saul*, No. DLB-19-1599, 2020 WL 5203452 (D. Md. Sept. 1, 2020).

*Tiffany B. v. Saul*, No. DLB-19-2408, 2020 WL 5203455 (D. Md. Sept. 1, 2020).

*Rosa C. v. Saul*, No. DLB-19-3097, 2020 WL 5076822 (D. Md. Aug. 27, 2020).

*Jowite Ltd. P'ship v. Fed. Ins. Co.*, No. DLB-18-2413, 2020 WL 4748544 (D. Md. Aug. 17, 2020).

*United States v. Wedington*, No. RDB-19-597, 2020 WL 4569524, (D. Md. Aug. 7, 2020).

*United States ex rel. Maharaj v. Est. of Zimmerman*, No. DLB-18-2998, 2020 WL

4501464 (D. Md. Aug. 5, 2020).  
*Bowen v. Athelas Inst., Inc.*, No. DLB-19-2628, 2020 WL 4471517 (D. Md. Aug. 4, 2020).  
*Leo D. v. Saul*, No. DLB-16-2678, 2020 WL 4339259 (D. Md. July 28, 2020).  
*Autumn T. v. Saul*, No. DLB-19-1572, 2020 WL 4194145 (D. Md. July 21, 2020).  
*Alison S. v. Saul*, No. DLB-19-1000, 2020 WL 4057087 (D. Md. July 20, 2020).  
*Brenda H. v. Saul*, No. DLB-19-2760, 2020 WL 4056807 (D. Md. July 20, 2020).  
*Richard W. v. Saul*, No. DLB-19-2316, 2020 WL 4042853 (D. Md. July 17, 2020).  
*Shawn S. v. Saul*, No. DLB-19-1188, 2020 WL 4042850 (D. Md. July 17, 2020).  
*Randall v. Fleming*, No. DLB-18-2857, 2020 WL 4016238 (D. Md. July 16, 2020).  
*Tamara D. v. Saul*, No. DLB-19-2543, 2020 WL 4016514 (D. Md. July 16, 2020).  
*Alnita M. v. Saul*, No. DLB-18-3485, 2020 U.S. Dist. LEXIS 122015 (D. Md. July 13, 2020).  
*Kelley P. v. Saul*, No. DLB-18-3071, 2020 U.S. Dist. LEXIS 122619 (D. Md. July 13, 2020).  
*Kim P. v. Saul*, No. DLB-18-2056, 2020 U.S. Dist. LEXIS 122623 (D. Md. July 13, 2020).  
*Walmart Real Est. Bus. Tr. v. Quarterfield Partners, LLC*, No. DLB-18-3664, 2020 WL 3960832 (D. Md. July 10, 2020).  
*Tricia S. v. Saul*, No. DLB-19-1110, 2020 WL 3833475, (D. Md. July 8, 2020).  
*Charles B. v. Saul*, No. DLB-19-2624, 2020 WL 3843523 (D. Md. July 8, 2020).  
*Steve B. v. Saul*, No. DLB-19-461, 2020 WL 3577735 (D. Md. July 1, 2020).  
*Virginia T. v. Saul*, No. DLB-19-3254, 2020 WL 3448080 (D. Md. June 24, 2020).  
*United States v. England*, No. RDB-20-75, 2020 WL 3316340 (D. Md. June 18, 2020).  
*Tlee C. v. Saul*, No. DLB-19-3585, 2020 WL 3268529 (D. Md. June 17, 2020).  
*Linda S. v. Saul*, No. DLB-19-661, 2020 WL 3268535 (D. Md. June 17, 2020).  
*Brightview Grp., LP v. Teeters*, No. SAG-19-2774, 2020 WL 4808868 (D. Md. June 15, 2020).  
*Brightview Grp., LP v. Teeters*, No. SAG-19-2774, 2020 WL 8257751 (D. Md. June 10, 2020).  
*United States v. Morris*, No. ELH-19-286, 2020 WL 3050737 (D. Md. June 8, 2020).  
*Janson v. Reithoffer Shows, Inc.*, No. DLB-19-79, 2020 WL 3034840 (D. Md. June 5, 2020).  
*Taishika C. v. Saul*, No. DLB-19-1994, 2020 WL 2994487 (D. Md. June 4, 2020).  
*Clinton B. v. Comm'r, Soc. Sec. Admin.*, No. DLB-18-1529, 2020 WL 2797279 (D. Md. May 29, 2020).  
*Larry C. v. Saul*, No. DLB-19-1438, 2020 WL 2797278 (D. Md. May 29, 2020).  
*Cynthia J. v. Saul*, No. DLB-19-909, 2020 WL 2797465 (D. Md. May 29, 2020).  
*Geneva W. v. Comm'r, Soc. Sec. Admin.*, No. DLB-18-1812, 2020 WL 2732224 (D. Md. May 26, 2020).  
*Tracy M. v. Comm'r, Soc. Sec. Admin.*, No. DLB-18-1250, 2020 WL 2732130 (D. Md. May 26, 2020).  
*McNulty v. Casero*, No. SAG-16-2426, 2020 WL 2616329 (D. Md. May 22, 2020).  
*McNulty v. Casero*, No. SAG-16-2426, 2020 WL 2556667 (D. Md. May 20, 2020).

*United States v. Gallagher*, No. SAG-19-479, 2020 WL 2512418 (D. Md. May 15, 2020).

*United States v. Harris-Howell*, No. CCB-19-36, 2020 WL 2306470 (D. Md. May 8, 2020).

*Lonie B. v. Comm’r, Soc. Sec. Admin.*, No. DLB-19-1424, 2020 WL 2097683 (D. Md. May 1, 2020).

*Lora C. v. Comm’r, Soc. Sec. Admin.*, No. DLB-19-1385, 2020 WL 2097681 (D. Md. May 1, 2020).

*Cooper v. Bozutto & Assocs., Inc.*, No. DLB-19-3141, 2020 WL 2085462 (D. Md. Apr. 30, 2020).

*Curtis W. v. Comm’r, Soc. Sec. Admin.*, No. DLB-19-2711, 2020 WL 2085693 (D. Md. Apr. 30, 2020).

