

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Jacqueline Scott Corley
Jacqueline Marie Scott

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

United States District Court for the Northern District of California

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.

Office: United States District Court
Phillip Burton Federal Building and US Courthouse
450 Golden Gate Avenue
San Francisco, CA 94102

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

1966, Long Beach, California

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.

1988 – 1991, Harvard Law School; J.D. (*magna cum laude*), 1991

1984 – 1988, University of California at Berkeley; B.A. (with high distinction), 1984

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.

2011 – present

United States District Court for the Northern District of California
Phillip Burton Federal Building and US Courthouse

450 Golden Gate Avenue
San Francisco, California 94102
United States Magistrate Judge

2009 – 2011
Kerr & Wagstaffe LLP
100 Spear Street, Suite 1800
San Francisco, California 94105
Partner

1998 – 2009
United States District Court for the Northern District of California
Phillip Burton Federal Building and US Courthouse
450 Golden Gate Avenue
San Francisco, California 94102
Law Clerk to the Honorable Charles R. Breyer

1994 – 1997
Coblentz, Cahen, McCabe & Breyer
1 Montgomery Street, Suite 3000
San Francisco, California 94104
Associate

1992 – 1994, summer 1991
Goodwin Procter LLP
100 Northern Avenue
Boston, Massachusetts 02210
Associate (1992 – 1994)
Summer Associate (summer 1991)

1991 – 1992
United States District Court for the District of Massachusetts
John W. McCormack Post Office and Courthouse
5 Post Office Square
Boston, Massachusetts 02210
Law Clerk to the Honorable Robert E. Keeton

Summer 1990
Dinkelspiel Donovan & Reder
One Embarcadero, Suite 2101
San Francisco, California 94111
Summer Associate

Summer 1989
Drinker, Biddle & Reath LLP
One Logan Square, Suite 2000

Philadelphia, Pennsylvania 19103
Summer Associate

Other Affiliations (uncompensated)

2013 – 2020

Edward J. McFetridge American Inn of Court
(No physical address)
President (2019–2020)
Vice-President (2018–2019)
Counselor (2017–2018)
Secretary/Treasurer (2016–2017)
Pupilage Chair (2015–2016)
Membership Chair (2014–2015)
Social Chair (2013–2014)

2012 – present

Celiac Community Foundation of Northern California
P.O. Box 1506
Healdsburg, California 95448
Vice-President and Camp Celiac Coordinator

2007 – present

Camp Celiac at Camp Arroyo
5555 Arroyo Road
Livermore, California 94550
Co-Founder and Camp Coordinator

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 was not required to register for the selective service.

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

Harvard Law School

Magna Cum Laude (1991)
Harvard Law Review, Articles Editor (1990 – 1991)
Harvard Law Review, Editor (1989 – 1990)

University of California at Berkeley

Graduation with High Distinction (1988)

Phi Beta Kappa (1988)

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

Ninth Circuit Alternative Dispute Resolution Committee, Member (2015 – 2019)

Ninth Circuit Magistrate Judges Education Committee, Member (2012 – 2015)

United States District Court for the Northern District of California
Alternative Dispute Resolution Committee, Member (2017 – present)
Alternative to Incarceration Program (2015 – present)
CJA Selection Panel, Member (2012 – present)
Education/Retreat Committee, Member (2018 – present)
Local Rules Committee, Member (2013 – 2020)

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.

Massachusetts, 1992
California, 1994

There have been no lapses in membership, but I became “inactive” in both states upon becoming a magistrate judge in 2011.

- 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 District Court for the Central District of California, 2009
United States District Court for the Eastern District of California, 2009
United States District Court for the Northern District of California, 1995
United States District Court for the District of Massachusetts, 2010
United States District Court for the Eastern District of Texas, 2009

There have been no lapses in membership.

11. **Memberships:**

- a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school.

Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

Camp Celiac at Camp Arroyo, Co-Founder and Camp Celiac Coordinator (2007 – present)

Celiac Community Foundation of Northern California, Vice-President (2012 – present)

Edward J. McFetridge American Inn of Court

President (2019 – 2020)

Vice-President (2018 – 2019)

Counselor (2017 – 2018)

Secretary/Treasurer (2016 – 2017)

Pupilage Chair (2015 – 2016)

Membership Chair (2014 – 2015)

Social Chair (2013 – 2014)

Member (2008 – 2013)

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

To the best of my knowledge, none of the organizations listed above currently discriminates 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.

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.

Federal Practice Guide, Civil Procedure Before Trial, The Wagstaffe Group: Chapter 43 (Summary Judgment Standards and Procedures) and Chapter 44 (Summary Judgment Motions Applied) (2021 most recent version). Copy supplied.

Motions to Seal: Pluses, Minuses, Rules and Suggestions, ABTL Rep. (Vol. 23, No. 2, Summer 2014). Copy supplied.

The Supreme Court, 1989 Term, Leading Cases: Libel Law—Opinion Privilege, 104 Harv. L. Rev. 219 (1990). Copy supplied.

The California State Lottery: Winners and Losers, Berkeley Undergraduate J. (Vol. 1, No. 1, Spring 1988). Copy supplied.

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

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 a few that I have no record of and thus was not able to identify.

April 16, 2021: Panelist, The State Bar of California, 24th Annual Ethics Symposium, "Lawyering in the Time of COVID: Legal Ethics in the Age of Remote Practice," virtual presentation. Transcript supplied.

March 19, 2021: Speaker, Federal Judicial Center, Wm. Matthew Byrne, Jr. Judicial Clerkship Institute, “Federal Law Clerk Ethics in a Political World,” virtual presentation. Video available at <http://player.piksel.com/v/wwwp708s8>.

March 19, 2021: Panelist, Federal Judicial Center, Wm. Matthew Byrne, Jr. Judicial Clerkship Institute, “Serving Self-Represented Litigants,” virtual presentation. Video available at <http://player.piksel.com/v/c8bem58b>. (Begins at 1:10 mark.)

March 2, 2021: Speaker, The Leadership Development Committee (LDC) of the Northern California Association of Business Trial Lawyers, virtual presentation. I shared tips regarding written and oral advocacy, lessons from my career and service on the bench, and answered questions from participants. I have no notes, transcript, or recording. The address for the Northern California Association of Business Trial Lawyers is 663 South Rancho Santa Fe Road #637, San Marcos, California 92078.

March 2, 2021: Panelist, University of California, Hastings College of the Law, Civil Litigation Concentration Course, Professor Scott Dodson, virtual presentation. I discussed my legal career and path to becoming a magistrate judge. I have no notes, transcript, or recording. The address for UC Hastings is 200 McAllister Street, San Francisco, California 94102.

