

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Matthew Paul Brookman

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

United States District Judge for the Southern District of Indiana

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 Southern District of Indiana
Winfield K. Denton Federal Building and United States Courthouse, Room 328
101 Northwest Martin Luther King Junior Boulevard
Evansville, Indiana 47708

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

1968; St. Louis, Missouri

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.

1990 – 1993, Washington University School of Law; J.D., 1993

1986 – 1990, DePauw University; B.A., 1990

1989, University of Essex, Colchester, United Kingdom; no degree received

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.

2016 – present

United States District Court for the Southern District of Indiana

Winfield K. Denton Federal Building and United States Courthouse, Room 328
101 Northwest Martin Luther King Junior Boulevard
Evansville, Indiana 47708
United States Magistrate Judge

2002 – 2016

United States Department of Justice
Office of the United States Attorney, Southern District of Indiana
Winfield K. Denton Federal Building and United States Courthouse, Room 250
101 Northwest Martin Luther King Junior Boulevard
Evansville, Indiana 47708
Assistant United States Attorney

1999 – 2002

United States Department of Justice
Office of the United States Attorney, Western District of Missouri
Hammons Tower, Suite 500
901 St. Louis
Springfield, Missouri 65806
Special Assistant United States Attorney

1997 – 1999

Herzog, Crebs & McGhee, LLP
One City Centre, 24th Floor
St. Louis, Missouri 63101
Associate Attorney

1994 – 1997

Office of the Prosecuting Attorney of Jefferson County, Missouri
Jefferson County Courthouse
300 Main Street
Hillsboro, Missouri 63050
Assistant Prosecuting Attorney

1993 – 1994

Brown & James, P.C.
705 Olive Street, Suite 2400
St. Louis, Missouri 63101
Associate Attorney

Teaching Affiliations:

2011 – 2015

University of Evansville
Adjunct Professor, Constitutional Law
1800 Lincoln Avenue

Evansville, Indiana 47722

2010 – 2015

United States Department of Justice, National Advocacy Center

Instructor, Basic Criminal Trial Advocacy (2010 – 2015)

Lecturer, Sentencing Guidelines Seminar (2014)

1620 Pendleton Street

Columbia, South Carolina 29201

2008 – 2010

University of Southern Indiana

Adjunct Professor, Business Law

8600 University Boulevard

Evansville, Indiana 47712

2005 – 2011

Southern Indiana Law Enforcement Academy

Lecturer and Legal Curriculum Developer

100 Walnut Street

Evansville, Indiana 47708

Other Affiliations (uncompensated):

2022 – present

Judicial Conference of the United States

One Columbus Circle, Northeast

Washington, DC 20544

Member, Committee on Criminal Law

2021 – present

Evansville Bar Association

915 Main Street, Suite 108

Evansville, Indiana 47708

Board of Directors

2019 – present

Aldersgate United Methodist Church

5130 Lincoln Avenue

Evansville, Indiana 47715

Board of Trustees

2018 – present

Indiana Judges and Lawyers Assistance Program

201 North Illinois Street, Suite 950

Indianapolis, Indiana 46204

Member, Board of Directors

2006 – 2007

Evansville Vanderburgh County Methamphetamine Demand Reduction Initiative
United States Department of Justice
Office of the United States Attorney, Southern District of Indiana
Winfield K. Denton Federal Building and United States Courthouse, Room 250
101 Northwest Martin Luther King Junior Boulevard
Evansville, Indiana 47708
Co-Chairman

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 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.

United States Department of Justice, Executive Office of United States Attorneys
Director's Award, for Superior Performance as an Assistant United States Attorney – Criminal (2010)

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.

Evansville Bar Association, Board of Directors (2021 – present)

Federal Magistrate Judges Association, Title Committee, Committee Member (2016 – present)

Indiana Judges and Lawyers Assistance Program, Board of Directors (2018 – present)

Seventh Circuit Judicial Council, Magistrate Judge Representative (2019 – 2021)

Southern District of Indiana Local Rules Committee, Member (2016 – present)

Southern District of Indiana Space and Facilities Committee, Member (2016 – present)

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.

Illinois, 1994
Indiana, 2002
Missouri, 1993

There have been no lapses in membership. I have been an inactive member of the Illinois bar since 1994, when I accepted a Missouri prosecutor position, and an inactive member of Missouri since 2002, when I accepted an AUSA position in the Southern District of Indiana.

- 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 Seventh Circuit, 2002
United States Court of Appeals for the Eighth Circuit, 1999
United States District Court for the Southern District of Indiana, 2002
United States District Court for the Eastern District of Missouri, 1994
United States District Court for the Western District of Missouri, 1999

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.

Aldersgate United Methodist Church, Member, Board of Trustees (2019 – present)

Evansville Vanderburgh County Methamphetamine Demand Reduction Initiative, Co-Chairman (2006 – 2007)

Phi Delta Theta Fraternity (1986 – present)

Active Member of DePauw University Chapter (1986 – 1990)

DePauw Chapter Scholarship Chair (1987)

DePauw Chapter Rush Chair (1988)

Sertoma Club of Springfield, Missouri (1999 – 2002)

Washington University School of Law Alumni Admissions Program, Volunteer (2006 – 2011)

- 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.

Phi Delta Theta is an international college fraternity for men. None of the other organizations listed discriminate nor have previously discriminated to my knowledge 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.

Indemnity Between Consecutive Property Insurers with Progressive or Continuous Types of Loss, Newsletter of Missouri Org. of Defense Lawyers (1994). I am unable to locate a copy.

RUSSELL F. WATTERS, ROBERT W. COCKERHAM, MICHAEL B. MAGUIRE, & DAVID P. BUB, ARSON, FRAUD AND FIRST PARTY INSURANCE LAW, A GUIDE TO PROPERTY INSURANCE LAW AND PROCEDURES IN MISSOURI AND ILLINOIS (1994). I was a contributing author for portions of the guide. Copy of the portions which I contributed 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.

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 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 events that I have no record of and therefore was unable to identify.

May 18, 2022: Speaker, Gene Brooks Inns of the Court – State of the District Talk, United States District Court, Southern District of Indiana, Evansville, Indiana. Outline and data sheet supplied.

April 26, 2022: Presiding Judge, Naturalization Ceremony, Hine Hall, Indiana University-Purdue University Indianapolis, Indianapolis, Indiana. I made brief comments on the occasion and administered the Oath of Citizenship to new citizens. I have no notes, transcript, or recording. The address for the United States District Court for the Southern District of Indiana is 46 East Ohio Street, Indianapolis, Indiana 46204.

November 18, 2021: Panelist, Defense Trial Counsel of Indiana Annual Conference, French Lick, Indiana. Notes and outline supplied.

June 9, 2021: Speaker, Virtual Question and Answer with Indiana Supreme Court Interns, Indiana Supreme Court, Indianapolis, Indiana (virtual event). I engaged in a discussion about federal court practice and procedures with legal interns with the Indiana Supreme Court. I have no notes, transcript, or recording. The address for the Indiana Supreme Court is 251 North Illinois Street, Indianapolis, Indiana 46204.

May 13, 2021: Judge, National Mock Trial Competition, Indiana Bar Association, Indianapolis, Indiana (virtual event). I was the presiding judge in a high school mock trial event and provided feedback to the participants afterwards. I have no notes, transcript, or recording. The address for the Indiana Bar Association is 201 North Illinois Street, Suite 1225, Indianapolis, Indiana 46204.

April 28, 2021: Speaker, Federal Court Settlement Conferences – What to Do and Not to Do, Indiana Trial Lawyers Association Advanced Civil Mediation

Conference, Indianapolis, Indiana (virtual event). Notes and outline supplied.

February 22, 2021: Speaker, Washington University School of Law Judicial Appreciation Program, Washington University School of Law, St. Louis, Missouri (virtual event). I spoke to law students about careers in federal government and the courts. I have no notes, transcript, or recording. The address for Washington University School of Law is 1 Brookings Drive, St. Louis, Missouri 63130.

November 13, 2020: Panelist, Midwest Intellectual Property Summit Judges Panel, Indiana Continuing Legal Education Forum, Indianapolis, Indiana. Notes supplied.

February 8, 2020: Judge, Evansville Regional Mock Trial Championships, Evansville Bar Association, Evansville, Indiana. I was the presiding judge in a high school mock trial event and provided feedback to the participants afterwards. I have no notes, transcript, or recording. The address for the Evansville Bar Association is 915 Main Street, Suite 108, Evansville, Indiana 47708.

December 20, 2019: Presenter, Southern District of Indiana Case Statistics, Federal Civil Practice Seminar, Barnes & Thornburg LLP, Indianapolis, Indiana. Notes supplied.

December 18, 2019: Speaker, United States District Court Employee Recognition Awards and Luncheon, Indiana War Memorial, Indianapolis, Indiana. I spoke about the contributions of employees from the Evansville Division of the United States District Court for the Southern District of Indiana. I have no notes, transcript, or recording. The address for the United States District Court for the Southern District of Indiana is 46 East Ohio Street, Indianapolis, Indiana 46204.

June 6, 2019: Presiding Judge, Naturalization Ceremony, Indiana War Memorial, United States District Court, Indianapolis, Indiana. I made brief comments on the occasion and administered the Oath of Citizenship to new citizens. I have no notes, transcript, or recording. The address for the United States District Court for the Southern District of Indiana is 46 East Ohio Street, Indianapolis, Indiana 46204.

May 15, 2019: Classroom Speaker, Government and Court, John H. Castle Elementary School, Newburgh, Indiana. I spoke to 5th grade students about court, law, and government. I have no notes, transcript, or recording. The address for John H. Castle Elementary School is 3077 Indiana-261, Newburgh, Indiana 47630.

December 14, 2018: Panelist, Magistrate Judge Panel, Federal Civil Practice Seminar, Barnes & Thornburg LLP, Indianapolis, Indiana. I spoke about judicial mediation and settlement conferences in the Southern District of Indiana. I have

no notes, transcript, or recording. The address for Barnes & Thornburg LLP is 11 South Meridian Street, Indianapolis, Indiana 46204

July 18, 2018: Presenter, Employment Law, Indianapolis Bar Association Judicial Speaker Series, Indianapolis, Indiana. The memorandum on which I based my presentation is supplied.