*Steven S. v. Comm’r, Soc. Sec. Admin.*, No. DLB-19-1055, 2020 WL 1929628 (D. Md. Apr. 21, 2020).

*Tylne J. v. Comm’r, Soc. Sec. Admin.*, No. DLB-19-906, 2020 WL 1929525 (D. Md. Apr. 21, 2020).

*Victoria R. v. Comm’r, Soc. Sec. Admin.*, No. DLB-19-1752, 2020 WL 1929719 (D. Md. Apr. 21, 2020).

*United States v. Shaheed*, 455 F. Supp. 3d 225 (D. Md. Apr. 20, 2020).

*Brian L. v. Comm’r, Soc. Sec. Admin.*, No. DLB-19-197, 2020 WL 1814205 (D. Md. Apr. 9, 2020).

*Brittney Gobble Photography, LLC v. Sinclair Broad. Grp., Inc.*, No. SAG-18-3403, 2020 WL 1809191 (D. Md. Apr. 9, 2020).

*Tauboyev v. Dep’t of Homeland Sec., Citizenship & Immigr. Servs.*, No. DLB-19-3293, 2020 WL 1701726 (D. Md. Apr. 8, 2020).

*Helene C. v. Comm’r, Soc. Sec. Admin.*, No. DLB-18-2938, 2020 WL 1694491 (D. Md. Apr. 7, 2020).

*United States v. Davis*, 449 F. Supp. 3d 532 (D. Md. Mar. 30, 2020).

*Thomas F. v. Comm’r, Soc. Sec. Admin.*, No. DLB-18-820, 2020 WL 1443566 (D. Md. Mar. 24, 2020).

*Adrienne M. v. Comm’r, Soc. Sec. Admin.*, No. DLB-18-3627, 2020 WL 1430508 (D. Md. Mar. 23, 2020).

*Barbara G. v. Comm’r, Soc. Sec. Admin.*, No. DLB-19-2890, 2020 U.S. Dist. LEXIS 49823 (D. Md. Mar. 23, 2020).

*Robert J. v. Comm’r, Soc. Sec. Admin.*, No. DLB-19-2593, 2020 WL 1325093 (D. Md. Mar. 20, 2020).

*Robert J. v. Comm’r, Soc. Sec. Admin.*, No. DLB-19-1931, 2020 WL 1325088 (D. Md. Mar. 20, 2020).

*Dziwulski v. Mayor & City Council of Balt.*, No. DLB-18-277, 2020 WL 1034539 (D. Md. Mar. 3, 2020).

*Deborah B. v. Comm’r, Soc. Sec. Admin.*, No. DLB-18-4011, 2020 WL 998790 (D. Md. Mar. 2, 2020).

*Christina B. v. Comm’r, Soc. Sec. Admin.*, No. DLB-18-3857, 2020 WL 902677 (D. Md. Feb. 25, 2020).

*Latisha G. v. Comm’r, Soc. Sec. Admin.*, No. DLB-19-638, 2020 WL 807117 (D. Md. Feb. 18, 2020).

*Brittney Gobble Photography, LLC v. Sinclair Broad. Grp., Inc.*, No. SAG-18-3403, 2020 WL 761174 (D. Md. Feb. 14, 2020).

*James P. v. Comm'r, Soc. Sec. Admin.*, No. DLB-17-518, 2020 U.S. Dist. LEXIS 24786 (D. Md. Feb. 13, 2020).

*McNulty v. Casero*, No. SAG-16-2426, 2020 WL 609853 (D. Md. Feb. 7, 2020).

*Yolanda F. v. Comm'r, Soc. Sec. Admin.*, 2020 U.S. Dist. LEXIS 19020 (D. Md. Feb. 5, 2020).

*Debra J. v. Comm'r, Soc. Sec. Admin.*, No. DLB-17-2904 (D. Md. Feb. 5, 2020) (slip op. supplied).

*Janette G. v. Comm'r, Soc. Sec. Admin.*, No. DLB-18-757, 2020 U.S. Dist. LEXIS 19028 (D. Md. Feb. 5, 2020).

*Mod. Remodeling, Inc. v. Tripod Holdings, LLC*, No. CCB-19-1397, 2020 WL 1984338 (D. Md. Jan. 31, 2020).

*John T. v. Comm'r, Soc. Sec. Admin.*, No. DLB-18-3992, 2020 WL 417437 (D. Md. Jan. 27, 2020).

*Patricia F. v. Comm'r, Soc. Sec. Admin.*, No. DLB-17-2281, 2020 WL 247361 (D. Md. Jan. 16, 2020).

*Davey Tree Expert Co. v. Moon Site Mgmt., Inc.*, No. CCB-19-1220, 2020 WL 230895 (D. Md. Jan. 15, 2020).

*Trs. of Ironworkers Loc. Union No. 16 Pension Plan v. Bryant Concrete Constr., Inc.*, No. DLB-18-3681, 2020 WL 134575 (D. Md. Jan. 10, 2020).

*Letitia L. v. Comm'r, Soc. Sec. Admin.*, No. DLB-18-3982, 2019 WL 7370355 (D. Md. Dec. 31, 2019).

*Yolonda B. v. Comm'r, Soc. Sec. Admin.*, No. DLB-19-1742, 2019 WL 7372293 (D. Md. Dec. 31, 2019).

*Helene C. v. Comm'r, Soc. Sec. Admin.*, No. DLB-18-2938, 2019 WL 7370353 (D. Md. Dec. 31, 2019).

*Amy S. v. Comm'r, Soc. Sec. Admin.*, No. DLB-18-3760, 2019 WL 7037905 (D. Md. Dec. 20, 2019).

*Olan M. v. Comm'r, Soc. Sec. Admin.*, No. DLB-18-3056, 2019 WL 6684198 (D. Md. Dec. 6, 2019).

*Troy B. v. Comm'r, Soc. Sec. Admin.*, No. DLB-19-325, 2019 WL 6684498 (D. Md. Dec. 6, 2019).

*Sunbelt Rentals, Inc. v. Verticon Constr., Inc.*, No. DLB-18-3134, 2019 WL 6618661 (D. Md. Dec. 5, 2019).

*Jackie W. v. Comm'r, Soc. Sec. Admin.*, No. DLB-18-3883, 2019 WL 5960642 (D. Md. Nov. 13, 2019).