February 10, 2021: Panelist, Northern District Practice Program, Trade Secret Webinar, virtual presentation. I appeared on a panel discussing recent developments in California and federal trade-secret law. I have no notes, transcript, or recording. The address for the Northern District Practice Program is 450 Golden Gate Avenue, San Francisco, California 94102.

January 28, 2021: Pacific Gas & Electric Company (PG&E), Continuing Legal Education Brown Bag, “Virtual Justice—Conducting Trials via Zoom: A Conversation with Hon. Jacqueline Scott Corley,” virtual presentation. I spoke to attorneys in PG&E’s legal department about the advantages and disadvantages of conducting civil proceedings virtually. I have no notes, transcript, or recording. The address for the PG&E’s Legal Department is 77 Beale Street, San Francisco, California 94105.

December 14, 2020: Panelist, Association of South East Asian Nations, United States Patent and Trademark Office, Global and Intellectual Property Academy “Use of Alternative Dispute Resolution (ADR) in IP and Related Disputes,” virtual presentation. Recording available at <https://rev-vbrick.uspto.gov/sharevideo/a8b2b435-7e08-4485-9dae-00e134630287>.

May 29, 2020: Panelist, Pincus Professional Education, Federal Court Bootcamp, virtual audio presentation. I participated in a panel discussing the nuts and bolts of practicing law in federal court. I have no notes, transcript, or recording. The

address for Pincus Professional Education is P.O. Box 1422, Sierra Madre, California 91025.

April 17, 2020: Speaker, Berkeley Law Pretrial Civil Litigation Class, virtual presentation. I spoke to lecturer Quynh Vu's class regarding a magistrate judge's role in the Northern District of California and how settlement conferences are conducted. I have no notes, transcript, or recording. The address for the University of California, Berkeley, School of Law is 224 Law Building #7200, Berkeley, California 94720.

November 14, 2019: Panelist, California Lawyers Association, 29th Annual Antitrust, UCL and Privacy Section Golden State Institute, Judges Panel, San Francisco, California. I participated in a roundtable discussion about case management of privacy and consumer class actions. I have no notes, transcript, or recording. The address for the California Lawyers Association is 400 Capitol Mall, Suite 650, Sacramento, California 95814.

October 29, 2019: Panelist, Federal Trade Commission, "Consumers and Class Action Notices: An FTC Workshop," Washington, DC. Video available at <https://www.ftc.gov/news-events/audio-video/video/consumers-class-action-notices-ftc-workshop>.

October 17, 2019: Panelist, University of California, Hastings College of the Law, Civil Litigation Concentration Course, Professor Scott Dodson, virtual presentation. I discussed my legal career and path to becoming a magistrate judge for a class of law students. I have no notes, transcript, or recording. The address for UC Hastings is 200 McAllister Street, San Francisco, California 94102.

July 29, 2019: Speaker, The Leadership Development Committee (LDC) of the Northern California Association of Business Trial Lawyers brown bag lunch, San Francisco, California. I shared tips regarding written and oral advocacy, lessons from my career and service on the bench, and answered questions from the participants. I have no notes, transcript, or recording. The address for the Northern California Association of Business Trial Lawyers is 663 South Rancho Santa Fe Road #637, San Marcos, California 92078.

May 17, 2019: Panelist, Pincus Professional Education, Federal Court Bootcamp, San Francisco, California. I participated in a panel discussing the nuts and bolts of practicing law in federal court. I have no notes, transcript, or recording. The address for Pincus Professional Education is P.O. Box 1422, Sierra Madre, California 91025.

May 9, 2019: Presiding Judge, YMCA Youth & Government Mock Trial, San Francisco, California. I presided over a mock trial presented by San Francisco high school and middle school students and provided oral evaluations to the

participants. I have no notes, transcript, or recording. The address of the San Francisco YMCA is 631 Howard Street #500, San Francisco, California 94105.

March 15, 2019: Panelist, Federal Judicial Center, Wm. Matthew Byrne, Jr. Judicial Clerkship Institute, "Serving Self Represented Parties," Pepperdine University, Malibu, California. PowerPoint supplied.

March 14, 2019: Speaker, Federal Judicial Center, Wm. Matthew Byrne, Jr. Judicial Clerkship Institute, "Thinking About Summary Judgment," Pepperdine University, Malibu, California. PowerPoint supplied.

November 8, 2018: Panelist, Northern District of California, Federal Bar Association, "Meet the Magistrate Judges," San Francisco, California. I participated on a panel of magistrate judges discussing procedures and philosophy of Northern District of California magistrate judges. I have no notes, transcript, or recording. The address of the Federal Bar Association is 1220 North Fillmore Street, Suite 444, Arlington, Virginia 22201.

September 25, 2018: Panelist, University of California, Hastings College of the Law, Civil Litigation Concentration Course, Professor Scott Dodson, San Francisco, California. I discussed my legal career and path to becoming a magistrate judge with a class of law students. I have no notes, transcript, or recording. The address for UC Hastings is 200 McAllister Street, San Francisco, California 94102.

September 22, 2018: Panelist, San Francisco Intellectual Property Law Association Annual Seminar, Judges Panel, Calistoga, California. I participated in a roundtable discussion among judges regarding case management and settlement of intellectual property cases. I have no notes, transcript, or recording. The address of the San Francisco Intellectual Property Law Association is 237 Kearny Street #123, San Francisco, California 94108.

June 28, 2018: Keynote Speaker, San Francisco Federal Executive Board, Federal Employee of the Year Awards, Oakland, California. I gave a keynote speech about the dignity of federal employment and the three generations of federal service in my own family. I have no notes, transcript, or recording. The address of the Federal Executive Board is San Francisco Federal Building, 90 7th Street, Suite 18-300, San Francisco, California, 94103.

May 14, 2018: Presiding Judge, YMCA Youth & Government Mock Trial, San Francisco, California. I presided over a mock trial presented by San Francisco high school and middle school students and gave oral evaluations of the participants. I have no notes, transcript, or recording. The address of the San Francisco YMCA is 631 Howard Street #500, San Francisco, California 94105.

March 16, 2018: Panelist, Federal Judicial Center, Wm. Matthew Byrne, Jr. Judicial Clerkship Institute, "Pro Se Matters," Pepperdine University, Malibu, California. PowerPoint supplied.

March 15, 2018: Speaker, Federal Judicial Center, Wm. Matthew Byrne, Jr. Judicial Clerkship Institute, "Thinking About Summary Judgment," Pepperdine University, Malibu, California. PowerPoint supplied.

December 8, 2017: Participant, Duke Law Special Focus Meeting, "Experiences with Rule 26 Proportionality," University of California, Hastings College of the Law, San Francisco, California. I participated in a one-day roundtable discussion regarding the 2015 amendments to the Federal Rules of Civil Procedure. I have no notes, transcript, or recording. The address of Duke Law School is 210 Science Drive, Durham, North Carolina, 27708.