June 20, 2018: Speaker, Field Trip for Indianapolis Area High School Seniors to the United States District Court, Indianapolis, Indiana. I spoke to high school students about the legal profession and role of judges. I have no notes, transcript, or recording. The address for the United States District Court for the Southern District of Indiana is 46 East Ohio Street, Indianapolis, Indiana 46204.

June 15, 2018: Panelist, Indianapolis Bar Association Bench and Bar Conference, Indianapolis Bar Association, Louisville, Kentucky. I spoke about practices and procedures in the Southern District of Indiana. I have no notes, transcript, or recording. The address for the Indianapolis Bar Association is 140 North Illinois Street, Indianapolis, Indiana 46204.

April 13, 2018: Speaker, Investiture Ceremony for Magistrate Judge Doris Pryor, United States District Court, Indianapolis, Indiana. I provided brief remarks about Judge Pryor's qualifications to be a magistrate judge. Recording supplied.

March 8, 2018: Presiding Judge, Naturalization Ceremony, United States District Court, Indianapolis, Indiana. I made brief comments on the occasion and administered the Oath of Citizenship to new citizens. I have no notes, transcript, or recording. The address for the United States District Court for the Southern District of Indiana is 46 East Ohio Street, Indianapolis, Indiana 46204.

January 10, 2018: Speaker, Federal Court Practices, Evansville Bar Association New Lawyer Bootcamp, Evansville, Indiana. I spoke with new lawyers about the basics of appearing in federal court in civil cases in the Southern District of Indiana. I have no notes, transcript, or recording. The address for the Evansville Bar Association is 915 Main Street, Suite 108, Evansville, Indiana 47708.

December 7, 2017: Presiding Judge, Naturalization Ceremony, United States District Court, Indianapolis, Indiana. I made brief comments on the occasion and administered the Oath of Citizenship to new citizens. I have no notes, transcript, or recording. The address for the United States District Court for the Southern District of Indiana is 46 East Ohio Street, Indianapolis, Indiana 46204.

November 3, 2017: Panelist, Magistrate Judges Roundtable Event, Federal Bar Association, Indianapolis Division, Indianapolis, Indiana. I answered questions and engaged in a discussion of the role of magistrate judges in the Southern District of Indiana. I have no notes, transcript, or recording. The address for the Federal Bar Association is 1220 North Fillmore Street, Suite 444, Arlington,

Virginia 22201.

October 5, 2017: Presiding Judge, Naturalization Ceremony, United States District Court, Indianapolis, Indiana. I made brief comments on the occasion and administered the Oath of Citizenship to new citizens. I have no notes, transcript, or recording. The address for the United States District Court for the Southern District of Indiana is 46 East Ohio Street, Indianapolis, Indiana 46204.

August 17, 2017: Presiding Judge, Naturalization Ceremony, United States District Court, Indianapolis, Indiana. I made brief comments on the occasion and administered the Oath of Citizenship to new citizens. I have no notes, transcript, or recording. The address for the United States District Court for the Southern District of Indiana is 46 East Ohio Street, Indianapolis, Indiana 46204.

August 4, 2017: Speaker, Evansville Bar Association Employment Law Section Meeting, Evansville, Indiana. I spoke about mediation and judicial settlement conferences in the employment law context. I have no notes, transcript, or recording. The address for the Evansville Bar Association is 915 Main Street, Suite 108, Evansville, Indiana 47708.

July 18, 2017: Panelist, Indianapolis Bar Association Bench Trial Skills Series: Conducting a Bench Trial, Indianapolis, Indiana. I answered questions and engaged in a discussion about the role of magistrate judges in the Southern District of Indiana. Outline with additional handwritten notes supplied.

March 14, 2017: Speaker, Bench and Bar Committee Meeting, Evansville Bar Association, Evansville, Indiana. I spoke about practices and court procedures in the Evansville Division of the United States District Court for the Southern District of Indiana. I have no notes, transcript, or recording. The address for the Evansville Bar Association is 915 Main Street, Suite 108, Evansville, Indiana 47708.

December 16, 2016: Speaker, Federal Civil Practice Seminar, Barnes & Thornburg LLP, Indianapolis, Indiana. I discussed particulars of civil practice and procedure in the Southern District of Indiana. I have no notes, transcript, or recording. The address for Barnes & Thornburg LLP is 11 South Meridian Street, Indianapolis, Indiana 46204.

September 30, 2016: Speaker, Employment Law Section Meeting, Evansville Bar Association, Evansville, Indiana. I introduced myself to lawyers in the Employment Section and spoke about my legal background. I have no notes, transcript, or recording. The address for the Evansville Bar Association is 915 Main Street, Suite 108, Evansville, Indiana 47708.

July 14, 2016: Presiding Judge, Naturalization Ceremony, United States District Court, Indianapolis, Indiana. I made brief comments on the occasion and

administered the Oath of Citizenship to new citizens. I have no notes, transcript, or recording. The address for the United States District Court for the Southern District of Indiana is 46 East Ohio Street, Indianapolis, Indiana 46204.

April 20, 2016: Honoree, Investiture Ceremony for Magistrate Judge Matthew Brookman, United States District Court, Evansville, Indiana. Partial transcript supplied.

April 14, 2016: Presiding Judge, Naturalization Ceremony, United States District Court, Indianapolis, Indiana. I made brief comments on the occasion and administered the Oath of Citizenship to new citizens. Notes supplied.

May 2015: Speaker, Federal Firearms Crimes Training, Marion County Prosecutor's Office, Indianapolis, Indiana. I discussed federal statutes pertaining to firearms offenses and policies with respect to prosecuting firearms offenses in federal court. I have no notes, transcript, or recording. The address for the Marion County Prosecutor's Office is 251 East Ohio Street, Suite 160, Indianapolis, Indiana 46204.

May 2012: Speaker, Pharmaceutical Overdose Death Investigation Seminar, Drug Enforcement Agency, Greensburg, Indiana, Greensburg Community High School. I discussed federal statutes pertaining to crimes involving drug overdoses and cases prosecuted in federal court in the Southern District of Indiana. I have no notes, transcript, or recording. The address for the Greensburg Community High School is 1000 East Central Avenue, Greensburg, Indiana 47240.

June 2011: Keynote Speaker, Graduation, Southwest Indiana Law Enforcement Academy, Evansville, Indiana, Evansville Civic Center. I made congratulatory remarks to the graduates and gave advice for a successful career in law enforcement. I have no notes, transcript, or recording. The address for the Southwest Indiana Law Enforcement Academy is 100 Walnut Street, Evansville, Indiana 47708.

July 2011: Speaker, "Federal Firearms Crimes," United States Attorney's Law Enforcement Conference, Indianapolis, Indiana. I discussed federal firearms statutes and the prosecution of firearms offenses in the Southern District of Indiana. I have no notes, transcript, or recording. The address for the United States Attorney's Office is 10 West Market Street, Suite 2100, Indianapolis, Indiana 46204.

2010 to 2015 (specific dates unknown): Instructor, United States Department of Justice National Advocacy Center, Columbia, South Carolina, for the Basic Criminal Trial Advocacy course and Federal Sentencing Guidelines Seminar I have no notes, transcripts or recordings. The Address for the National Advocacy Center is 1620 Pendleton Street, Columbia, SC 29201.

2010 (specific date unknown): Guest Speaker, Evansville Downtown Optimist Club, Evansville, Indiana. I discussed the history of the United States Attorney's Office for the Southern District of Indiana branch office in Evansville. I have no notes, transcript, or recording. The address for the Evansville Downtown Optimist Club is 6 Walnut Street, Evansville, Indiana 47713.

2006 (specific date unknown): Guest Speaker, "Methamphetamine and Child Endangerment," Youth Resources of Southwestern Indiana, Evansville, Indiana. I discussed the effects on children of methamphetamine trafficking and illicit use. I have no notes, transcript, or recording. The address for Youth Resources of Southwestern Indiana is 4451 North First Avenue, Evansville, Indiana 47710.

2005 (specific date unknown): Lecturer, "Methamphetamine Investigation Management Workshop," Evansville Police Department, Evansville, Indiana. I discussed basic concepts of investigating federal methamphetamine cases. I have no notes, transcript, or recording. The address for the Evansville Police Department is 401 East Columbia Street, Evansville, Indiana 47711.

2005 (specific date unknown): Lecturer, "Evidence," Southwest Indiana Law Enforcement Academy, Evansville, Indiana. I have no notes, transcript or recording. The address for the Southwest Indiana Law Enforcement Academy is 100 Walnut Street, Evansville, IN 47708.

1997 (specific date unknown): Lecturer, "Criminal and Civil Legal Aspects of Arson Investigation," Department of Fire Sciences, Jefferson College, Hillsboro, Missouri. I lectured on legal concepts related to arson investigation. I have no notes, transcript, or recording. The address for Jefferson College is 1000 Viking Drive, Hillsboro, Missouri 63050.

1997 (specific date unknown): Lecturer, "Effective Testimony in Driving While Intoxicated Cases," Jefferson County Police Academy, Hillsboro, Missouri. I discussed ways for law enforcement officers to be an effective witness during a motor vehicle intoxicated driving case. I have no notes, transcript, or recording. The address for the Jefferson County Police Academy is 4400 Jeffco Boulevard, Arnold, Missouri 63010.

1997 (specific date unknown): Lecturer, "Coordination Between Insurers and Law Enforcement in Arson and Fraud Investigations," St. Louis Chapter of the Association of Special Investigation Units, St. Louis, Missouri. I discussed legal aspects related to overlap between civil and criminal investigations of structure fires. I have no notes, transcript, or recording. The address for the St. Louis Chapter of the Association of Special Investigation Units is 13 Executive Drive, Suite 4, Fairview Heights, Illinois 62208.

- 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.

Marisa Patwa, *Local man sentenced for role & die in retail theft ring*, The Standard (Apr. 20, 2017). Copy supplied.