*Reuben B. v. Comm'r, Soc. Sec. Admin.*, No. DLB-19-773, 2019 WL 5963917 (D. Md. Nov. 13, 2019).

*Angel C. v. Comm'r, Soc. Sec. Admin.*, No. DLB-18-3216, 2019 WL 5893605 (D. Md. Nov. 12, 2019).

- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature 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 (3) the citation of the case (if reported) or the docket number and a copy

of the opinion or judgment (if not reported).

1. *Sumpter v. Penn. Nat'l Mut. Cas. Ins. Co.*, No. DLB-19-3270, 2020 WL 7043860 (D. Md. Dec. 1, 2020).

This is an insurance coverage dispute. Plaintiff Sumpter claims defendant Pennsylvania National Mutual Casualty Insurance Company ("Penn National") is obligated to pay a \$1.7 million state court judgment for injuries he suffered as a result of exposure to lead-based paint. Sumpter sustained the injuries while living at a Baltimore City rental property for which Penn National issued commercial general liability and umbrella policies. His amended complaint included counts for bad faith failure to settle, breach of contract, reformation, and a declaratory judgment. Penn National counterclaimed, seeking a judgment declaring its obligations under the policies. The parties both moved to dismiss. Penn National also moved to strike plaintiff's jury demand.

I found that Sumpter failed to state a claim for bad faith failure to settle and dismissed that claim. I found that he sufficiently pled his claims for breach of contract and reformation, which I allowed to proceed. I also allowed Sumpter's declaratory judgment claim and Penn National's counterclaim to proceed. I denied Penn National's motion to strike the jury demand.

The case is still in discovery.

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2. *Est. of Malcolm J. Bryant v. Balt. Police Dep't*, No. ELH-19-384 (D. Md.), 2020 WL 6363965 (D. Md. Oct. 29, 2020), 2020 WL 6161708 (D. Md. Oct. 21, 2020).

Plaintiff filed this civil rights lawsuit against the Baltimore Police Department

and two individual officers based on alleged misconduct that led to Bryant's wrongful conviction for murder. Judge Hollander referred the case to me for discovery, and I have settled various discovery disputes relating to, *inter alia*, discoverability of Rule 404(b) evidence, the attorney-client privilege, and the work product doctrine. The parties requested a referral to me for settlement as well. The case did not settle, but I continue to handle discovery disputes.

This case is still in discovery.

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3. *Sims v. Univ. of Md. Med. Sys. Corp.*, No. CCB-19-295 (D. Md.).

Plaintiff Sims, a Black woman who worked for the University of Maryland Medical Center, LLC, as a certified registered nurse anesthetist, claims that her former employer discriminated and retaliated against her based on her race and disability in violation of Title VII of the Civil Rights Act and the Americans with Disabilities Act. Judge Blake referred the case to me for discovery. I have held six conferences with defense counsel, plaintiff's former counsel, and plaintiff, who now proceeds *pro se*. I issued 15 letter orders concerning interrogatories, document production, privilege claims, depositions, Rule 30(b)(6) notices, and the parties' cross-motions for sanctions for alleged discovery misconduct.

Discovery has closed. This case is still pending.

Plaintiff is *pro se*.

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4. *Walmart Real Est. Bus. Tr. v. Quarterfield Partners, LLC*, No. DLB-18-3664, 2020 WL 3960832 (D. Md. July 10, 2020).

Plaintiffs, Walmart and Sam's, filed this lawsuit against their landlord to settle a dispute over the terms of a purchase option provision in a ground lease. Plaintiffs sought a declaratory judgment and brought two breach of contract claims, one for specific performance and one for damages. The case

originally was assigned to Judge Gallagher, and she denied defendants' motion to dismiss. The case was reassigned to me when I became a Magistrate Judge. It was in the discovery phase at that time.

After discovery closed, plaintiffs moved for summary judgment on their claims for declaratory judgment and specific performance. Defendants filed a cross-motion for summary judgment on all claims. I found that the plain, unambiguous language of the ground lease granted Walmart and Sam's an enforceable option to purchase the property during the option term. I determined when the option term began and found that defendants breached the lease by failing to notify plaintiffs that the option term had begun. I also found that plaintiffs did not waive their option because they timely attempted to exercise their right to purchase the properties and that they therefore were entitled to declaratory relief and specific performance. I granted plaintiffs' motion and denied defendants' motion.

The breach of contract claim for damages remains pending. The case is stayed pending the Fourth Circuit Court of Appeals' resolution of defendants' interlocutory appeal of my order on summary judgment.

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5. *Brittney Gobble Photography, LLC v. Sinclair Broad. Grp., Inc.*, No. SAG-18-3403, 2020 WL 1809191 (D. Md. Apr. 9, 2020), 2020 WL 761174 (D. Md. Feb. 14, 2020).

Plaintiff Brittney Gobble Photography, LLC ("Gobble") claimed that Sinclair Broadcast Group and more than fifty of its corporate affiliates and contractual services clients published Gobble's copyrighted photographs of the Lykoi, a

breed of cats, without proper attribution and willfully infringed Gobble's copyrights. The case was assigned to me for discovery. I have held a conference call and a video conference, issued letter orders regarding attorney-client privilege and the scope of a replacement expert's opinion, and issued memorandum opinions on a motion for sanctions for spoliation of evidence and a motion to strike the corporate designees' changes to their deposition testimony.

This case is still in discovery.

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6. *BnP Ventures, LLC v. G-Force Sportfishing, Inc.*, No. DLB-19-0192, --- F. Supp. 3d ----, 2020 WL 6544821 (D. Md. Nov. 6, 2020).

BnP Ventures, LLC ("BnP") sought a declaratory judgment that it was a good faith purchaser of the 2006 Caison 64-foot yacht ("vessel") it purchased from.

defendant G-Force Sportfishing, Inc. (“G-Force”) for \$1.7 million. BnP also claimed defendants breached the express warranty of title. Three months after the vessel purchase, it was alleged in an adversary proceeding in bankruptcy court that G-Force and its shareholders, defendants Ms. and Mr. Obetz, had purchased and improved the vessel with funds that were fraudulently transferred to them. The parties filed cross-motions for summary judgment. I concluded no declaratory judgment was necessary to settle the parties’ legal relationship or terminate any controversy regarding BnP’s position as a good faith purchaser. I also concluded that BnP could not establish on the record before me that defendants breached the express warranty when they sold the vessel to BnP.