November 11, 2017: Presiding Judge, Stanford Law School Trial Advocacy Workshop for the Autumn 2017 Quarter, Stanford, California. I judged Stanford law students' mock civil trial. I have no notes, transcript, or recording. The address for Stanford Law School is Crown Quadrangle, 559 Nathan Abbott Way, Stanford, California 94305.

October 26, 2017: Moderator, California Lawyers Association, 27th Annual Golden State Antitrust, UCL and Privacy Law Institute, San Francisco, California. I moderated a panel of attorneys discussing the impact of *Spokeo, Inc. v. Robins*, 578 U.S. 330 (2016), on privacy litigation. I have no notes, transcript, or recording. The address of the California Lawyers Association is 400 Capitol Mall, Suite 650, Sacramento, California 95814.

November 8, 2018: Panelist, Northern District of California, Federal Bar Association, "Meet the Magistrate Judges," San Francisco, California. I participated on a panel of magistrate judges discussing the procedures and philosophy of Northern District of California magistrate judges. I have no notes, transcript, or recording. The address of the Federal Bar Association is 1220 North Fillmore Street, Suite 444, Arlington, Virginia 22201.

July 26, 2017: Panelist, San Francisco Bar Association Barristers Club, "Practical Courtroom Tips," San Francisco, California. I participated in a panel sharing advice with newer attorneys regarding conducting oral argument and trials. I have no notes, transcript, or recording. The address of the Bar Association of San Francisco is 201 Mission Street, Suite 400, San Francisco, California, 94105.

July 19, 2017: Panelist, Ninth Circuit Judicial Conference, Ninth Circuit ADR Committee, "Mediation Points/Counterpoints," San Francisco, California. PowerPoint supplied.

July 10, 2017: Panelist, Northern District Practice Program Brown Bag Lunch, San Francisco, California. I provided tips to junior associates about communicating with the court and the mechanics of bringing discovery disputes to the court's attention. I have no notes, transcript, or recording. The address of the Northern District Practice Program is 450 Golden Gate Avenue, San Francisco, California 94102.

May 12, 2017: Panelist, Pincus Professional Education, Federal Court Bootcamp, San Francisco, California. I participated in a panel discussing the nuts and bolts of practicing law in federal court. I have no notes, transcript, or recording. The address for Pincus Professional Education is P.O. Box 1422, Sierra Madre, California 91025.

May 10, 2017: Panelist, California Bar Association Litigation Section Webinar, "Proportional or Perplexing? Practical Strategies for Tackling Discovery After the 2015 Federal Rules Amendment." PowerPoint supplied.

May 9, 2017: Presiding Judge, YMCA Youth & Government Mock Trial, San Francisco, California. I presided over a mock trial presented by San Francisco high school and middle school students and I gave oral evaluations of the participants. I have no notes, transcript, or recording. The address of the San Francisco YMCA is 631 Howard Street #500, San Francisco, California 94105.

April 29, 2017: Moderator, Northern District of California Judicial Conference, "Class Actions After *Spokeo v. Robins*: Supreme Court Jurisprudence, Article III Standing and Practical Implications for the Bench and Practitioners," Napa, California. PowerPoint supplied.

March 16, 2017: Speaker, Federal Judicial Center, Wm. Matthew Byrne, Jr. Judicial Clerkship Institute, "Article III Standing: To Be in Federal Court or not in Federal Court, That is the Question," Pepperdine University, Malibu, California. PowerPoint supplied.

March 16, 2017: Speaker, Federal Judicial Center, Wm. Matthew Byrne, Jr. Judicial Clerkship Institute, "Legal Writing for District and Magistrate Judge Courts," Pepperdine University, Malibu, California. PowerPoint supplied.

March 2, 2017: Panelist, American Bar Association, Insurance Coverage Litigation Conference, "Insurance Coverage for Class Actions," Tucson, Arizona. Outline and PowerPoint supplied.

January 18, 2017: Panelist, Sonoma County Bar Association, "New FRCP Rules Seminar," Santa Rosa, California. PowerPoint supplied.

November 12, 2016: Presiding Judge, Stanford Law School Trial Advocacy Workshop for the Autumn 2016 Quarter, Stanford, California. I judged Stanford

law students' mock civil trial. I have no notes, transcript, or recording. The address for Stanford Law School is Crown Quadrangle, 559 Nathan Abbott Way, Stanford, California 94305.

June 22, 2016: Panelist, Practising Law Institute, Pretrial Practice Program, Settlement Talks, San Francisco, California. PowerPoint supplied.

June 15, 2016: Panelist, Northern District of California Practice Program Brown Bag, "The Art and Practice of the Meet and Confer," San Francisco, California. I was on a panel of judges discussing strategies for effectively meeting and conferring with opposing counsel prior to bringing a discovery dispute to the court's attention. I have no notes, transcript, or recording. The address of the Northern District of California Practice Program is 450 Golden Gate Avenue, San Francisco, California 94102.

May 13, 2016: Panelist, Pincus Professional Education, Federal Court Bootcamp, San Francisco, California. I participated in a panel discussing the nuts and bolts of practicing law in federal court. I have no notes, transcript, or recording. The address for Pincus Professional Education is P.O. Box 1422, Sierra Madre, California 91025.

May 3, 2016: Presiding Judge, YMCA Youth & Government Mock Trial, San Francisco, California. I presided over a mock trial presented by San Francisco high school and middle school students and provided oral evaluations of the participants. I have no notes, transcript, or recording. The address of the San Francisco YMCA is 631 Howard Street #500, San Francisco, California 94105.

April 21, 2016: Speaker, Verizon/DLA Piper Street Law Program, San Francisco, California. I spoke to 11th grade girls from Immaculate Conception Academy about my path to becoming a magistrate judge. I have no notes, transcript, or recording. The address of DLA Piper's San Francisco office is 555 Mission Street Suite 2400, San Francisco, California 94105.

March 29, 2016: Speaker, San Francisco, University High School, "Replacing Justice Scalia: What is all the Fuss About?" San Francisco, California. PowerPoint supplied.

March 17, 2016: Speaker, Federal Judicial Center, Wm. Matthew Byrne, Jr. Judicial Clerkship Institute, "Summary Judgment: Tips and Tricks on the Evaluation of Motions and Drafting of Orders," Pepperdine University, Malibu, California. PowerPoint supplied.

December 2, 2015: Panelist, Continuing Education of the Bar, "FRCP Amendments—Keeping Discovery in Perspective," San Francisco, California. I participated in a panel discussion about the 2015 amendments to the discovery Federal Rules of Civil Procedure. I have no notes, transcript, or recording. The

address of the California Continuing Education of the Bar is 2100 Franklin Street #500, Oakland, California 94612.