On January 5, 2017, I was interviewed telephonically by Mark Wilson of the Evansville Courier & Press regarding sentencing statistics. I do not have a transcript or recording and to my knowledge there was no resulting article.

Rozlyn Fulgoni-Britton, *Magistrate Judge Matthew P. Brookman*, The Circuit Rider (Apr. 2016). Copy supplied.

Mark Wilson, *Evansville man sentenced on federal firearms charge*, Courier & Press (Jan. 25, 2016). Copy supplied.

Prosecutor: 50-plus warrants issued in Evansville meth ring, Associated Press State Wire: Indiana (Feb. 6, 2015). Copy supplied.

Press Release, United States Attorney's Office, United States Attorney's Office announces sentencing of former redevelopment commission member (Jan. 29, 2015). Copy supplied.

2 inmates get extended sentences after murder, Tribune-Star (Oct. 27, 2014). Copy supplied.

Press Release, United States Attorney's Office, Inmate Convicted of Murder at Terre Haute Federal Correctional Facility (June 18, 2014). Copy supplied.

More Than 2 Dozen Arrested in Crackdown on Evansville-Area Criminal Organization, US Fed News (Jan. 31, 2014). Copy supplied.

Hogsett Announces Federal Indictment of Methamphetamine Scheme Involving 'Smurfing', Targeted News Service (Sept. 7, 2013). Copy supplied.

Hogsett Announces Federal Firearms Charges Against Bartholomew County Resident, US Fed News (June 20, 2013). Copy supplied.

Hogsett Announces Additional Charges Against Redevelopment Commission Member, Targeted News Service (June 1, 2013). Copy supplied.

Hogsett Announces Indictment of Four on Federal Drug, Firearm Charges, US Fed News (July 28, 2012). Copy supplied.

Press Release, Federal Bureau of Investigation, Indianapolis Division, Hogsett Announces Conviction of Terre Haute Federal Inmate for First-Degree Murder

(Apr. 11, 2012). Copy supplied.

Hogsett Announces Southern Indiana Man Receives Ten Year Sentence for Trafficking More than One Ton of Marijuana, Targeted News Service (Dec. 21, 2011). Copy supplied.

Defendant Given 20 Years for Evansville Drug Conspiracy and Illegal Use of Gun, Targeted News Service (Aug. 2, 2011). Copy supplied.

Evansville Man Sentenced to Ten Years for Drug Conspiracy, Targeted News Service (Aug. 2, 2011). Copy supplied.

Matt Thacker, *Marijuana trafficking ring busted in Southern Indiana*, News and Tribune (May 26, 2011). Copy supplied.

Matt Thacker, *Local police to get help from federal prosecutor*, News and Tribune (Apr. 5, 2011). Copy supplied.

Fugitive Sentenced For Possession of Methamphetamine and for Failure to Appear for Trial, US Fed News (Nov. 20, 2010). Copy supplied.

Will Taylor, *Second Richmond Crack Cocaine Dealer Sentenced To Life Without Parole*, US Fed News (Apr. 6, 2010). Copy supplied.

Federal charges leveled, The Herald (Feb. 5, 2010). Copy supplied.

Jennifer Rigg, *Eight Clarksville residents arrested in drug ring*, News and Tribune (Nov. 22, 2006). Copy supplied.

Drug Crime Spree, Associated Press Archive (June 14, 2006). Copy supplied.

Larry Pynn and Lori Culbert, *B.C. Hells Angels Indicted In \$20-Million U.S. Pot Case*, The Vancouver Sun (Mar. 4, 2004). Copy supplied.

Phil Sutin, *Committee Opposes 499-Foot Tower Proposed For Spanish Lake*, St. Louis Post-Dispatch (July 8, 1999). Copy supplied.

Robert Kelly, *Man Convicted of Murder in Drunken-Driving Crash*, St. Louis Post-Dispatch (Oct. 23, 1997). Copy supplied.

Robert Kelly, *Affton Man Gets 4 Life Terms in Fatal Fight Alongside Road*, St. Louis Post-Dispatch (Sept. 23, 1997). Copy supplied.

Monte Reel, *Woman Guilty of Theft – Ex-Secretary Claimed Boss Made Her Take \$16,800 From Ambulance District*, St. Louis Post-Dispatch (Apr. 14, 1997). 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 2016 I have served as a United States Magistrate Judge on the United States District Court for the Southern District of Indiana. I was appointed to this position by the judges of the District.

The United States District Court for the Southern District of Indiana has jurisdiction over civil matters raising federal questions, civil matters with diversity of citizenship, and federal criminal matters. As a magistrate judge, I serve as a judicial officer of the district court conducting a range of judicial proceedings to expedite the disposition of civil cases, including procedural hearings, discovery and non-dispositive motions, and settlement conferences. In this district, settlement conferences are the standard form of alternative dispute resolution. Where the parties consent to magistrate judge jurisdiction, I am authorized to preside over the entire civil case. In criminal matters, I oversee initial proceedings including the issuance of search warrants, arrest warrants and summonses, appointing attorneys for indigent individuals, conducting initial appearance and probable cause hearings, determining conditions of release or detention under the Bail Reform Act, conducting supervised release violation hearings, and conducting international extradition proceedings. In addition, I handle criminal cases that involve petty offenses and misdemeanor charges.

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

I have presided over ten trials: six jury trials and four bench trials, all of which were in civil matters.

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

jury trials:	60%
bench trials:	40%

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

civil proceedings:	100%
criminal proceedings:	0%

- 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. *Bell et al. v. Pension Comm. of ATH Holding Co., LLC, et al.*, 1:15-cv-2062-TWP-MPB (S.D. Ind.)

Plaintiff participants in the Anthem 401(k) Plan sued alleged fiduciaries to the Plan under the Employee Retirement Income Security Act. Plaintiffs alleged that Defendants allowed unreasonable expenses to be charged to participants for administration of the Plan. I resolved numerous discovery disputes, including (1) disputes over redactions for relevancy (S.D. Ind. Nov. 9, 2016) (Docket No. 73); (2) issues involving work-product doctrine, 330 F.R.D. 517 (S.D. Ind. 2018); and (3) taking out-of-time depositions (S.D. Ind. Aug. 16, 2018) (Docket No. 197). The opinions not reported are supplied. The case resolved via settlement in a conference I conducted and a class action settlement was approved by the district judge.

Counsel for Plaintiffs

Alexander L. Braitberg
Andrew D. Schlichter
Heather Lea
Jerome J. Schlichter
Kurt C. Struckoff
Michael A. Wolff
Sean Soyars
Troy A. Doles
Schlichter Bogard Denton LLP
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Counsel for Defendants

Ada W. Dolph
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Megan E. Troy (formerly of Seyfarth Shaw LLP)
Mayer Brown LLP
71 South Wacker Drive
Chicago, IL 60606

(312) 782-0600

2. *Heston v. Intern'l Med. Grp., Inc., et al.*, No. 1:20-cv-00479-JRS-MPB

Plaintiff brought this action against his health insurance carrier for denied coverage under a “pre-existing conditions exclusion clause.” I granted the insurer’s motion to strike Plaintiff’s jury trial demand on the basis of waiver. 477 F. Supp. 3d 829 (S.D. Ind. Aug. 6, 2020). The case was then reassigned to Magistrate Judge Mario Garcia as part of a random assignment of cases to the new magistrate judge. The case was ultimately dismissed on Plaintiff’s motion by the presiding district judge.

Counsel for Plaintiff

David F. McNamar
McNamar & Associates, P.C.
110 Coatsville Drive, Suite 8495
Westfield, IN 46074
(317) 299-0160

Guy O. Kornblum
Guy O. Kornblum, A Professional Law Corporation
1388 Sutter Street, Suite 805
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Counsel for Defendants

Brooke Smith
Offer Korin
Stoll Keenon Ogden PLLC (formerly Katz Korin Cunningham, P.C.)
334 North Senate Avenue
Indianapolis, IN 46204
(317) 396-2577

3. *In Re: Estate of Simmons, Deceased*, 1:15-cv-01097-TWP-MPB

The United States removed this state court probate action to federal court because it involved a residence encumbered by a federal tax lien. I issued a report and recommendation on competing motions related to the parties’ claim priorities. Specifically, I found that the federal tax liens had priority over the other claims under 26 U.S.C. § 6321. 2017 WL 2800194 (S.D. Ind. May 22, 2017). The district judge adopted my recommendation and concluded that the Federal Tax Lien Act, rather than the Federal Priority Statute, governs whether the Government tax liens have preference to the proceeds from the encumbered property. 2017 WL 3261781 (S.D. Ind. July 31, 2017). The case was then closed by the district judge on an order to distribute funds.

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4. *HNA Sweden Hospitality Management AB et al. v. Equities First Holdings, LLC, et al.*, 1:19-cv-2452-JRS-MPB

This was an international commercial dispute involving loan and stock pledge and transfer agreements. Plaintiff entered into a pledge agreement under which Defendant would loan funds to Plaintiff and Plaintiff, in turn would pledge stock as security. In total, there were twelve stock transfers totaling over \$31 million as collateral for an aggregate loan principal amount of \$67 million. The pledged stock was subsequently delisted, and the lawsuit ensued. I resolved a number of discovery disputes, both by telephonic conference and on motion practice (S.D.

Ind. Nov. 1, 2021) (Docket No. 257). Opinion supplied. I also engaged in numerous mediation attempts and was ultimately successful in resolving all claims at a settlement conference.

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5. *Agrolipetsk, LLC v. Mycogen Seeds et al.*, 1:16-cv-3414-SEB-MPB

This case involved a breach of contract claim stemming from an international grain dispute. A foreign limited liability company sued a Delaware limited liability company for an allegedly defective variety of hybrid sunflower seed. Following dismissal without prejudice of its first amended complaint on Defendants' motion for judgment on the pleadings, Agrolipetsk moved for leave to file a second amended complaint. I found that Plaintiff's proposed amended complaint would not survive a motion to dismiss for failure to state a claim on which relief could be granted, and denied the motion as futile. In relevant part, I

ruled that the case's nexus with Indiana was too thin to overcome the presumption against extraterritoriality and to satisfy the requirements of due process, barring the application of Indiana law to the conduct complained of. (S.D. Ind. Nov. 1, 2017) (Docket No. 46). Opinion supplied. Plaintiff appealed my ruling to the district judge, which sustained in part and overruled in part the Plaintiff's appeal. The district judge sustained the Plaintiff's objections as to the Defendants' extraterritoriality defenses, finding that the Plaintiff had adequately pleaded its contractual and tortious claims in such a way that extraterritorial issues did not apply. 2018 WL 4574335 (S.D. Ind. Sept. 25, 2018). I then mediated the case to a full settlement.