I denied plaintiff’s motion for partial summary judgment, granted defendants’ summary judgment motion, and closed the case.

Plaintiff’s counsel:

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Defense counsel:

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7. *Jowite Ltd. P’ship v. Fed. Ins. Co.*, No. DLB-18-2413, 2020 WL 4748544 (D. Md. Aug. 17, 2020).

Plaintiff Jowite Limited Partnership (“Jowite”) filed suit for breach of contract and declaratory judgment against defendant Federal Insurance Company (“Federal”). Jowite owned an apartment building it insured with Federal, and the building had been damaged. The parties disputed whether an all-risk insurance policy covered damages to the apartment building that resulted from the defective design and construction of the building’s foundation and the subsequent settlement of the building. More specifically, they disputed whether the ensuing loss clause in the policy’s defective design and construction exclusion restored coverage. I concluded the policy did not cover the damage to the building.

I denied Jowite's motion for summary judgment, granted Federal's motion for summary judgment, and closed the case. Plaintiff noted an appeal, which is pending before the Fourth Circuit Court of Appeals.

Plaintiff's counsel:

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Defense counsel:

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8. *United States v. Davis*, 449 F. Supp. 3d 532 (D. Md. Mar. 30, 2020).

Defendant Davis, who had been charged with narcotics offenses and had no prior criminal history, appeared before me for a detention hearing. I considered the parties' filings, their oral arguments, the Pretrial Services Report, and a March 25, 2020, letter to Governor Hogan signed by over 200 public health experts expressing "urgent concern about the spread of COVID-19 in Maryland's prisons, jails, and juvenile detention centers." After considering all of the Bail Reform Act factors, I found that the presumption of detention had been rebutted because Davis's continued incarceration during the pandemic posed a greater risk to community safety than his release. I also found that the government had not shown by a preponderance that Davis posed a risk of non-appearance. I denied the government's motion for pretrial detention and entered a memorandum opinion and an order setting conditions of release.

On July 30, 2020, four months after his release, Mr. Davis entered a guilty plea. On November 16, 2020, he was sentenced to 30 months' imprisonment, with credit for time served from January 14 to March 30, 2020. Mr. Davis did not violate the conditions of my release order.

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9. *Green v. AMF Bowling Ctrs., Inc.*, No. ELH-19-1410 (D. Md.).

Plaintiff Green slipped and fell while bowling at an AMF bowling alley in Timonium, Maryland. He filed a personal injury complaint against AMF Bowling Centers, Inc. Judge Hollander referred the case to me for discovery. I issued seven letter orders concerning document production, deposition scheduling, expert fees, corporate designee topics, and third party-subpoenas.

The case settled after discovery closed.

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10. *Burley v. Balt. Police Dep't*, No. SAG-18-1743 (D. Md.).

I handled the settlement of this civil rights matter and almost two dozen other federal civil rights lawsuits filed against the Baltimore Police Department ("BPD") and former members of BPD's Gun Trace Task Force ("GTTF")

arising out of the GTTF officers' criminal conduct. I was the assigned settlement judge for one of the GTTF cases, and during conversations with counsel, I quickly determined it would be far more efficient and effective for the same judge to mediate all of the GTTF cases. With the permission of the presiding District Judges, I assumed responsibility for settling the Court's 23 GTTF cases.

Over the course of two months and in coordination with plaintiffs' counsel and the Baltimore City Solicitor's Office, I facilitated the settlement of more than 20 GTTF lawsuits and claims.

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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. *Sumpter v. Penn. Nat'l Mut. Cas. Ins. Co.*, No. DLB-19-3270, 2020 WL 7043860 (D. Md. Dec. 1, 2020).

Plaintiff's counsel:

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2. *BnP Ventures, LLC v. G-Force Sportfishing, Inc.*, No. DLB-19-0192, --- F. Supp. 3d ----, 2020 WL 6544821 (D. Md. Nov. 6, 2020).

Plaintiff's counsel:

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3. *Est. of Malcolm J. Bryant v. Balt. Police Dep't*, No. ELH-19-384, 2020 WL 6363965 (D. Md. Oct. 29, 2020).

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4. *Est. of Malcolm J. Bryant v. Balt. Police Dep't*, No. ELH-19-384, 2020 WL 6161708 (D. Md. Oct. 21, 2020).

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5. *Jowite Ltd. P'ship v. Fed. Ins. Co.*, No. DLB-18-2413, 2020 WL 4748544 (D. Md. Aug. 17, 2020).

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6. *United States ex rel. Maharaj v. Est. of Zimmerman*, No. DLB-18-2998, 2020 WL 4501464 (D. Md. Aug. 5, 2020).

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7. *Walmart Real Est. Bus. Tr. v. Quarterfield Partners, LLC*, No. DLB-18-3664, 2020 WL 3960832 (D. Md. July 10, 2020).

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8. *United States v. Shaheed*, 455 F. Supp. 3d 225 (D. Md. Apr. 20, 2020).

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9. *Brittney Gobble Photography, LLC v. Sinclair Broad. Grp., Inc.*, No. SAG-18-3403, 2020 WL 1809191 (D. Md. Apr. 9, 2020).

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Glaser Weil Fink Howard Avchen & Shapiro LLP  
10250 Constellation Boulevard, Nineteenth Floor  
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Margaret Lee Argent  
Scott H. Marder  
Francis R. Laws  
Thomas & Libowitz, P.A.  
25 South Charles Street, Suite 2015  
Baltimore, MD 21201-3330  
(410) 752-2468

10. *United States v. Davis*, 449 F. Supp. 3d 532 (D. Md. Mar. 30, 2020).

Government counsel:

Lauren E. Perry  
Paul Riley  
United States Attorney's Office for the District of Maryland  
36 South Charles Street, Suite 400  
Baltimore, MD 21201  
(410) 209-4800

Defense counsel:

Jonathan Paul Van Hoven  
Law Office of Jonathan Van Hoven  
One North Charles Street, Suite 1215  
Baltimore, MD 21201  
(410) 576-0689

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

Certiorari has not been requested or granted in any of my cases.