June 8, 2015: Panelist, The Rutter Group, "Ten New 'Magic Tricks' for Federal Practice: Making Cases Disappear (or Not) in Federal Court," San Francisco, California. Outline supplied.

May 4, 2015: Panelist, International Trademark Association, "Secrets for Success in Mediation of Trademark Cases," San Diego, California. The panel discussed the nuances of successful mediation/settlement conferences in trademark litigation. I have no notes, transcript, or recording. The address of the International Trademark Association is 675 Third Avenue, Third Floor, New York, New York 10017.

April 30, 2015: Presiding Judge, YMCA Youth & Government Mock Trial, San Francisco, California. I presided over a mock civil trial presented by San Francisco high school and middle school students and I provided oral evaluations of the participants. I have no notes, transcript, or recording. The address of the San Francisco YMCA is 631 Howard Street #500, San Francisco, California 94105.

March 27, 2015: Moderator, Northern District of California Judicial Conference, "Hot Topics in Electronic Surveillance," Napa, California. Draft outline supplied.

March 12, 2015: Speaker, Federal Judicial Center, Wm. Matthew Byrne, Jr. Judicial Clerkship Institute, "Summary Judgment in Employment Cases," Pepperdine University, Malibu, California. PowerPoint supplied.

December 10, 2014: Speaker, HarrisMartin's California Asbestos Litigation Conference, "Life in Federal Court After MDL: Procedure & Discovery Practice," Los Angeles, California. PowerPoint supplied.

October 20, 2014, Panelist, Practising Law Institute, California Trial Evidence 2014, "Overcoming Obstacles to Admissibility," San Francisco, California. PowerPoint supplied.

October 16, 2014: Speaker, Professor Scott Dodson's Civil Litigation class, University of California, Hastings College of the Law, "Subject Matter Jurisdiction," San Francisco, California. PowerPoint supplied.

May 15, 2014: Panelist, Ocean Tomo, "Consumer Surveys in Patent Litigation," Palo Alto, California. Panel discussion regarding the use of consumer surveys in patent litigation and, in particular, discovery-related issues. I have no notes, transcript, or recording. The address of Ocean Tomo is 101 Montgomery Street #2100, San Francisco, California 94104.

May 7, 2014: Presiding Judge, YMCA Youth & Government Mock Trial, San Francisco, California. I presided over a mock trial presented by San Francisco high school and middle school students and provided oral evaluations of the participants. I have no notes, transcript, or recording. The address of the San Francisco YMCA is 631 Howard Street #500, San Francisco, California 94105.

March 13, 2014: Moderator, Federal Judicial Center, Wm. Matthew Byrne, Jr. Judicial Clerkship Institute, "The Evolving Duties of Career Law Clerks," Pepperdine University, Malibu, California. I moderated panel of federal career law clerks sharing advice for managing their workload. I have no notes, transcript, or recording. The address of the Federal Judicial Center is Thurgood Marshall Federal Judiciary Building, One Columbus Circle, Northeast, Washington, DC 20002.

March 13, 2014: Speaker, Federal Judicial Center, Wm. Matthew Byrne, Jr. Judicial Clerkship Institute, "Adjudicating Civil Rights Cases in the Federal Courts after *Twombly/Iqbal*," Pepperdine University, Malibu, California. PowerPoint supplied.

December 6, 2013: Panelist, California Continuing Education of the Bar, Federal Court Practice Program, "Motion Practice in the Northern District of California," San Francisco, California. PowerPoint supplied.

October 30, 2013: Speaker, Professor Scott Dodson's Civil Procedure and Federal Practice class, University of California, Hastings College of the Law. I spoke to the class about jurisdiction issues in federal courts. I have no notes, transcript, or recording. The address for UC Hastings is 200 McAllister Street, San Francisco, California 94102.

October 21, 2013: Panelist, Practising Law Institute, California Trial Evidence 2013, "Overcoming Obstacles to Admissibility," San Francisco, California. PowerPoint supplied.

April 30, 2013: Presiding Judge, YMCA Youth & Government Mock Trial, San Francisco, California. I presided over a mock trial presented by San Francisco high school and middle school students. I have no notes, transcript, or recording. The address of the San Francisco YMCA is 631 Howard Street #500, San Francisco, California 94105.

March 19, 2013: Panelist, Practising Law Institute, 7th Annual Patent Law Institute, Patent Litigation, San Francisco, California. I spoke about a variety of patent litigation procedural issues, including pleading standards and Rule 11 sanctions. I have no notes, transcript, or recording. The address of the Practising Law Institute's San Francisco Conference Center is 455 Market Street, San Francisco, California 94105.

March 14, 2013: Speaker, Federal Judicial Center, Wm. Matthew Byrne, Jr. Judicial Clerkship Institute, "Adjudicating Civil Rights Cases in the Federal Courts after *Twombly/Iqbal*," Pepperdine University, Malibu, California. PowerPoint supplied.

March 12, 2013: Panelist, San Francisco Trial Lawyers Association, "Motions for Summary Judgment," San Francisco, California. I provided advice from a judicial perspective for the presentation of summary judgment motions. I have no notes, transcript, or recording. The address of the San Francisco Trial Lawyer Association is 311 California Street # 620, San Francisco, California 94104.

October 24, 2012: Panelist, The Recorder Roundtable, "Outstanding Motions Work: Best Practices as Seen from the Bench," San Francisco, California. Partial recording available at <https://www.facebook.com/TheRecorderCA/videos/outstanding-motions-work-roundtable/10151153176754457>.

March 20, 2012: Panelist, Practising Law Institute, 6th Annual Patent Law Institute, Patent Litigation, San Francisco, California. I believe I spoke about discovery issues in patent litigation. I have no notes, transcript, or recording. The address of the Practising Law Institute San Francisco Conference Center is 455 Market Street, San Francisco, California 94105.

September 8, 2011: Speaker, Investiture of Honorable Jacqueline Scott Corley, San Francisco, California. Recording supplied.

- 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.

Jennifer Iscol, *Camp Celiac's Pandemic Pivot – Finding Joy in Summer 2020*, Celiac Community Foundation of Northern California, Feb. 24, 2021. Copy supplied.

Winston Cho, "*Humans First*": *Profile of Magistrate Judge Jacqueline Corley*, Daily J., Feb. 7, 2021. Copy supplied.

Winston Cho, *Northern District Judges May Keep Virtual Hearings After Pandemic*, Daily J., Jan. 5, 2021. Copy supplied.

Cheryl Jennings, ABC7 Special, *Just Like Me: The Taylor Family Foundation*, Aug. 20, 2013. Video available at <https://www.youtube.com/watch?v=g49q3zDcWRw&t=546s>.