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6. *Carmel Indy Holdings, LLC v. St. Vincent Health*, 1:18-cv-2567-SEB-MPB

Plaintiff filed this suit based on a commercial lease agreement, alleging that it was a successor in interest to all Landlord rights and interests contained in the lease, and was the owner of the real property and office building occupied by Defendant. Plaintiff alleged that Defendant continued to occupy the premises after the lease's expiration without the appropriate consent and, thus, was a holdover tenant. Defendant argued it remained in a month to month agreement. I denied Defendant's request to strike portions of the amended complaint. 2019 WL 1358836 (S.D. Ind. Mar. 1, 2019). I then mediated the case to a full settlement.

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7. *American Seeds, LLC v. Daily Feed & Grain, LLC*, 1:16-cv-00371-MPB-JMS

Plaintiff, a seed supplier, sued Defendant, its seed dealer, over a dispute as to whether a document released the dealer from past account liability. The supplier alleged that the dealer owed monetary damages for action on the account, breach of contract, unjust enrichment, and theft. Defendant filed a counterclaim for fraud and conversion. Each side moved for summary judgment. I granted Plaintiff supplier's motion as to the Defendant dealer's counterclaims and notified the parties of my intent to enter summary judgment in favor of the Defendant as to Plaintiff's action on the account and unjust enrichment claims. After no objection was filed, I granted summary judgment as to these two claims. 2018 WL 397238 (S.D. Ind. Jan. 12, 2018). I held a bench trial in April 2018 and ultimately found in favor of the dealer on all remaining claims. 2018 WL 10246996 (S.D. Ind. Nov. 29, 2018)

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8. *Sturm v. Hedges*, 1:14-cv-00848-MPB-RLY

This was a 42 U.S.C. § 1983 action brought by the Plaintiff against two officers involved in the Plaintiff's arrest, in which he argued that Defendants violated his Fourth Amendment rights, and alleged battery, malicious prosecution, and negligence claims against the various Defendants. After the district judge granted in part and denied in part the Defendants' motions for summary judgment, only Plaintiff's § 1983 Fourth Amendment claims for false arrest/false imprisonment and excessive force against one of the officers remained. The parties consented to my jurisdiction for the remainder of the case, which concluded by way of a three-day jury trial. The jury found in favor of the remaining Defendant for all claims.

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9. *Eppert v. Collins et al.*, 1:18-cv-02105-MPB-JMS

Plaintiff alleged that the Defendant insured party negligently collided with her motor vehicle while the insured was operating a commercial motor vehicle in the course of his employment with TMC Transportation. Plaintiff alleged the collision resulted in damages, including damages for medical expenses. She also claimed large future medical costs and procedures. The insurer argued that it was undisputed that Plaintiff suffered from a number of pre-existing conditions and, thus, sought an order for a Rule 35 examination. I granted the request and set several parameters on the examination based on counsels' argument. Copy supplied. In discovery Defendants received Plaintiff's medical records, which included a medical provider's note indicating that Plaintiff had taken a pre-settlement loan. Defendants sought the loan document(s) be produced. I analyzed the relevant case law and ordered an *in camera* review of the loan documents. 2020 WL 12708676 (S.D. Ind. Dec. 22, 2020). The case ultimately settled prior to my ruling on the *in camera* review.

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10. *Figgs et al. v. GEO Group, Inc.*, 1:18-cv-00089-MPB-TWP

Mr. Figgs and Mr. Corbin, proposed class representatives who were incarcerated on state court convictions, filed this putative class action complaint asserting that GEO Group, which contracts with the Indiana Department of Correction to operate the New Castle Correctional Facility, committed labor trafficking, discrimination, cruel and unusual punishment, false imprisonment, confinement, unjust enrichment, and negligence. In its answer GEO included the affirmative defense that Plaintiffs failed to exhaust their remedies before filing the suit, as required by the Prison Litigation Reform Act. On expedited briefing on this threshold defense, I found that the Plaintiffs had not exhausted their remedies. I also denied the Plaintiffs' motion to amend their complaint as futile. 2019 WL 7584297 (S.D. Ind. Dec. 12, 2019).

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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. *Metro Fibernet, LLC v. Johnson Controls, Inc.*, 3:21-cv-00059-RLY-MPB, 2022 WL 1492514 (S.D. Ind. Apr. 22, 2022).

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2. *Rexing Quality Eggs v. Rembrandt Enters.*, 3:17-cv-00141-JMS-MPB, 2021
U.S. Dist. LEXIS 240544 (S.D. Ind. Dec. 16, 2021).

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3. *HNA Sweden Hospitality Mgmt. AB v. Equities First Holdings, LLC.*, 1:19-cv-02452-JRS-MPB (S.D. Ind. Nov. 1, 2021) (Docket No. 257). Copy supplied.

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4. *In Re: Midwestern Pet Foods Marketing, Sales Practices and Product Liability Litigation*, 3:21-cv-00007-RLY-MPB (S.D. Ind. Aug. 10, 2021).
Copy supplied.

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5. *Heston v. Intern'l Med. Grp., Inc.*, 477 F. Supp. 3d 829 (S.D. Ind. Aug. 6, 2020).

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6. *Eppert v. Collins*, 1:18-cv-2105-MPB-JMS (S.D. Ind. June 15, 2020) (Docket No. 57). Copy supplied.

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7. *Figgs v. Geo Grp.*, 1:18-cv-00089-MPB-TWP, 2019 WL 7584297 (S.D. Ind. Dec. 12, 2019).

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8. *Am. Seeds, LLC v. Daily Feed & Grain, Inc.*, 1:16-cv-00371-MPB-JMS, 2018 WL 10246996 (S.D. Ind. Nov. 29, 2018).

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9. *Bell v. Pension Comm. Of ATH Holding Co., LLC*, 1:15-cv-02062-TWP-MPB, 330 F.R.D. 517 (S.D. Ind. 2018).

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10. *In re: Simmons Estate*, 1:15-cv-01097-TWP-MPB, 2017 WL 2800194 (S.D. Ind. May 22, 2017), *adopted by*, 2017 WL 3261781 (S.D. Ind. July 31, 2017).

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

Unless it is a direct appeal to the Supreme Court, I am not officially notified when certiorari is sought in one of my cases. I have searched electronic databases to determine whether certiorari was requested or granted in any of my cases.

My research has revealed that a party requested certiorari in the following cases to which I was assigned.

White v. St. Lawrence Catholic Schools, No. 1:20-cv-01129-RLY-MPB, 2020 WL 8258531 (S.D. Ind. July 9, 2020), *appeal dismissed*, 2020 WL 8260313 (7th Cir. Oct. 29, 2020), *cert. denied*, 141 S. Ct. 1273 (Jan. 25, 2021)

Daza v. State of Indiana, No. 1:18-cv-02951-JMS-MPB, 432 F. Supp. 3d 860 (S.D. Ind. Jan. 10, 2020), *aff'd*, 2 F.4th 681 (7th Cir. 2021), *cert. denied*, 142 S. Ct. 763 (Jan. 10, 2022)

Addison v. State of Indiana, No. 1:18-cv-01104-TWP-MPB (S.D. Ind. May 16, 2018) (Docket No. 7), *appeal dismissed*, 2018 WL 11297910 (7th Cir. Oct. 17, 2018), *cert. denied*, 140 S. Ct. 69 (Oct. 7, 2019), *rehearing denied*, 140 S. Ct. 929 (Jan. 13, 2020)

United States v. McLain, No. 1:18-cv-00354-SEB-MPB-1 (S.D. Ind. Sept. 29, 2020) (Docket No. 75), *aff'd*, 849 F. App'x 590 (7th Cir. 2021), *cert. denied*, 142 S. Ct. 784 (Jan. 10, 2022)

Walton v. First Merchants Bank, No. 1:17-cv-1888-SEB-MPB, 2019 WL 11664412 (S.D. Ind. Nov. 25, 2019), *subsequent determination*, 2020 WL 208806 (S.D. Ind. Jan. 14, 2020), *motion for relief from judgment denied*, 2021 WL 2168917 (S.D. Ind. May 27, 2021), *appeal dismissed*, No. 21-865, 2021 WL 5871908 (7th Cir. 2021), *cert. denied*, 142 S. Ct. 863 (Jan. 18, 2022)

Walton v. First Merchants Bank, No. 1:17-cv-01888-JMS-MPB, 2018 WL 8460234 (S.D. Ind. Nov. 28, 2018), *vacated and remanded*, 820 F. App'x 450 (7th Cir. 2020), *cert. denied*, 141 S. Ct. 626 (Oct. 19, 2020), *rehearing denied*, 141 S. Ct. 949 (Dec. 7, 2020)

Richards v. Par, Inc., No. 1:17-cv-00409-TWP-MPB, 2018 WL 3426260 (S.D. Ind. July 16, 2019), *reconsideration denied*, 2018 WL 6804008 (S.D. Ind. Dec. 27, 2018), *rev'd and remanded*, 954 F.3d 965 (7th Cir. 2020), *cert. denied*, 141 S. Ct. 670 (Nov. 2, 2020)

Straw v. Ind. Supreme Ct., No. 1:15-cv-01015-RLY-MPB (S.D. Ind. Feb. 20, 2018) (Docket No. 64), *appeal dismissed by*, 2018 WL 11339376 (7th Cir. Mar. 27, 2018), *cert. denied*, 138 S. Ct. 2009 (May 14, 2018)

Hurt v. Vantlin, No. 3:14-cv-00092-JMS-MPB, 2017 WL 1021396 (S.D. Ind. Mar. 16, 2017), *aff'd in part, rev'd in part sub nom. Hurt v. Wise*, 880 F.3d 831 (7th Cir. 2018), *cert. denied*, 139 S. Ct. 412 (Oct. 29, 2018)

- 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.