- 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.

*United States v. Gallagher*, No. SAG-19-479, 2020 WL 2512418 (D. Md. May 15, 2020), *rev'd*, No. SAG-19-479, 2020 WL 2614819 (D. Md. May 22, 2020). I granted the defendant's motion to reopen the detention hearing in light of positive COVID-19 tests at the detention facility and issued an order releasing him pending trial to his grandmother and mother's third-party custody. I found that a combination of conditions reasonably assured me of the safety of the community and Mr. Gallagher's appearance. On appeal by the government, Judge Gallagher reversed my release order. She concluded that, because Mr. Gallagher did not have COVID-19 and did not allege that he had been exposed to COVID-19 while incarcerated, the existing cases of COVID-19 at the prison did not affect the analysis under 18 U.S.C. § 3142(f) and (g). Judge Gallagher found that no condition or combination of conditions of release reasonably assured either the safety of the community or Mr. Gallagher's appearance and ordered his detention pending trial.

Order of Detention, ECF No. 81 in *United States v. Spencer*, No. GLR-19-400 (D. Md. Apr. 22, 2020), *rev'd*, Memorandum and Order, ECF No. 93 in *United States v. Spencer*, No. GLR-19-400 (D. Md. May 5, 2020). Copies supplied. On April 22, 2020, I presided over a detention hearing for the defendant. I found that there were conditions of release that would reasonably assure the safety of the community. Even so, I entered an order of detention due to an outstanding no-bond arrest warrant for Mr. Spencer out of Baltimore City, which was based on an alleged probation violation. I stated that, if the arrest warrant were quashed, I would enter a release order. The state court judge quashed the arrest warrant, and I was prepared to release Mr. Spencer pending trial. Before I entered a release order, the government appealed my decision. Judge Russell reversed my order insofar as it addressed Mr. Spencer's possible release. He found that there were no conditions of release that would reasonably assure the safety of the community.

- 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.

I have issued hundreds of written decisions, resolving non-dispositive and dispositive matters. Almost all these decisions are unpublished. My decisions on non-dispositive matters, such as discovery disputes, typically take the form of

letter orders. This is a common practice of the District of Maryland. My formal memorandum opinions are published electronically on Westlaw and LexisNexis. All my opinions, including letter orders, are filed and stored on the Court's electronic case management system, which is available to the public.

- 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.

I have not written any significant opinions on constitutional issues.

- 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 not sat by designation on a 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.

In accordance with 28 U.S.C. § 455(a)–(b), I ensure that no conflict of interest exists before I preside over any matter. I have provided the clerk's office with a list of close friends who may not appear before me. The clerk's office relies on this list to screen for conflicts of interest before assigning any matter to me. Additionally, before I preside over any criminal matter, my staff and I screen for conflicts of interest. If I personally represented the defendant or the Office of the Federal Public Defender was appointed to represent the defendant while I worked at that office, I do not preside over the matter. These recusals occur without written order. In these instances, I advise the Chief Magistrate Judge about the conflict and request the case be assigned to another Magistrate Judge.

I have never been asked by a party or litigant to recuse myself from a criminal or civil case.

In *Yogeshchandra P. v. Comm'r, Soc. Sec.*, No. TMD-19-1434 (D. Md.), a Social Security appeal, I recused myself *sua sponte* because the plaintiff was a client of the Federal Public Defender's Office while I was an attorney in the office and his criminal conduct appeared to be relevant to his case. I advised the Chief Magistrate Judge about the conflict and requested the case be assigned to another Magistrate Judge.

**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.

I have not held any public office other than judicial office. I have not had any unsuccessful candidacies for elective office or unsuccessful nominations for appointed office.

- 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.

I have not held any offices in any political party or election committee. I have never held a position or played a role in a political campaign.

**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;

I served as a law clerk for the Honorable James C. Cacheris in the United States District Court for the Eastern District of Virginia in Alexandria, Virginia, from 2000 to 2001.

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

I have never 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;

Summer 1999; 2001 – 2008  
Hogan & Hartson LLP (now Hogan Lovells US LLP)  
555 Thirteenth Street Northwest  
Washington, District of Columbia 20009  
Litigation Associate (2001 – 2005; 2007 – 2008)  
Senior Pro Bono Associate (2005 – 2007)  
Summer Associate (1999)

2008 – 2019  
Office of the Federal Public Defender for the District of Maryland  
100 South Charles Street, Tower II, Ninth Floor  
Baltimore, Maryland 21201  
First Assistant Federal Public Defender (2015 – 2019)  
Assistant Federal Public Defender (2008 – 2015)

- 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.

I never served as a mediator or an arbitrator in alternative dispute resolution hearings.

b. Describe:

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

From 2001 to 2008, I practiced litigation as an associate at Hogan & Hartson in Washington, District of Columbia. My practice involved complex commercial litigation and representation of organizational entities in business and contract disputes.

From approximately May 2005 to May 2007, I served as the senior associate in Hogan & Hartson's pro bono department. As the Senior Pro Bono Associate, I worked exclusively on the firm's pro bono representations, serving as the lead attorney on the firm's largest pro bono matters and facilitating pro bono representations by partners and associates in the firm's domestic offices.

In 2008, I transitioned to public service. From February 2008 to September 2019, I served as an Assistant Federal Public Defender in the District of Maryland. I was promoted to First Assistant Federal Public

Defender in September 2015. As a trial attorney, I represented my clients throughout the life of a criminal case. On occasion, I represented people pre-indictment, but typically my representation started at the initial appearance on a complaint or indictment and continued through sentencing. I handled numerous evidentiary hearings, argued dozens of motions, participated in several jury trials, and made hundreds of sentencing presentations before United States District Judges. In six cases, I obtained the dismissal of all charges at motion to suppress hearings. I handled nearly every type of federal criminal case.

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

As a litigation associate at Hogan & Hartson, my clients included large and small corporations, insurance and healthcare companies, and universities. My billable practice focused largely on insurance coverage disputes. In my pro bono practice, I represented poor people in landlord-tenant, immigration, and Social Security cases. I also represented Black people in employment and public accommodation discrimination cases. In addition, I represented a man wrongfully convicted of rape and murder.