Jacqueline Corley Interview, The Recorder, May 29, 2012. Copy supplied.

Erin Fuchs, *Chevron's Malice Suit Against Ecuador Atty Nixed*, Law360, Oct. 11, 2010. Copy supplied.

Martha Neil, *Sued By Chevron for \$4M, Lawyer Scores Interim SLAPP Suit Victory in Malicious Prosecution Case*, ABAJournal.com, May 14, 2010. Copy supplied.

Judge Guts Chevron's Suit Against Massachusetts Lawyer, The Recorder, May 14, 2010. Copy supplied.

Todd Purdum, *Raising Obama*, Vanity Fair, Mar. 2008. 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 May 2011 I have served as a United States Magistrate Judge in the Northern District of California. The District Court has jurisdiction over civil matters based on federal question or diversity jurisdiction as well as federal criminal proceedings. As a magistrate judge I preside over criminal and civil federal proceedings.

In the criminal context I conduct initial appearances, detention hearings, and preliminary hearings, supervise pretrial release, preside over misdemeanor cases through sentencing, and review search warrants, pen registers, and similar requests from law enforcement. For civil proceedings I preside (with the parties' consent) over every category of federal civil litigation from the initiation of the complaint through trial. I also manage discovery upon referral from the district court judges, and I conduct settlement conferences for civil cases assigned to magistrate judges or to district court judges.

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

Approximately 26 of the cases I have presided over have gone to verdict or judgment following a trial.

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

jury trials:	62%
bench trials:	38%

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

civil proceedings:	73%
criminal proceedings:	27%

- 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. *In re Cal. Gasoline Spot Mkt. Antitrust Litig.*, No. 20-CV-3131 JSC, 2021 WL 1176645 (N.D. Cal. Mar. 29, 2021).

I am the trial judge for this consolidated antitrust price fixing putative class action, which we are coordinating with a parallel state court action brought by the California State Attorney General. All parties consented to my jurisdiction, including all of the plaintiffs in the various cases whose attorneys competed for lead counsel status as well as the foreign defendant. After I selected lead plaintiffs' counsel, I ruled on defendants' motions to dismiss. I denied the motion to dismiss for failure to state a claim, and gave the plaintiffs the opportunity to conduct discovery relevant to the foreign defendant's motion to dismiss for lack of personal jurisdiction. On September 29, 2021, I issued an order granting the foreign defendant's motion to dismiss based on lack of personal jurisdiction.

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2. *In re Juul Labs, Inc., Mktg., Sales Practices, and Prods. Liab. Litig.*, No. 19-MD-2913 WHO (JSC), 2021 WL 2281660 (N.D. Cal. May 25, 2021).

The district court judge presiding over this multi-district litigation (MDL) involving personal injury, consumer class action, and antitrust actions against the e-cigarette manufacturer directly referred to me the management of discovery. To keep the cases moving I hold monthly discovery conferences with counsel. The day before the conference the parties jointly submit a written status update on what they have accomplished, what disputes are brewing, and an agenda for the conference. Following each conference I issue an order with decisions and deadlines. I also separately hold “informal” discovery dispute conferences upon request: without providing me with anything in writing in advance I meet by video or telephone with the parties and they explain an emerging discovery dispute. I then share my instinctual non-binding reaction. These informal conferences help the parties reach resolution on their own without the time and financial burden of litigating formal disputes. The first bellwether trials are scheduled to commence in Spring 2022.

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Defendants’ Counsel:

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3. *Fairbairn v. Fid. Invs. Charitable Gift Fund*, No. 18-CV-04881-JSC, 2021 WL 754534 (N.D. Cal. Feb. 26, 2021).

Plaintiff hedge fund managers sued Fidelity Charitable, a donor-advised fund, for negligence, breach of contract and misrepresentation arising out of a donation of stock made in the closing days of 2017. At the parties' suggestion, and with their consent, I held a seven-day bench trial entirely by Zoom video in October 2020. Following the trial I issued a written opinion finding in favor of Fidelity Charitable on all claims. The plaintiffs did not appeal.

Plaintiffs' Counsel:

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4. *In re Pac. Fertility Ctr. Litig.*, No. 18-CV-01586 JSC, 2021 WL 862463 (N.D. Cal. Mar. 8, 2021).

In March 2017 a tank holding frozen embryos of Pacific Fertility clients failed. Plaintiffs filed a putative product liability action against the fertility clinic and the tank manufacturer, among others. I granted a motion to compel arbitration as to one defendant, and denied as to the remaining defendants. Following an appeal, the case continued before me against the tank manufacturer, Chart Industries, Inc. Following my denial of plaintiffs' class certification motion approximately 133 individual actions against the tank manufacturer were then filed in the Northern District of California. All of the cases were designated as related, and the tank

manufacturer and the individual plaintiffs in all 133 cases consented to my jurisdiction. A three-week bellwether trial took place in May and June 2021 and resulted in a multimillion-dollar verdict in favor of the plaintiffs. I could not issue a final judgment because the claims I had compelled to arbitration were still pending. I thereafter granted plaintiffs' motion for a Federal Rule of Civil Procedure 54(b) separate judgment, finding that there were no good reasons to delay entry of final judgment. The next jury trial is scheduled for January 2022.

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5. *Gonzalez v. Barr*, No. 18-CV-1869 JSC, 325 F.R.D. 616 (N.D. Cal. 2018), *enf't denied sub nom. Gonzalez v. Whitaker*, No. 18-CV-01869-JSC, 2019 WL 330466 (N.D. Cal. Jan. 25, 2019), and *aff'd sub nom. Aleman Gonzalez v. Barr*, 955 F.3d 762 (9th Cir. 2020), and *amended sub nom. Gonzalez v. Barr*, No. 18-CV-01869-JSC, 2020 WL 3402227 (N.D. Cal. June 19, 2020), *cert. granted*, No. 20-322, 2021 WL 3711642 (U.S. Aug. 23, 2021).

This immigration class action challenged the government's failure to provide ICE-held class members with hearings after six months of detention, as required by the Ninth Circuit's decision in *Diouf v. Napolitano*, 634 F.3d 1081 (9th Cir. 2011). I certified a Rule 23(b) class and granted a preliminary injunction requiring

the government to do so. In so ruling, I held that *Diouf* was not clearly irreconcilable with a subsequent Supreme Court case, *Jennings v. Rodriguez*, 138 S. Ct. 830 (2018). In a published opinion, the Ninth Circuit affirmed my reasoning. The Supreme Court granted the government's petition for certiorari on August 23, 2021.

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6. *United States v. Ryan*, No. 17-CR-0471 JSC.