The Seventh Circuit reversed, or vacated, and remanded my rulings in the following five cases.

Watters v. Homeowners' Assoc. at Preserve at Bridgewater, 2019 WL 6213165 (S.D. Ind. Nov. 21, 2019), *vacated in part*, 48 F.4th 779, 2022 WL 4128529 (7th Cir. 2022). Husband and wife, African American property owners, one of whom was diagnosed with post-traumatic stress disorder, brought action against homeowners association and several of their neighbors, including two spouses who were president and former president of the association, alleging race discrimination and failure to accommodate in violation of the Fair Housing Act (FHA) and Civil Rights Act provisions protecting equal property rights. I granted summary judgment in favor of Defendants and the property owners appealed. The Seventh Circuit's majority opinion held that fact issues precluded summary judgment in FHA race discrimination claim against the two spouses, thus vacating in part the judgment as to the FHA claim and the § 1982 claim against those Defendants, but affirmed in all other respects.

Ray v. Berryhill, 1:17-cv-01322-MPB-JMS, Dkt. 34 (S.D. Ind. Apr. 9, 2018), *vacated and remanded*, 915 F.3d 486 (7th Cir. 2019). The Seventh Circuit vacated my affirmance of the ALJ's disability decision. The judgment was vacated and remanded to the district court with instructions to remand the case to the agency for further proceedings. Findings, originally given orally, supplied.

McHenry v. Berryhill, 1:16-cv-03425-MPB-WTL, Dkt. 37 (S.D. Ind. Feb. 9, 2018), *vacated*, 911 F.3d 866 (7th Cir. 2018). The Seventh Circuit vacated my affirmance of the ALJ's disability decision. Findings, originally given orally, supplied.

Brinley v. Colvin, 1:16-cv-00360-MPB-TWP, Dkt. 23 (S.D. Ind. Feb. 9, 2017), *remanded*, 732 F. App'x 461 (7th Cir. 2018). The Seventh Circuit remanded the case for further proceedings after I affirmed the ALJ's denial of disability benefits. Findings, originally given orally, supplied.

Huber v. Saul, 1:16-cv-01947-MPB-TWP, Dkt. 23 (S.D. Ind. May 3, 2017), *rev'd and remanded*, 732 F. App'x 451 (7th Cir. 2018). The Seventh Circuit reversed and remanded my affirmance of the ALJ's denial of disability benefits. Findings, originally given orally, supplied.

The presiding district judge within the Southern District of Indiana sustained objections to reports and recommendations and/or orders I issued in the following six cases.

Deborah H. v. Kijakazi, No. 1:20-cv-03201-SEB-MPB, 2022 WL 6257746 (S.D. Ind. May 24, 2022), *rejected in part*, 2022 WL 4591449 (S.D. Ind. Sept. 30, 2022). In a report and recommendation, I recommended that the Social Security

Commission's denial of disability benefits be affirmed. The district judge overruled a number of objections, but sustained an objection with regards to the ALJ's mental subjective symptom evaluation.

Wells v. The Freeman Company and Vaughn, No. 3:21-cv-00047-JRS-MPB, Dkt. 95 (S.D. Ind. Jan. 20, 2022). Copies supplied. I granted in part and denied in part the Plaintiff's motion to compel discovery. Plaintiff appealed and the district judge sustained in part, requiring an updated privilege and work-product privilege log.

Hurt v. Vantlin, No. 3:14-cv-00092-JMS-MPB, 2019 WL 8266867 (S.D. Ind. July 30, 2019), *rejected in part*, 2019 WL 3980759 (S.D. Ind. Aug. 23, 2019). The presiding district judge referred the parties' competing Statements of Remaining Claims following an interlocutory appeal to the Seventh Circuit Court of Appeals. I reviewed the parties' filings and recommended five counts remain for trial by various Plaintiffs and against various Defendants. Each party objected to the Report and Recommendations. While the district judge overruled the majority of the objections, it sustained an objection where Plaintiff inadvertently left a Fourth Amendment claim off of her Statement of Claims.

Walton v. First Merchs. Bank, 1:18-cv-01888-JMS-MPB, Docket No. 125 (Aug. 6, 2018). On August 3, 2018, I held a hearing on a number of outstanding discovery disputes in this lawsuit involving a pro se litigant's lawsuit related to several accounts she held at Defendant. Plaintiff objected. While the District Judge overruled the majority of the objections, it sustained an objection regarding attorneys' fees under Rule 37(a)(5)(A) and (B) to the extent that it directed that I make a finding if any other circumstance made the award of expenses unjust when considering the Defendants' motions for attorneys' fees. *See Walton v. First Merchs. Bank*, 2018 U.S. Dist. LEXIS 193092, at *14 (S.D. Ind. Nov. 13, 2018). On February 5, 2019, I found that no other circumstances made the award of expenses unjust and awarded \$13,108.00 in fees to Defendant under Rule 37. (Docket No. 199). The District Judge affirmed the award. (Docket No. 209). Order on Discovery Conference, Order on Attorneys' Fees, and Order Affirming Attorneys' Fees supplied.

Leason v. Berryhill, 1:17-cv-00091-TWP-MPB, 2018 WL 3195162 (S.D. Ind. Feb. 12, 2018). In a report and recommendation, I recommended that the Social Security Commission's denial of disability benefits be remanded on a number of grounds. The District Court found no reversible error on the basis of any of the Commissioner's objections and adopted the report and recommendation. However, in doing so, the District Court criticized my reasoning regarding the consultative examiner, finding that a reasonable mind could find that the ALJ relied on substantial evidence in assessing the examiner's opinion.

Agrolipetsk, LLC v. Seeds, 1:16-cv-03414-SEB-MPB, Dkt. 46 (S.D. Ind. Nov. 1, 2017), *rejected*, 2018 WL 4574335 (S.D. Ind. Sept. 25, 2018). Copy supplied. I

denied Plaintiff's motion for leave to file amended complaint. In part, I ruled that the case's nexus with Indiana was too thin to overcome the presumption against extraterritoriality and to satisfy the requirements of due process, barring the application of Indiana law to the conduct complained of. Plaintiff appealed my ruling to the district judge, which sustained in part and overruled in part the Plaintiff's appeal. The district judge sustained the Plaintiff's objections as to the Defendants' extraterritoriality defenses, finding that the Plaintiff had adequately pleaded its contractual and tortious claims in such a way that extraterritorial issues did not apply. 2018 WL 4574335 (S.D. Ind. Sept. 25, 2018).

- 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.

To the best of my knowledge, when I issue a Memorandum Opinion or Order via the court's electronic filing system (CM/ECF), the publishing services decide regarding whether to report any such decision in the Federal Supplement or merely make it available electronically, as an unpublished decision. To the extent that I have issued decisions that have not been posted and picked up by the publishing services, these decisions are maintained in the Court's CM/ECF system. I estimate that 98 percent of the decisions I have issued have not been published in the Federal Supplement.

- 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 authored any significant opinions on federal or state 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 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 Southern District of Indiana has 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. A litigant has never requested my recusal.

After reviewing the Code of Conduct for United States Judges, I determined to recuse myself sua sponte in cases involving entities in which I have a financial interest as a stockholder.

In addition, I have hired the accounting firm of Riney Hancock CPAs for tax return preparation and judicial financial disclosure report preparation. Due to this relationship, I determined that my impartiality might reasonably be questioned and I returned the matter of *Michael v. Riney Hancock*, 3:19-cv-157-RLY-MJD, to the Clerk's Office for reassignment.

In addition, as a United States magistrate judge, I have and continue to recuse myself from cases with which I was involved as a federal prosecutor, either as the assigned Assistant United States Attorney or as a supervisor. I determined that from my prior involvement with the case, my impartiality might reasonably be questioned and that this issue was incurable.

I returned the following cases to the Clerk's Office for reassignment:

United States v. Bybee, 3:05-cr-15-RLY-CMM
United States v. Boyd, 3:06-cr-37-RLY-CMM
United States v. Nelson, 3:16-CR-21-RLY-CMM
United States v. Clay et al., 3:16-cr-39-RLY-CMM
United States v. Robinson et al., 3:16-cr-40-RLY-CMM
United States v. Walker et al., 3:16-cr-41-RLY-CMM
United States v. Clark, 3:16-cr-44-RLY-CMM
United States v. Clark, 3:16-cr-45-RLY-CMM
United States v. Clay, 3:16-cr-46-RLY-CMM
United States v. Jones, 3:17-cr-2-RLY-CMM
United States v. Lamont, 3:17-cr-5-RLY-CMM
United States v. Somers, 3:18-cr-36-RLY-CMM
United States v. Mobley et al., 3:18-cr-39-RLY-CMM