At the Federal Defender's Office, I represented people charged with federal crimes, the majority of whom were poor people of color from Baltimore City. Over 11 years as an Assistant Federal Public Defender, I specialized in federal criminal law.

- 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 an attorney, I exclusively litigated. I appeared in federal and state courts frequently while working at Hogan & Hartson from September 2001 to January 2008, both as a litigation associate and as the Senior Pro Bono Associate. As a Federal Public Defender, I practiced criminal law in federal court and appeared in federal court regularly. On a handful of occasions, I appeared on behalf of clients in Maryland state courts for proceedings collateral to their pending federal criminal cases.

- i. Indicate the percentage of your practice in:

- 1. federal courts: 90 %
- 2. state courts of record: 10 %
- 3. other courts: 0 %
- 4. administrative agencies: 0 %

- ii. Indicate the percentage of your practice in:

- 1. civil proceedings: 30 %
- 2. criminal proceedings: 70 %

- 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.

I was sole counsel in one jury trial, lead counsel in two jury trials, and co-counsel in four jury trials.

- i. What percentage of these trials were:

- |              |             |
|--------------|-------------|
| 1. jury:     | <u>100%</u> |
| 2. non-jury: | <u>0%</u>   |

- a. 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:

- the date of representation;
- the name of the court and the name of the judge or judges before whom the case was litigated; and
- the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

- United States v. Martin*, No. RDB-17-69 (D. Md.).

I represented Mr. Martin, a National Security Agency contractor charged with 20 counts of willful retention of national defense information. Mr. Martin was charged after FBI agents executed a search warrant of his Glen Burnie home, where they found hundreds of thousands of classified documents unlawfully removed from the NSA.

The Classified Information Procedures Act (“CIPA”) governed pretrial discovery in this national security case. Under CIPA, we moved for the production of certain withheld electronic discovery we believed necessary to ensure Mr. Martin a fair trial. After an evidentiary hearing, the Court granted our motion in part. We also challenged the

government's position that, at trial, it need not prove either that Mr. Martin willfully retained the documents specifically named in the indictment or that he knew each document contained national defense information. After extensive briefing, I argued our position before Judge Garbis, who ruled for the government and held that the government need only prove Mr. Martin knew "he was wrongfully retaining the mass of stolen documents . . . if the Government [could] prove that the specified Charged Documents were in the mass of documents taken and wrongfully retained." Decision Regarding Proof of Willfulness 10, ECF No. 94 in *United States v. Martin*, No. RDB-17-69 (D. Md. Mar. 12, 2018) (Garbis, J.). We also moved to suppress Mr. Martin's incriminating statement to investigators and the evidence seized pursuant to the search warrant. During an evidentiary hearing on the motion to suppress our client's statement, I cross-examined the government's agents, questioned two defense witnesses, and argued the legal merits of the motion. Judge Bennett granted our motion and suppressed Mr. Martin's statement. *United States v. Martin*, No. RDB-17-69, 2018 WL 6606232 (D. Md. Dec. 17, 2018).

Eventually, Mr. Martin pled guilty to willful retention of national defense information and was sentenced, by agreement of the parties, to nine years' imprisonment.

Representation: 2016 – 2019

Judges and Court: The Honorable Marvin J. Garbis (2016 – 2018) and the Honorable Richard D. Bennett (2018 – 2019), United States District Court for the District of Maryland

Co-counsel:

James Wyda  
Shari Derrow  
Federal Public Defender for the District of Maryland  
100 South Charles Street, Ninth Floor  
Baltimore, MD 21201  
(410) 962-3962

Opposing counsel:

Harvey Eisenberg  
Zachary Myers  
Assistant United States Attorneys  
United States Attorney's Office for the District of Maryland  
36 South Charles Street, Suite 400  
Baltimore, MD 21201  
(410) 209-4800

David Aaron  
National Security Division  
United States Department of Justice  
950 Pennsylvania Avenue Northwest

Washington, D.C. 20530  
(202) 514-2000

2. *United States v. Brogden*, No. ELH-15-554 (D. Md.).

I represented Mr. Brogden, who was charged with unlawful possession of a firearm. I filed a motion to suppress the firearm from evidence. I argued it had been seized pursuant to a search warrant the officers procured by making materially false statements and offering illegally seized evidence. At an evidentiary hearing, I cross-examined the affiant and the police officers who executed the search warrant and called a civilian witness, who was present when police executed the warrant. The evidence supported my position. During the hearing, the government agreed to dismiss the indictment against Mr. Brogden.

Representation: 2015 – 2016

Judge and Court: The Honorable Ellen L. Hollander, United States District Court for the District of Maryland

I did not have co-counsel.

Opposing counsel:

H. Brandis Marsh, Jr.  
Office of the State's Attorney for Baltimore City  
120 East Baltimore Street  
Baltimore, MD 21202  
(410) 984-6054

3. *United States v. Jones*, No. MJG-13-288 (D. Md.).

I represented Mr. Jones, who was charged with unlawful possession of a firearm. I filed a motion to suppress the firearm because the police did not have reasonable suspicion or probable cause to stop or arrest Mr. Jones. The motion was denied. At trial, I cross-examined the police officers involved in the arrest. The jury hung, and a mistrial was declared. Before the retrial, I successfully moved to reopen the hearing on the motion to suppress evidence because *Jencks* material produced after the hearing raised doubts about prior officer testimony. After the second hearing on the motion to suppress, the government dismissed the indictment against Mr. Jones.

Representation: 2013 – 2014

Judge and Court: The Honorable Marvin J. Garbis, United States District Court for the District of Maryland

Co-counsel:

Joseph Lee Evans  
660 Straffan Drive, Unit 202  
Timonium, MD 21093  
(410) 917-5572

Opposing counsel:

Bonnie S. Greenberg  
Jason Daniel Medinger  
Office of the United States Attorney  
36 South Charles Street, Fourth Floor  
Baltimore, MD 21201  
(410) 209-4800

4. *United States v. Jones*, No. GLR-13-394 (D. Md.).

I represented Mr. Jones, who was charged with firearms and narcotics offenses. I filed a motion for a *Franks* hearing based on evidence that a Baltimore City Police officer falsified statements in the affidavit supporting his application for the search warrant that authorized a search of my client's home. Judge Russell granted my motion for a *Franks* hearing. During my cross-examination, the police officer admitted that he made false statements in his affidavit. After this admission, the government moved to dismiss all charges against Mr. Jones.