The government charged the defendant with theft of government property, a Class A misdemeanor. I resolved a pretrial motion and presided over a six-day jury trial. The jury acquitted the defendant.

Plaintiff's Counsel:

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Defendant's Counsel:

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7. *United States v. Coinbase, Inc.*, No. 17-CV-01431 JSC, 2017 WL 5890052 (N.D. Cal. Nov. 28, 2017).

The Internal Revenue Service (IRS) served a summons on Coinbase, Inc., a virtual currency exchange, seeking records regarding nearly all of Coinbase's customers for a several-year period. After Coinbase failed to comply with the summons, the government petitioned to enforce the summons. Following oral argument on a motion to quash the summons and a motion to intervene, the IRS narrowed the scope of its summons such that it applies to far fewer, but still more than 10,000, Coinbase account holders. I subsequently allowed a Coinbase account holder to intervene, and granted in large part the government's petition to enforce. I found that the summons as narrowed served the IRS's legitimate purpose of investigating Coinbase account holders who may not have paid federal taxes on their virtual currency profits and entered judgment in favor of the United States. Coinbase did not appeal.

Petitioner's Counsel:

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Respondent's Counsel:

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8. *Omar v. Tillerson*, No. 15-CV-01760 JSC, 2017 WL 5751314 (N.D. Cal. Nov. 28, 2017), *vacated sub nom. Omar v. Pompeo*, No. 3:15-CV-01760-JSC, 2018 WL 4191416 (N.D. Cal. Aug. 16, 2018).

Petitioner, a naturalized United States citizen of Yemeni descent, had his U.S. passport seized from him when he visited the U.S. Consular Office in Yemen to obtain a U.S. passport for his daughter. The case presented a question of first impression: whether the United States government may revoke a citizen's passport on the grounds that his "true identity" is different from the name on his passport, even though the passport name is his unchallenged legal name. In particular, whether the government met its burden to demonstrate that a citizen used fraud in obtaining a passport when the citizen applied for the passport in the name he had lived under for at least 35 years, and that same allegedly fraudulent name is the name on the citizen's unchallenged certificate of naturalization, driver's license, social security card, and tax returns, among other identifying documents. I answered no and thus found that the government's revocation of the petitioner's passport was arbitrary and capricious under the Administrative Procedure Act. The case ultimately settled on appeal.

Petitioner's Counsel:

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Respondent's Counsel:

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9. *SEC v. Sabrdaran*, 14-4825 JSC, 252 F. Supp. 3d 866 (N.D. Cal. 2017).

This was a civil insider trading lawsuit against two individuals. A preliminary legal issue was whether the United States securities laws reached the conduct at

issue—spread bets in a foreign country hedged by United States securities. I held that they did. After a three-week trial, the jury found both defendants liable. During the remedy phase, I entered an officer and director bar against one defendant. Defendants did not appeal.

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10. *Ramirez v. TransUnion, LLC*, No. 12-CV-00632 JSC, 301 F.R.D. 408 (N.D. Cal. 2014), *aff'd in part, rev'd in part, Ramirez v. TransUnion LLC*, 951 F.3d 1008 (9th Cir.), *cert. granted in part sub nom. TransUnion LLC v. Ramirez*, 141 S. Ct. 972 (2020), *and rev'd and remanded*, 141 S. Ct. 2190 (2021).

Plaintiff brought a class action pursuant to the Fair Credit Reporting Act (FCRA) alleging that TransUnion inaccurately reported certain consumers as potentially on the United States list of terrorists and drug traffickers to whom Americans cannot lend money. I certified a statutory damages class, and a jury rendered a verdict in favor of the class. The Ninth Circuit affirmed the judgment, although it reduced the amount of the punitive damages award. The Supreme Court granted certiorari and on June 25, 2021, issued a 5-4 decision holding that some of the class members did not have Article III standing to obtain statutory damages. The case has been remanded back to me to conduct further proceedings consistent with the Supreme Court's decision. A status conference is scheduled for November 18, 2021.

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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. *Behring Reg'l Ctr. LLC v. Wolf*, No. 20-CV-09263 JSC, 2021 WL 2554051 (N.D. Cal. June 22, 2021).

Plaintiff's Counsel:

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2. *William v. Morrison & Foerster LLP*, No. 18-CV-02542 JSC, 2021 WL 3012739 (N.D. Cal. Mar. 12, 2021).

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3. *Whitesides v. E*TRADE Secs, LLC*, No. 20-CV-05803 JSC, 2021 WL 930794 (N.D. Cal. Mar. 11, 2021).

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4. *Fed. Trade Comm'n v. LendingClub Corp.*, No. 18-CV-02454-JSC, 2020 WL 2838827 (N.D. Cal. June 1, 2020).

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5. *Dimry v. Bert Bell/Pete Rozelle NFL Player Ret. Plan*, 487 F. Supp. 3d 807 (N.D. Cal. 2020), *aff'd and remanded*, 855 F. App'x 332 (9th Cir. 2021).

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6. *In the Matter of a Search of a Residence in Aptos, Cal. 95003*, No. 17-MJ-70656-JSC-1, 2018 WL 1400401 (N.D. Cal. Mar. 20, 2018), *aff'd sub nom. United States v. Spencer*, No. 17-CR-259 CRB, 2018 WL 1964588 (N.D. Cal. Apr. 26, 2018).

Plaintiff's Counsel:

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7. *Waymo LLC v. Uber Techs., Inc.*, No. 17-CV-00939 WHA (JSC), 2017 WL 2485382 (N.D. Cal. June 8, 2017), *mtn. for relief from magistrate judge order denied*, 2017 WL 2694191 (N.D. Cal. June 21, 2017), *dismissing appeal, mandamus denied*, 870 F.3d 1350 (Fed. Cir. 2017).

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8. *SEC v. Sabrdaran*, 252 F. Supp. 3d 866 (N.D. Cal. 2017).

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9. *Morse v. S.F. Bay Area Rapid Transit Dist. (BART)*, No. 12-CV-5289 JSC,
2014 WL 572352 (N.D. Cal. Feb. 11, 2014).

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10. *Hesterberg v. United States*, No. 13-CV-01265 JSC, 71 F. Supp. 3d 1018 (N.D. Cal. 2014).

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

My search of legal databases has revealed that certiorari was requested or granted in the following six cases.

Resilient Floor Covering Pension Tr. Fund Bd. of Trustees v. Michael's Floor Covering, Inc., No. 11-CV-5200 JSC, 2012 WL 8750444, (N.D. Cal. Nov. 1, 2012), *rev'd and remanded*, 801 F.3d 1079 (9th Cir. 2015), *cert. denied*, 578 U.S. 1009 (2016).