United States v. Pam, 3:18-cr-43-RLY-CMM
United States v. Lane, 3:01-cr-3-RLY-CMM
United States v. Davis et al., 3:02-cr-2-RLY-CMM
United States v. Colbert, 3:02-cr-18-RLY-CMM
United States v. Hertzberger, 3:03-cr-20-RLY-CMM
United States v. Ramirez et al., 3:04-cr-7-RLY-CMM
United States v. Correa et al., 3:04-cr-14-RLY-CMM
United States v. Bender et al., 3:04-cr-17-RLY-CMM
United States v. McCarthan, 3:04-cr-18-RLY-CMM
United States v. Goodwin et al., 3:04-cr-19-RLY-CMM
United States v. Lovell, 3:06-cr-29-RLY-CMM
United States v. Drumm et al., 3:06-cr-36-RLY-CMM
United States v. Williams, 3:06-cr-37-RLY-CMM
United States v. Payne, 3:06-cr-38-RLY-CMM
United States v. Kemp, 3:06-cr-46-RLY-CMM
United States v. Toribio et al., 3:07-cr-4-RLY-CMM
United States v. Highman, 3:07-cr-23-RLY-CMM
United States v. Simmons et al., 3:07-cr-24-RLY-CMM
United States v. Perkins et al., 3:07-cr-25-RLY-CMM
United States v. Ogburn, 3:07-cr-27-RLY-CMM
United States v. Gonzalez et al., 3:07-cr-33-RLY-CMM
United States v. Munoz-Aniles et al., 3:07-cr-40-RLY-CMM
United States v. Cruz-Rea et al., 3:07-cr-41-RLY-CMM
United States v. Martinez-Palmero et al., 3:07-cr-42-RLY-CMM
United States v. Marzullo, 3:08-cr-7-RLY-CMM
United States v. Perkins et al., 3:08-cr-13-RLY-CMM
United States v. Griffin et al., 3:08-cr-14-RLY-CMM
United States v. Mobley, 3:08-cr-22-RLY-CMM
United States v. Young et al., 3:08-cr-29-RLY-CMM
United States v. Currie et al., 3:08-cr-30-RLY-CMM
United States v. Braden et al., 3:08-cr-33-RLY-CMM
United States v. Patterson, 3:09-cr-5-RLY-CMM
United States v. Reed, 3:09-cr-8-RLY-CMM
United States v. Jordan, 3:09-cr-27-RLY-CMM
United States v. Andrade et al., 3:10-cr-3-RLY-CMM
United States v. Davis et al., 3:10-cr-4-RLY-CMM
United States v. Sterling et al., 3:10-cr-5-RLY-CMM
United States v. Buckley, 3:10-cr-20-RLY-CMM
United States v. Collier, 3:10-cr-27-RLY-CMM
United States v. Feldman et al., 3:10-cr-38-RLY-CMM
United States v. Barron, 3:10-cr-39-RLY-CMM
United States v. Johnson et al., 3:11-cr-4-RLY-CMM
United States v. Segovia et al., 3:11-cr-12-RLY-CMM
United States v. Taylor et al., 3:11-cr-28-RLY-CMM
United States v. Pate, 3:11-cr-31-RLY-CMM
United States v. Wills, 3:11-cr-39-RLY-CMM

United States v. Dillard, 3:11-cr-42-RLY-CMM
United States v. Wind, 3:11-cr-47-RLY-CMM
United States v. Schmitt, 3:11-cr-48-RLY-CMM
United States v. Vasquez et al., 3:11-cr-53-RLY-CMM
United States v. Burge et al., 3:12-cr-2-RLY-CMM
United States v. Meriwether et al., 3:12-cr-4-RLY-CMM
United States v. Denton, 3:12-cr-5-RLY-CMM
United States v. Jenkins et al., 3:12-cr-15-RLY-CMM
United States v. Ramos et al., 3:12-cr-25-RLY-CMM
United States v. Elliott, 3:12-cr-26-RLY-CMM
United States v. Currie, 3:12-cr-31-RLY-CMM
United States v. White, 3:12-cr-34-RLY-CMM
United States v. Whittley, Jr., 3:12-cr-36-RLY-CMM
United States v. Baird, 3:12-cr-37-RLY-CMM
United States v. Perkins, 3:13-cr-1-RLY-CMM
United States v. Jones, 3:13-cr-4-RLY-CMM
United States v. Kirsch, Jr., 3:13-cr-6-RLY-CMM
United States v. Kamali, 3:13-cr-7-RLY-CMM
United States v. White et al., 3:13-cr-10-RLY-CMM
United States v. Evans, 3:13-cr-11-RLY-CMM
United States v. Prideaux, 3:13-cr-12-RLY-CMM
United States v. Pride, 3:13-cr-15-RLY-CMM
United States v. Elder et al., 3:13-cr-17-RLY-CMM
United States v. Bastain et al., 3:13-cr-20-RLY-CMM
United States v. Baldwin, 3:13-cr-26-RLY-CMM
United States v. Chaffin et al., 3:13-cr-32-RLY-CMM
United States v. Garwood, 3:13-cr-42-RLY-CMM
United States v. Davis, 3:13-cr-45-RLY-CMM
United States v. Merritt et al., 3:13-cr-46-RLY-CMM
United States v. Perry, 3:13-cr-57-RLY-CMM
United States v. Claridge, Jr., 3:13-cr-60-RLY-CMM
United States v. Hogan, 3:13-cr-61-RLY-CMM
United States v. Yaeger, 3:13-cr-64-RLY-CMM
United States v. Davis et al., 3:14-cr-3-RLY-CMM
United States v. Baldwin, 3:14-cr-12-RLY-CMM
United States v. Black, 3:14-cr-15-RLY-CMM
United States v. McNary, 3:14-cr-18-RLY-CMM
United States v. Wallace, 3:14-cr-19-RLY-CMM
United States v. Fentress, 3:14-cr-30-RLY-CMM
United States v. Adams et al., 3:14-cr-34-RLY-CMM
United States v. Tomlinson, 3:14-cr-35-RLY-CMM
United States v. Bautista-De Los Santos, 3:14-cr-37-RLY-CMM
United States v. Rupert et al., 3:14-cr-38-RLY-CMM
United States v. Booker, 3:14-cr-45-RLY-CMM
United States v. Walker, 3:14-cr-47-RLY-CMM
United States v. Hicks, 3:14-cr-48-RLY-CMM

United States v. Tanksley et al., 3:14-cr-49-RLY-CMM
United States v. Allen, 3:14-cr-50-RLY-CMM
United States v. Tucker et al., 3:14-cr-52-RLY-CMM
United States v. Hite, 3:14-cr-55-RLY-CMM
United States v. Rice, 3:14-cr-56-RLY-CMM
United States v. Ramirez-Ayala et al., 3:15-cr-3-RLY-CMM
United States v. Hayes et al., 3:15-cr-4-RLY-CMM
United States v. McClain et al., 3:15-cr-5-RLY-CMM
United States v. Hezel et al., 3:15-cr-6-RLY-CMM
United States v. McKee, 3:15-cr-8-RLY-CMM
United States v. Sanchez, 3:15-cr-9-RLY-CMM
United States v. Burris, 3:15-cr-13-RLY-CMM
United States v. Elpers et al., 3:15-cr-16-RLY-CMM
United States v. Wiman, 3:15-cr-17-RLY-CMM
United States v. Pam et al., 3:15-cr-18-RLY-CMM
United States v. Statzell, 3:15-cr-19-RLY-CMM
United States v. Smith, II, 3:15-cr-21-RLY-CMM
United States v. Lopez-Luria, 3:15-cr-24-RLY-CMM
United States v. AI, 3:15-cr-26-RLY-CMM
United States v. Clark, 3:15-cr-28-RLY-CMM
United States v. Adams, 3:15-cr-31-RLY-CMM
United States v. Roach, 3:15-cr-32-RLY-CMM
United States v. Bippus-Allen et al., 3:15-cr-33-RLY-CMM
United States v. Walker et al., 3:15-cr-34-RLY-CMM
United States v. Gomez et al., 3:15-cr-35-RLY-CMM
United States v. Jackson, 3:15-cr-36-RLY-CMM
United States v. Moffitt et al., 3:15-cr-37-RLY-CMM
United States v. Salgado et al., 3:15-cr-38-RLY-CMM
United States v. Kern, 3:15-cr-39-RLY-CMM
United States v. Fluty, Jr., 3:15-cr-40-RLY-CMM
United States v. Burris, Sr. et al., 3:15-cr-43-RLY-CMM
United States v. Martin, 3:15-cr-44-RLY-CMM
United States v. Smitson, 3:15-cr-46-RLY-CMM
United States v. Smith, 3:15-cr-47-RLY-CMM

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;

I have not served as a clerk to a judge.

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

I have never practiced 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
Brown & James, P.C.
705 Olive Street, Suite 2400
St. Louis, Missouri 63101
Associate

1994 – 1997
Office of the Prosecuting Attorney of Jefferson County, Missouri
Jefferson County Courthouse
300 Main Street
Hillsboro, Missouri 63050
Assistant Prosecuting Attorney

1997 – 1999
Herzog, Crebs & McGhee, LLP
One City Centre, 24th Floor
St. Louis, Missouri 63101
Associate

1999 – 2002
United States Department of Justice

Office of the United States Attorney, Western District of Missouri
Hammons Tower, Suite 500
901 St. Louis
Springfield, Missouri 65806
Special Assistant United States Attorney

2002 – 2016

United States Department of Justice
Office of the United States Attorney, Southern District of Indiana
Winfield K. Denton Federal Building and United States Courthouse,
Room 250
101 Northwest Martin Luther King Junior Boulevard
Evansville, Indiana 47708
Assistant United States Attorney

- 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.

Except in my current role as a magistrate judge in the United States District Court for the Southern District of Indiana, I have not served 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 practiced law in private practice during two separate time periods. From 1993 to 1994, as an associate attorney with Brown & James, PC in St. Louis, Missouri my practice involved primarily civil insurance defense in the areas of premises liability and automobile accident cases. I also practiced in the area of first party insurance coverage disputes during this time period. The majority of the practice was in state court in Missouri and Illinois.

From 1994 to 1997, I served as a state court assistant prosecuting attorney, practicing exclusively Missouri criminal law in state court in Jefferson County, Missouri.

From 1997 to 1999, as an associate with Herzog, Crebs & McGhee, LLP in St. Louis, Missouri, my practice civil insurance defense, commercial litigation, and land use and zoning issues. I also engaged in some appellate practice in the Missouri Court of Appeals. The practice was in state and federal court in Missouri and Illinois.

From 1999 to 2016, I served as a federal prosecutor with the United States Attorney's Offices for the Western District of Missouri and for the Southern District of Indiana, practicing exclusively federal criminal law in district court, and appellate matters in the Eighth and Seventh Circuit Courts of Appeals.

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

My typical clients during the periods of private practice were insurance companies, large and medium commercial entities, and individuals. My sole client as state and federal prosecutor was the State of Missouri and the United States of America. In all practices I developed a specialty in trial advocacy.

- 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.

Approximately 99 percent of my practice has been in litigation. During my two periods in private civil practice, from 1993 to 1994 and from 1997-1999, I engaged in a small amount of land use and zoning legal work. The rest of my practice involved work as a civil litigator and state or federal prosecutor.