Representation: 2013 – 2014

Judge and Court: The Honorable George L. Russell, United States District Court for the District of Maryland

I did not have co-counsel.

Opposing counsel:

Michael Clayton Hanlon  
Office of the United States Attorney  
36 South Charles Street, Fourth Floor  
Baltimore, MD 21201  
(410) 209-4800

5. *United States v. Dunham*, No. PWG-11-661 (D. Md.).

I represented Sandra Dunham, a British citizen who, along with her husband Paul Dunham, was extradited from England to face charges of conspiracy to commit wire fraud and wire fraud. The indictment alleged that Mr. and Mrs. Dunham conspired to defraud their former employer, an American company with a European subsidiary. I

secured their pretrial release and filed several pretrial motions. On Mrs. Dunham's behalf, I negotiated a plea agreement in which she pled guilty to the conspiracy charge in exchange for a time-served sentence. She was permitted to return to England immediately.

Representation: 2014 – 2016

Judge and Court: The Honorable Paul W. Grimm, United States District Court for the District of Maryland

I did not have co-counsel.

Opposing counsel:

David Salem  
Office of the United States Attorney  
6406 Ivy Lane Suite 800  
Greenbelt, MD 20770  
(301) 344-4433

Leah Bressack  
United States Department of Justice  
950 Pennsylvania Avenue Northwest  
Washington, D.C. 20530  
(202) 514-2000

6. *United States v. Drake*, No. RDB-10-181 (D. Md.).

I represented Mr. Drake, a National Security Agency executive charged with willfully retaining national defense information and making false statements to the FBI.

This case involved extensive pretrial litigation and concluded with the pretrial dismissal of all felony charges against Mr. Drake. Before trial, we litigated several motions, including a motion to dismiss the indictment because the statute under which the government charged our client was unconstitutionally vague and a motion challenging the constitutionality of CIPA. *See United States v. Drake*, 818 F. Supp. 2d 909 (D. Md. 2011); *see also United States v. Drake*, No. RDB-10-181, 2011 WL 2175007 (D. Md. June 2, 2011); *United States v. Drake*, No. RDB-10-181, 2011 WL 1298733 (D. Md. Apr. 4, 2011). CIPA governed the pretrial hearings and provided the standard for public disclosure of classified information. During several sealed CIPA hearings, we convinced Judge Bennett certain classified information must be disclosed at trial to ensure Mr. Drake a fair trial. As a result, on the eve of trial, the government agreed to dismiss all ten felony charges against Mr. Drake. In exchange, Mr. Drake pled guilty to a misdemeanor and received a stipulated no-jail sentence.

Representation: 2010 – 2011

Judge and Court: The Honorable Richard D. Bennett, United States District Court for the District of Maryland

Co-counsel:

James Wyda  
Federal Public Defender for the District of Maryland  
100 South Charles Street, Ninth Floor  
Baltimore, MD 21201  
(410) 962-3962

Opposing counsel:

William Welch II  
Deputy General Counsel  
Litigation and Chief Compliance & Ethics Officer  
Voya Financial  
One Orange Way  
Windsor, CT 06095  
(860) 580-2351

John P. Pearson  
Assistant United States Attorney  
United States Attorney's Office for the Southern District of Texas  
1000 Louisiana, Suite 2300  
Houston, TX 77002  
(713) 567-9000

7. *United States v. Hosendove*, No. MJG-09-243 (D. Md.).

I represented Mr. Hosendove, who was charged with unlawful possession of a firearm. I handled the pretrial matters and jury trial by myself.

Before trial, Judge Garbis granted my motion to exclude Rule 404(b) evidence of my client's prior convictions for unlawful firearm possession. At trial, I gave the opening statement, cross-examined every government witness, argued jury instructions, and delivered the closing argument to the jury. The government based its case primarily on eyewitness testimony of three witnesses, who claimed that my client brandished a firearm in the middle of a street in downtown Frederick during a brawl. On cross-examination, I established several significant inconsistencies between the alleged eyewitnesses' statements. The government called an expert witness, who testified that my client's blood was found on the firearm. I established on cross-examination that my client's blood could have been transferred to the firearm by someone else, including someone who had beaten him with a fist during the brawl. Ultimately, the jury acquitted my client.

Representation: 2009

Judge and Court: The Honorable Marvin J. Garbis, United States District Court for the District of Maryland

I did not have co-counsel.

Opposing counsel:

Cheryl Crumpton  
Exelon Corporation  
1310 Point Street, Nineteenth Floor  
Baltimore, MD 21231  
(410) 470-3532

Benjamin Block  
Assistant United States Attorney  
United States Attorney's Office for the District of Maine  
100 Middle Street, East Tower, Sixth Floor  
Portland, ME 04101  
(207) 780-3257

8. *United States v. Shanton*, No. CCB-08-142 (D. Md.).

I represented Mr. Shanton, who was charged with armed bank robbery of two banks. I was co-counsel. I filed pretrial motions contesting the legality of my client's arrest and seeking a severance of the two bank robberies, both of which were denied. At trial, I gave the opening statement and cross-examined law enforcement officers, the government's DNA expert, the government's only cooperating witness, and two victims. The jury convicted our client of all counts, and he was sentenced to 50 years and 8 months' incarceration.

Representation: 2008 – 2009

Judge and Court: The Honorable Catherine C. Blake, United States District Court for the District of Maryland

Co-counsel:

Jeffrey Earl Risberg  
Risberglaw  
1719 Falls Road  
Parkton, MD 21120  
(443) 850-4775

Opposing counsel:

The Honorable George J. Hazel

United States District Judge  
United States District Court, Suite 445A  
6500 Cherrywood Lane  
Greenbelt, MD 20770  
(301) 344-0637

9. *Moore v. Chertoff*, No. 00-953-PLF (D.D.C.).