Gonzalez v. Barr, 18-1869 JSC, 2019 WL 330466 (N.D. Cal. Jan. 25, 2019), *aff'd*, 955 F.3d 762 (9th Cir. 2020), *cert. granted sub nom. Garland v. Gonzalez*, No. 20-322, 2021 WL 3711642 (Aug. 23, 2021).

Long v. Authentic Athletix LLC, No. 16-CV-03129-JSC, 2016 WL 6024591 (N.D. Cal. Oct. 14, 2016), *aff'd*, 811 F. App'x 400 (9th Cir. 2020), *cert. denied sub nom. Schaffer v. Long*, 141 S. Ct. 897 (Dec. 7, 2020).

Cortosluna v. Leon, No. 17-CV-05133-JSC, 2018 WL 6727824, (N.D. Cal. Dec. 21, 2018), *aff'd in part, rev'd in part, and remanded*, 979 F.3d 645 (9th Cir. 2020), *rev'd sub nom. Rivas-Villegas v. Cortosluna*, ___ S. Ct. ___, 2021 WL

4822662 (Oct. 18, 2021) (per curiam).

Daniels v. Alameda Cnty., No. 19-CV-00602-JSC, 2019 WL 6465276, (N.D. Cal. Dec. 2, 2019), *aff'd sub nom. Daniels v. Cnty. of Alameda*, 842 F. App'x 110 (9th Cir. 2021), *cert. denied*, 2021 WL 4508615 (U.S. Oct. 4, 2021).

Ramirez v. TransUnion LLC, No. 12-CV-00632 JSC, *aff'd in part, rev'd in part*, 951 F.3d 1008 (9th Cir.), *cert. granted in part sub nom. TransUnion LLC v. Ramirez*, 141 S. Ct. 972 (2020), *and rev'd and remanded*, 141 S. Ct. 2190 (2021).

- 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.

Ctr. for Investigative Reporting v. U.S. Dep't of Justice, No. 17-CV-06557 JSC, 2018 WL 3368884 (N.D. Cal. July 10, 2018), *rev'd and remanded*, 982 F.3d 668 (9th Cir. 2020), *withdrawn and superseded on denial of request for r'hrng en banc*, ___ F.4th ___, 2021 WL 4314789 (9th Cir. Sept. 23, 2021). In this Freedom of Information Act (FOIA) action, the plaintiff sought records regarding the use in crimes of guns once owned by law enforcement. I denied in part and granted in part the defendant's summary judgment motion. After the parties resolved the remaining claims, the plaintiff appealed the claim on which I granted the defendant summary judgment. In a split decision, the Ninth Circuit held that Congress had not exempted the data sought from disclosure under FOIA, and that while FOIA does not require an agency to create a record, the use of a query to search for and extract a particular arrangement or subset of existing data from an electronic database does not amount to creation of a "new" agency record under FOIA. As the existing record did not enable the Court of Appeals to determine whether the relevant database was currently capable of producing the requested information in response to a search query, the court remanded.

Lawson v. Grubhub, Inc., 302 F. Supp. 3d 1071 (N.D. Cal. 2018), *vacated and remanded*, ___ F.4th ___, 2021 WL 4258826 (9th Cir. Sept. 20, 2021). Plaintiff brought a putative class action under California wage and hour laws claiming that as a driver for food ordering/delivery app Grubhub he was wrongly classified as an independent contractor rather than employee. I denied class certification on the grounds that the plaintiff, who had opted out of a driver arbitration agreement, was not an adequate or typical representative. The case then proceeded to a bench trial on the plaintiff's claim under California's Private Attorney General Act (PAGA), following which I found for the defendant. After I rendered my decision, the California Supreme Court in *Dynamex Operations W. v. Superior Ct.*, 4 Cal. 5th 903 (2018), adopted a new test for determining an employee's status. On appeal, the Ninth Circuit stayed the case while California law on this issue underwent many developments. After the California Supreme Court ruled

that *Dynamex* was retroactive, the Ninth Circuit affirmed my denial of class certification, held that a subsequent ballot proposition was also not retroactive, and vacated my decision on the PAGA claim and remanded for a new decision under the *Dynamex* standard.

Corteshluna v. Leon, No. 17-CV-05133-JSC, 2018 WL 6727824, (N.D. Cal. Dec. 21, 2018), *aff'd in part, rev'd in part, and remanded*, 979 F.3d 645 (9th Cir. 2020), *rev'd sub nom. Rivas-Villegas v. Corteshluna*, __ S. Ct. __, 2021 WL 4822662 (Oct. 18, 2021) (per curiam). I granted the defendants' motion for summary judgment on qualified immunity grounds in an excessive-force action. The Ninth Circuit affirmed my ruling that one officer's use of force when he shot the plaintiff with beanbag rounds did not violate Fourth Amendment, and concluded that genuine issues of fact existed as to whether the conduct of a second officer in pressing his knee into the plaintiff's back was unreasonable under Fourth Amendment, precluding summary judgment on qualified immunity grounds. The court also affirmed my holding that a third officer was not liable for failure to intervene to prevent alleged excessive force by other two officers. On October 18, 2021, the United States Supreme Court granted certiorari and reversed the Ninth Circuit in a per curiam opinion. The Court agreed with me that the second officer was entitled to qualified immunity.

R. E. v. Pac. Fertility Ctr., No. 18-CV-01586-JSC, 2019 WL 1331044 (N.D. Cal. Mar. 25, 2019), *aff'd in part, rev'd in part sub nom. In re Pac. Fertility Ctr. Litig.*, 814 F. App'x 206 (9th Cir. 2020). In a products liability case arising out of the implosion of a tank storing frozen eggs and embryos, I granted the motion to compel arbitration of the fertility clinic, but denied the motions of the non-signatories to the arbitration agreement. On appeal, the Ninth Circuit affirmed my decision that the tank manufacturer could not invoke equitable estoppel to compel arbitration, and in a 2-1 decision held that the two other entities were entitled to invoke equitable estoppel to compel arbitration. The first case against the tank manufacturer went to trial in May 2021, and the jury rendered a verdict in favor of the plaintiffs. Motions for a new trial are currently pending.

Ramirez v. TransUnion LLC, No. 12-CV-00632 JSC, *aff'd in part, rev'd in part*, 951 F.3d 1008 (9th Cir.), *cert. granted in part*, 141 S. Ct. 972 (2020), *and rev'd and remanded*, 141 S. Ct. 2190 (2021). A jury found TransUnion liable for statutory and punitive damages under the Fair Credit Reporting Act (FCRA) arising out its erroneously identifying consumers as being on the United States Terrorist Watch List. On appeal, the Ninth Circuit affirmed the judgment and held that each class member had Article III standing; however, the court reduced the punitive damages award as excessive in violation of constitutional due process. The Supreme Court granted certiorari, and reversed in part in a 5-4 decision, holding that certain class members lacked Article III standing.