- i. Indicate the percentage of your practice in:

- 1. federal courts: 80%
- 2. state courts of record: 20%
- 3. other courts: 0%
- 4. administrative agencies: 0%

- ii. Indicate the percentage of your practice in:

- 1. civil proceedings: 10%
- 2. criminal proceedings: 90%

- 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 have tried approximately 100 cases to verdict, judgment or final decision, with approximately 90 as first chair or sole counsel, and approximately ten as second chair.

- i. What percentage of these trials were:

- 1. jury: 70%
- 2. non-jury: 30%

- 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 never 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. *United States v. Brown et al.*, 3:06-cr-00014-RLY-WGH (S.D. Ind.) (Young, J.)

From 2005 to 2009 I was the lead prosecutor in a multiple Defendant drug distribution conspiracy, Hobbs Act robbery, and related death penalty eligible firearms offenses case. The violent crime spree that formed the basis of the prosecution stretched from Indianapolis to Evansville, Indiana. All Defendants ultimately pleaded guilty to the charges and were convicted. Lead Defendant Brown received a sentence of life in prison without parole. I represented the government in the prosecution of the case, and handled all facets of pretrial preparation, discovery, motion practice, hearings and guilty plea, and sentencing.

Dates of Representation: 2005 to 2009

Co-Counsel

John Dowd (retired)

Counsel for Defendants

Timothy R. Dodd (deceased)

John A. Goodridge
1924 West Franklin Street
Evansville, IN 47712
(812) 423-5535

Michael C. Keating (deceased)

Mark A. Foster
O'Daniel Hambidge & Lynch, LLP
3820 Oak Hill Road
Evansville, IN 47711
(812) 424-8101

Ronald J. Freson, Sr.
20 Northwest Third Street, Suite 1240
Evansville, IN 47708
(812) 424-3593

John P. Brinson
111 Southeast Third Street, Suite 400
Evansville, IN 47708
(812) 424-3520

2. *United States v. Carter*, 3:13-cr-00018-RLY-WGH (S.D. Ind.) (Young, J.)

From 2013 to 2015, I was the lead prosecutor for multi-defendant drug distribution conspiracy, money laundering and public corruption offenses, involving an appointee to the Evansville Economic Redevelopment Commission and a group of multi-national drug distributors engaged in laundering drug proceeds through several Evansville area businesses. Lead Defendant Carter was tried and convicted on all charges and sentenced to 48 months imprisonment. Several co-defendants pleaded guilty and were also convicted and sentences ranging from 60 to 180 months on related drug trafficking charges.

Dates of Representation: 2013 to 2015

Co-Counsel

Lauren Wheatley
United States Attorney's Office
101 Northwest Martin Luther King Junior Boulevard, Suite 250
Evansville, IN 47708
(812) 465-6479

Counsel for Defendant

John Brinson
111 Southeast Third Street, Suite 400
Evansville, IN 47708
(812) 434-3520

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Shaunda Lynch
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Foley & Lardner LLP
321 North Clark Street, Suite 2800
Chicago, IL 60654
(312) 832-5118

Counsel for Interested Party

Donald J. Fuchs
Dentons Bingham Greenebaum
One Main Street, Suite 600
Evansville, IN 47708
(812) 437-0200

3. *United States v. Bell et al.*, 2:13-cr-00021-JMS-CMM (S.D. Ind.) (Magnus-Stinson, J.)

From 2013 to 2016 I was lead counsel for this first degree murder case arising from a gang dispute between prisoners at the United States Penitentiary in Terre Haute, Indiana. Two defendants, Bell and Dixon, went to trial, and were convicted. Defendant Dixon was sentenced to 156 months imprisonment and Defendant Bell to life imprisonment.

Dates of Representation: 2013 to 2016.

Co-Counsel

William L. McCoskey
United States Attorney's Office
10 West Market Street, Suite 2100
Indianapolis, IN 46204
(317) 229-2412

Counsel for Defendants

Michael Donahoe
Indiana Federal Community Defenders
111 Monument Circle, Suite 752

Indianapolis, IN 46204
(317) 383-3520

Jessie A. Cook
400 Wabash Avenue, Suite 212
Terre Haute, IN 47807
(812) 232-4634

4. *United States v. Delaney*, 2:11-cr-00005-JMS-CMM-1 (S.D. Ind.) (Magnus-Stinson, J.)

From 2011 to 2013 I was co-counsel for a first-degree murder case arising from an argument between two cellmates in the United States Penitentiary in Terre Haute, Indiana. Defendant Delaney was found guilty following a jury trial and was sentenced to life without parole.

Dates of Representation: 2011 to 2013

Co-Counsel

James M. Warden
United States Attorney's Office
10 West Market Street, Suite 2100
Indianapolis, IN 46204
(317) 226-6333

Counsel for Defendant

William Dazey
Indiana Federal Community Defenders
111 Monument Circle, Suite 3200
Indianapolis, IN 46204
(317) 383-3520

5. *United States v. Mitchell*, 1:08-cr-00016-SEB-TAB-01 (S.D. Ind.) (Barker, J.)

From 2008 to 2011 I led a prosecution for crack cocaine trafficking and murder of an informant, which arose from an investigation in Richmond, Indiana. Defendant Mitchell was found guilty after a jury trial and sentenced to life imprisonment. The conviction was affirmed on appeal.

Dates of Representation: 2008 to 2011

Counsel for Defendant

Richard Kammen
Gilroy Kammen & Hill
1 Indiana Square, Suite 10
Indianapolis, IN 46204

(317) 236-0400

Jennifer Hinkebein Culotta
Cullota & Cullota LLP
Jefferson Hall
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Jeffersonville, IN 47130
(812) 288-5141

William A. Gray
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Jeffersonville, IN 47130
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8688 Keystone Crossing
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Indianapolis, IN 46240
(317) 573-8888

Bruce D. Brattain
151 North Delaware Street
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Indianapolis, IN 46204
(317) 231-1750

Sara Varner
Leslie D. Wine
Dee R. Goolsby
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111 Monument Circle, Suite 3200
Indianapolis, IN 46204
(317) 383-3520

Jeffrey M. Brandt
Robinson & Brandt PSC
629 Main Street, Suite B
Covington, KY 41011
(859) 581-7777

Sarah L. Nagy
Current contact information unknown

6. *United States v. Schmitt*, 3:11-cr-00048-RLY-CMM-1 (S.D. Ind.) (Young, J.)

From 2011 to 2014 I was co-counsel on a felon in possession of a firearm case. Defendant Schmitt had a jury trial and was convicted and sentenced to 110 months of imprisonment.

Dates of Representation: 2011 to 2014

Co-Counsel

Levi J. Burkett
Special Assistant United States Attorney
Current contact information unknown

Counsel for Defendant

Chad Groves
Groves Law, LLP
312 First Street
Henderson, KY 42420
(812) 402-1740

7. *United States v. Miller*, 3:09-cr-00011-RLY-WGH-1 (S.D. Ind.)(Young, J.)

From 2009 to 2012 I was co-counsel for an armed bank robbery case involving the robbery of several banks across the Midwest, including one in Evansville, Indiana. The Defendant had a jury trial and was convicted and sentenced to 747 months of imprisonment.

Dates of Representation: 2009 to 2012

Co-Counsel

Todd Stanton Shellenbarger
United States Attorney's Office
101 Northwest Martin Luther King Junior Boulevard, Suite 250
Evansville, IN 47708
(812) 465-6475

Counsel for Defendant

John A. Goodridge
1924 West Franklin Street
Evansville, IN 47712
(812) 423-5535

8. *United States v. Goodwin et al.*, 3:04-cr-00019-RLY-CMM (S.D. Ind.) (Young, J.)

From 2004 to 2015 I was lead counsel for a 27-defendant conspiracy to distribute controlled substances and related offenses matter involving armed drug dealers in Southwest Indiana. Many defendants pleaded guilty and several went to jury trial and

were found guilty. I was lead counsel for plea negotiations and for trial. Multiple defendants were sentenced to imprisonment ranging from 60 to 420 months.

Dates of Representation: 2004 to 2015

Co-Counsel

Matthias D. Onderak
Administrative Law Judge (formerly of the United States Attorney's Office)
Social Security Administration
6511 Brotherhood Way
Fort Wayne, IN 46825
(866) 770-1735

Counsel for Defendant

Glenn Grampp
115 Southeast Fourth Street
Evansville, IN 47733
(812) 464-3401

Juval O. Scott
Office of the Public Defender (formerly of Indiana Federal Community Defenders)
Western District of Virginia
401 East Market Street, Suite 106
Charlottesville, VA 22902
(540) 777-0880

Sara J. Varner
Indiana Federal Community Defenders
111 Monument Circle, Suite 3200
Indianapolis, IN 46204
(317) 383-3520

John W. Tullis (deceased)

Jeffrey J. Levine
20 North Clark Street, Suite 800
Chicago, IL 60602
(312) 372-4600

Douglas S. Walton
Walton Law Office LLC
1200 Heinlein Road
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(812) 760-9237

John Brinson

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(812) 434-3520

Russell T. Woodson
Current contact information unknown

Christian M. Lenn
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(812) 455-1526

William E. Marsh, retired
Current contact information unknown

Bernard G. Reisz, Jr., deceased

Conor M. O'Daniel
Foster O'Daniel Hambidge & Lynch, LLP
3820 Oak Hill Road
Evansville, IN 47711
(812) 424-8101

David W. Lamont
413 Main Street
Evansville, IN 47728
(812) 423-6555

Barry M. Blackard
Blackard & Brinkmeyer, LLC
512 Main Street
Evansville, IN 47708
(812) 573-7439

Chad E. Groves
Groves Law, LLP
312 First Street
Henderson, KY 42420
(812) 402-1740

9. *United States v. Hertzberger*, 3:03-cr-00020-RLY-CMM (S.D. Ind.) (Young, J.)

From 2003 to 2005 I was sole counsel in a distribution of oxycodone resulting in death case in Evansville, Indiana. Defendant Hertzberger pleaded guilty and was sentenced to 30 years of imprisonment.