While serving as the Senior Pro Bono Associate at Hogan & Hartson, I was the lead associate in a Title VII employment discrimination class action brought on behalf of Black Secret Service agents in the United States District Court for the District of Columbia. When I began working on the case, discovery had just begun. I defended and took numerous depositions of current and former Secret Service agents. I deposed the government's expert witness and defended our expert's deposition. I also argued several motions to compel discovery before United States Magistrate Judge Deborah A. Robinson. The case was ongoing when I left Hogan & Hartson in 2008. It ultimately resulted in one of the largest per-plaintiff employment discrimination settlements in United States history.

Representation: 2005 – 2008

Judges and Court: The Honorable Richard W. Roberts (2000 – 2016), the Honorable Paul L. Friedman (2016), and Magistrate Judge Deborah A. Robinson, United States District Court for the District of Columbia.

Co-counsel:

E. Desmond Hogan  
Hogan Lovells US LLP  
555 Thirteenth Street Northwest  
Washington, D.C. 20004  
(202) 637-5493

Jennifer I. Klar  
John Peter Relman  
Relman Dane  
1225 Nineteenth Street Northwest, Suite 600  
Washington, D.C. 20036-2456  
(202) 728-1888

Opposing counsel:

Benton Gregory Peterson  
Marina Utgoff Braswell  
United States Attorney's Office for the District of Columbia  
555 Fourth Street Northwest

Washington, D.C. 20001

(202) 252-7566

To the best of my knowledge, Marina Braswell has retired. I do not have her current contact information.

10. *Tice v. Johnson*, At Law No. CL05-2067 (Va. Cir. Ct.).

While serving as the Senior Pro Bono Associate at Hogan & Hartson, I represented Mr. Tice, a former Navy sailor wrongfully convicted of a 1997 rape and murder in Norfolk, Virginia. When I began representing Mr. Tice, he was serving a life sentence for these crimes. In 2005, I filed a petition for a writ of habeas corpus on Mr. Tice's behalf. In our habeas petition, we argued Mr. Tice's trial counsel provided ineffective assistance of counsel by failing to move to suppress Mr. Tice's incriminatory statement given after he invoked his right to remain silent.

During a three-day evidentiary hearing, I delivered the opening statement and summation. I examined the man who committed the crimes, and he admitted on the witness stand he was the sole culprit. I also questioned Mr. Tice's two trial attorneys about their trial preparation and strategic decisions regarding Mr. Tice's confession. I elicited critical testimony from trial counsel that he should have moved to suppress the statement.

The Court held that Mr. Tice's trial counsel provided ineffective assistance because counsel did not move to suppress a statement Mr. Tice gave after he had invoked his right to remain silent. Judge Martin found that the trial court would have suppressed the statement if the attorneys had challenged its admissibility and that, without the statement, the jury probably would not have returned a guilty verdict. The State appealed through the Virginia courts, *see Johnson v. Tice*, 654 S.E.2d 917 (Va. 2008), and the United States Court of Appeals for the Fourth Circuit ultimately affirmed Judge Martin's decision in *Tice v. Johnson*, 647 F.3d 87 (4th Cir. 2011).

Representation: 2004 – 2008

Judge and Court: The Honorable Everett A. Martin, Jr., Circuit Court of the City of Norfolk

Co-counsel:

E. Desmond Hogan  
Hogan Lovells US LLP  
555 Thirteenth Street Northwest  
Washington, D.C. 20004  
(202) 637-5493

Opposing counsel:

Justice Stephen R. McCullough

Supreme Court of Virginia  
P.O. Box 1315  
100 North Ninth Street, Fifth Floor  
Richmond, VA 23219-1315  
(804) 786-2251

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 the matters described above, my most significant legal activity was the representation of poor people charged with federal crimes who pled guilty before trial. On their behalf, I negotiated guilty pleas and advocated at sentencing by presenting mitigation evidence.

From 2013 to 2019, I represented the Office of the Federal Public Defender as a member of the Bench-Bar Liaison Committee for the United States District Court for the District of Maryland. This committee hosts a Biannual Bench-Bar Conference for lawyers who practice in the District of Maryland. I organized and coordinated the breakout sessions for three Bench-Bar Conferences.

I have never performed lobbying activities or 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 have not taught any courses.

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.

I do not expect any deferred income or other future benefits from any previous business or other professional relationships.

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.

I have no plans, commitments, or agreements to pursue any outside employment while serving as a judge.

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).

When my nomination is formally submitted to the Senate, I will file my Financial Disclosure Report and will supplement this Questionnaire with a copy of that 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.

I would recuse myself from cases in which counsel, a witness, or a party is a relative or close friend or in any other instance identified by the Code of Conduct for United States Judges and the Published Advisory Opinions issued by the Committee on Codes of Conduct. In criminal cases, I would recuse myself from cases involving any person I personally represented or who was represented by the Office of the Federal Public Defender while I worked at that office.

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

To resolve any potential conflict of interest, I will consult and follow the Code of Conduct for United States Judges, the Published Advisory Opinions issued by the Committee on Codes of Conduct, and all other relevant statutes or ethical canons providing guidance on potential or actual conflicts of interest. If a potential, actual, or perceived conflict arises in any case in which I already have taken an active role, I will inform the parties and counsel, seek their positions, and recuse myself if appropriate.

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 an attorney, I took seriously my obligation to serve the disadvantaged. While working at Hogan & Hartson and meeting my billable hour requirement, I billed over 100 pro bono hours each year. I represented people who could not afford an attorney, including a political asylee from Benin and a D.C. resident wrongfully evicted by her landlord. As the firm’s Senior Pro Bono Associate, I worked full-time on pro bono matters in which I represented underprivileged and disadvantaged people. I left private practice to pursue a career dedicated to service of the disadvantaged. As an Assistant Federal Public Defender, I represented poor people, mostly people of color, charged with federal crimes.

**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 response to an advertisement on Senator Cardin’s website, I submitted my application to the District of Maryland judicial selection committee on December 10, 2020. The members of the committee interviewed me via video conference on December 18, 2020. On January 11, 2021, Senators Cardin and Van Hollen interviewed me via video conference. The following week, I was advised that my name had been submitted to the White House for consideration as a District Judge nominee. On January 28, 2021, I received an e-mail from an official from the White House Counsel’s Office requesting a video conference. Later that evening, I met via video conference with officials from the White House Counsel’s Office. Since January 28, 2021, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On March 30, 2021, the President announced his intent to nominate me.

- 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.