Dates of Representation: 2003 to 2005

Counsel for Defendant

David W. Lamont
413 Main Street
Evansville, IN 47728
(812) 423-6555

10. *United States v. Smith et al.*, 3:02-cr-05025-GAF (W.D. Mo.) (Fenner, J.)

In 2001 and 2002 I was the lead counsel on a seven-defendant cocaine trafficking conspiracy case, including death-penalty eligible murder charges arising from the activities of a violent drug trafficking organization in Joplin, Missouri and Tulsa, Oklahoma. I handled all pre-indictment investigation and charging of the matter, but left the Office of the United States Attorney for the Western District of Missouri before the jury trial. The jury trial occurred in January 2007, and resulted in guilty verdicts.

Dates of Representation: 2001 and 2002

Co-Counsel:

Hon. David P. Rush
Chief United States Magistrate Judge
United States District Court, Western District of Missouri
United States Courthouse
222 North John Q. Hammons Parkway, Suite 2000
Springfield, MO 65806
(417) 865-3761

Counsel for Defendants

Laine T Cardarella
Federal Public Defender's Office
KCMO Walnut Street
1000 Walnut Street, Suite 600
Kansas City, MO 64106
(816) 471-8282

Hon. Michael P. Joyce
Johnson County District Court
100 North Kansas
Olathe, KS 66061
(913) 715-3890

Susan M. Hunt
Livestock Exchange Building
1600 Genessee Street, Suite 806
Kansas City, MO 64106

(816) 221-4588

Darryl Brent Johnson, Jr.
Darryl Johnson Attorney at Law LLC
1885 North Highway CC, Suite A
Nixa, MO 65714

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.)

As a federal prosecutor in the United States Attorney's Office for the Southern District of Indiana, in addition to handling a variety of criminal cases, I also served in leadership positions within the office, including as the Chief of the Drug and Violent Crime Unit, the Lead Attorney for the District's Organized Crime and Drug Enforcement Task Force, and the Branch Chief of the Evansville U.S. Attorney's Office. These leadership positions allowed me to supervise and mentor trial lawyers and set policies and priorities for the Office. In these leadership roles I also took part in attorney and support staff hiring decisions, and provided advice to U.S. Attorneys as a member of their Executive Committees. I also served as a liaison between the U.S. Attorney's Office and the District Court on issues related to federal prosecution, and was a liaison between the U.S. Attorney's Office and federal, state and local law enforcement organizations.

As a United States magistrate judge in the Southern District of Indiana, I have served on court committees, including the Local Rules Committee and the District Court Security Committee. I have previously served as the magistrate judge representative to the Seventh Circuit Judicial Council, and currently serve as a member of the Criminal Law Committee of the Judicial Conference of the United States. The Criminal Law Committee meets regularly and provides guidance and updates to the courts on a variety of criminal law related matters. The Criminal Law Committee reports to the Judicial Conference on important matters of criminal law, and proposes and initiates various programs related to the effective administration of criminal justice within the courts.

I have not performed lobbying activity on behalf of any client or organization, and I am not and have never been a registered 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 was a part-time adjunct professor teaching an introduction to constitutional law to

undergraduate students at the University of Evansville from 2011 to 2015. I did not retain any course materials, notes, or syllabi. The course was taught, in part, with the aid of a textbook, LEE EPSTEIN & THOMAS G. WALKER, CONSTITUTIONAL LAW FOR A CHANGING AMERICA, A SHORT COURSE (Charisse Kiino, Laura Stewart & Carolyn Goldinger, eds., 5th ed. 2012).

I was a part-time adjunct professor teaching an introduction to law course to undergraduate students at the University of Southern Indiana from 2008 to 2010. I did not retain any course materials, notes, or syllabi from the course. The course was taught, in part, with the aid of a textbook, JEFFREY F. BEATTY & SUSAN S. SAMUELSON, LEGAL ENVIRONMENT (Steve Silverstein, Bob Sandman & John Barans, eds., 3rd ed. 2008).

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).

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.

No family members or other persons, parties, categories of litigation or financial arrangements are likely to present potential conflicts of interest for me. I will continue my current practice of recusing myself from cases involving entities in which I hold stock or matters that were active within the United States Attorney's Office at the time I left employment.

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

I do not anticipate any conflicts of interest. If confirmed, I would handle any matters involving actual or potential conflicts of interest by applying the Code of Conduct for United States Judges, 28 U.S.C. § 455, and any other relevant ethical canons or rules.

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.

During my career as a United States magistrate judge and prior as a federal prosecutor, from 1999 to the present, I have been a public servant. In 1993 and 1994, I participated in the St. Louis County Volunteer Lawyers Assistance Program, which provided free legal advice to disadvantaged persons in the St. Louis community, and the Volunteer Income Tax Assistance Program, which provided free income tax return preparation assistance to disadvantaged persons, in connection with the St. Louis Bar Association and Washington University School of Law.

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.

On October 22, 2021, I spoke with staffers from the Office of Congressman Andre Carson concerning possible judicial selection. I met with staff from the Offices of Senators Todd Young and Mike Braun on February 11, 2022, and I met with Senator Braun and members of his staff on May 20, 2022. I was interviewed

by attorneys from the White House Counsel's Office on June 29, 2022. Since then, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On December 21, 2022, 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.

FINANCIAL STATEMENT

NET WORTH

Provide a complete, current financial net worth statement which itemizes in detail all assets (including bank accounts, real estate, securities, trusts, investments, and other financial holdings) all liabilities (including debts, mortgages, loans, and other financial obligations) of yourself, your spouse, and other immediate members of your household.

ASSETS				LIABILITIES			
Cash on hand and in banks		48	069	Notes payable to banks-secured			
U.S. Government securities				Notes payable to banks-unsecured		19	300
Listed securities-see schedule		161	898	Notes payable to relatives			
Unlisted securities				Notes payable to others			
Accounts and notes receivable:				Accounts and bills due			
Due from relatives and friends				Unpaid income tax			
Due from others				Other unpaid income and interest			
Doubtful				Real estate mortgages payable-see schedule		123	000
Real estate owned-see schedule		427	000	Chattel mortgages and other liens payable			
Real estate mortgages receivable				Other debts-itemize:			
Autos and other personal property		28	674				
Cash value-life insurance							
Other assets itemize:							
Federal Thrift Savings Plan		819	711				
				Total Liabilities		142	300
				Net Worth	1	343	052
Total Assets	1	485	352	Total Liabilities and Net Worth	1	485	352
CONTINGENT LIABILITIES				GENERAL INFORMATION			
As endorser, comaker or guarantor				Are any assets pledged? (Add schedule)	No		
On leases or contracts				Are you defendant in any suits or legal actions?	No		
Legal Claims				Have you ever taken bankruptcy?	No		
Provision for Federal Income Tax							
Other special debt							

FINANCIAL STATEMENT

NET WORTH SCHEDULES

Listed Securities

AT&T Inc. stock	\$3,835
Atlantica Sustainable Infrastructure PLC stock	\$1,315
B2Gold Corp. stock	\$1,288
Chevron Corp. stock	\$14,367
Cisco Systems Inc. stock	\$2,000
Clearway Energy Inc. stock	\$7,803
ENI SPA stock	\$1,057
Equinor ASA stock	\$6,622
Aleris Life Inc. stock	\$4
Iron Mountain Inc. stock	\$2,198
Nextera Energy Partners stock	\$7,231
Oneok Inc. New stock	\$15,372
Targa Resources Corp. stock	\$3,017
Total Energies SE stock	\$4,698
Warner Brothers Discovery stock	\$690
Williams Cos. Inc. stock	\$7,126
Capital One Financial Corp. stock	\$9,153
Equitable Holdings Inc. stock	\$1,770
Public Storage Dep SHS stock	\$2,160
US Bancorp DE Dep stock	\$3,872
American Lithium Corp. stock	\$588
Annaly Capital stock	\$308
Atlantica Sustainable Infrastructure PLC stock	\$2,630
Barrick Gold Corp. stock	\$310
Exxon Mobil Corp. stock	\$1,748
ENI SPA stock	\$3,171
Franklin BSP Realty Trust Inc. stock	\$172
Iam Gold Corp. stock	\$42
Pan American Silver Corp. stock	\$238
Targa Resources Corp. stock	\$1,206
Stone Co. Ltd. Stock	\$381
Verizon Communications Inc. stock	\$949
Hercules Capital Inc. stock	\$694
Energy Transfer Ltd. Partnership stock	\$4,235
AT&T Inc. stock	\$1,150
Annaly Capital Management Inc. stock	\$308
Atlantica Sustainable Infrastructure PLC stock	\$657
B2Gold Corp. stock	\$644
Enbridge Inc. stock	\$1,081
Equinor ASA stock	\$1,655
Franklin BSP Realty Trust Inc. stock	\$172
Oneok Inc. stock	\$1,537

Targa Resources Corp. stock	\$1,206
Verizon Communications Inc. stock	\$949
Warner Brothers Discovery Inc. stock	\$69
Wisdom Tree US High Dividend Fund stock	\$1,516
Equitable Holdings Inc. stock	\$1,228
Kimco Realty Corp. stock	\$2,529
US Bancorp stock	\$3,872
Energy Transfer Ltd. Partnership stock	\$1,058
Putnam Investments IRA Rollover Growth Opportunities Fund	\$3,971
Putnam Investments IRA Rollover Research Fund	\$1,647
Capital Group IRA Rollover Growth Fund of America	\$15,610
Capital Group IRA Rollover Washington Mutual Fund	\$11,789
Total Listed Securities	<hr/> \$161,898

Real Estate Owned

Personal residence	<hr/> \$427,000
Total Real Estate Owned	<hr/> \$427,000

Real Estate Mortgages Payable

Personal residence	<hr/> \$123,000
Total Real Estate Mortgages Payable	<hr/> \$123,000

AFFIDAVIT

I, Matthew Paul Brookman, do swear
that the information provided in this statement is, to the best
of my knowledge, true and accurate.

December 12, 2022
(DATE)

[Signature]
(NAME)



ASHLEY REYNOLDS
Notary Public, State of Indiana
Commission # NP0731999
My Commission Expires
February 25, 2029

Ashley Reynolds
(NOTARY)