Raimondo v. FBI, No. 13-CV-02295-JSC, 2016 WL 2642038 (N.D. Cal. May 10, 2016), *rev'd and remanded sub nom. Garriss v. FBI*, 937 F.3d 1284 (9th Cir.

2019). The founder and managing editor of a news website sued the FBI seeking expungement under the Privacy Act of two FBI “threat-assessment” memoranda regarding him and his website, as well as production of documents under the Freedom of Information Act (FOIA). I denied the parties’ cross-motions for summary judgment on the FOIA claims, but granted the FBI summary judgment on the Privacy Act claim. After the FBI made additional productions, the parties resolved all claims except for the Privacy Act claim. On appeal, the Ninth Circuit affirmed in part and reversed in part. The court held that I did not abuse my discretion in granting a protective order precluding deposition of retired FBI agents, but that I erred in applying the rule that exempts agency employees’ affidavits from the personal knowledge requirement for summary judgment affidavits in FOIA disclosure cases to agency declarations in Privacy Act expungement actions, although the error was harmless. As a matter of first impression in the Ninth Circuit, the court, disagreeing with the D.C. Circuit, held that both the initial collection and the ongoing maintenance of records describing how any individual exercises First Amendment rights must be justified to fall within the law enforcement exception. Under this standard, the court affirmed my ruling on the plaintiff’s claim for expungement of one record, but reversed on a second record.

L.J. v. Pittsburg Unified Sch. Dist., No. 13-CV-03854-JSC, 2014 WL 1947115 (N.D. Cal. May 14, 2014), *rev’d and remanded*, 835 F.3d 1168 (9th Cir. 2016), *opinion amended and superseded on denial of reh’g sub nom. L.J. by & through Hudson v. Pittsburg Unified Sch. Dist.*, 850 F.3d 996 (9th Cir. 2017), *and rev’d and remanded sub nom. L.J. by & through Hudson v. Pittsburg Unified Sch. Dist.*, 850 F.3d 996 (9th Cir. 2017). Following an administrative determination that a student was not entitled to special education services, the student’s mother appealed to the district court, requesting that the school district be required to provide the student with an individualized education plan (IEP) under the Individuals with Disabilities Education Act (IDEA). I granted the school district’s motion for summary judgment. The Ninth Circuit reversed, holding that the district’s refusal to enter an IEP was improper and that the district wrongly failed to disclose certain records to the student’s mother.

Resilient Floor Covering Pension Tr. Fund Bd. of Trs. v. Michael’s Floor Covering, Inc., No. 11-CV-5200 JSC, 2012 WL 8750444, (N.D. Cal. Nov. 1, 2012), *rev’d and remanded*, 801 F.3d 1079 (9th Cir. 2015). Pension trust fund claimed that employer had withdrawal liability under Multiemployer Pension Plan Amendments Act (MPPAA). Following a bench trial I granted judgment for the employer. On an issue of first impression, the Ninth Circuit held that a construction industry successor employer can be subject to MPPAA withdrawal liability, so long as the successor took over the business with notice of the liability and that substantial continuity in the business operations was most important factor for withdrawal liability. The court held that I had not properly identified or weighed the successorship factors and therefore reversed and remanded. Following remand I granted summary judgment for employer on a different

ground, and the Ninth Circuit affirmed.

Facebook, Inc. v. Sluchevsky, No. 19-cv-01277-YGR, 2020 U.S. Dist. LEXIS 181249 (N.D. Cal. Aug. 28, 2020), *Report and Recommendation adopted by, modified by*, 2020 U.S. Dist. LEXIS 181241 (N.D. Cal. Sep. 30, 2020). I issued a Report and Recommendation recommending granting Plaintiff's motion for default judgment, awarding damages, attorney's fees and costs. The district court adopted my Report and Recommendation in full, except for reducing the amount of attorney's fees awarded.

Livingston v. Art.com, Inc., No. 13-cv-03748-CRB, 2015 U.S. Dist. LEXIS 92211 (N.D. Cal. Apr. 17, 2015), *Report and Recommendation adopted by, modified by, objection overruled in part by, objection sustained in part by*, 2015 U.S. Dist. LEXIS 92191 (N.D. Cal. July 15, 2015). In this copyright infringement action I issued a Report and Recommendation to deny an individual defendant's motion to set aside the entry of default and grant the plaintiff's motion for default judgment and award a certain amount of actual damages, along with attorney's fees and costs. The district court adopted my Report and Recommendation, except for modifying the amount of damages awarded on the grounds that the plaintiff had provided misinformation regarding the amount of royalties recoverable from the defendant.

- 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.

Nearly all of my opinions are published in official reporters or on Westlaw or Lexis. All of my decisions are filed on the docket in our court's electronic filing system.

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

I have not written 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 Northern District of California maintains an automated conflict checker that precludes cases with attorneys or parties on the conflict list from being assigned to the identified judge. On my list I include my former law clerks for two years after their clerkship with me ends. I also include my sister, who is an attorney in the San Francisco Bay Area, and another attorney who is a close friend. Also on my automatic conflict list are my former law partner because I continue to contract with him to edit book chapters. Finally, my spouse is a partner in the Permanente Medical Group so I have placed that entity on my conflict list. I have also included other Kaiser health insurance entities because the San Francisco Bay Area public generally does not understand that Kaiser physicians are separate from Kaiser hospitals and the Kaiser health insurance plan and thus my impartiality might reasonably be questioned in any proceeding involving any Kaiser entity.

In *Warne v. the University of California at San Francisco (UCSF)*, No. 16-CV-6773-DMR, the unrepresented plaintiff moved for my recusal after two years of litigation. Plaintiff alleged, among other things, that my spouse was employed by UCSF and therefore had a financial interest in the litigation. The allegation was untrue as my spouse had not worked for that entity for over 15 years and, even if he did, he would not have had a financial interest in the litigation within the meaning of 28 U.S.C. § 455(b)(4). I nonetheless recused myself because the unrepresented plaintiff had become quite challenging and I believed that if I did not recuse it would increase the complexity of managing the case. The case was reassigned to one of my magistrate judge colleagues who shortly after reassignment dismissed the case after the plaintiff repeatedly refused to appear for his deposition. The Ninth Circuit affirmed the dismissal.

I also recently sua sponte recused myself in *Kelly v. Coinbase Global, Inc.*, No. CV-21-6010 JST (N.D. Cal.). The current General Counsel of Coinbase (a former

magistrate judge colleague) served as a reference for my judicial application to Senator Feinstein's judicial nominations committee. I was concerned my impartiality might reasonably be questioned if I presided over a case in which he was involved while my potential nomination was pending.

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

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

I have never held public office other than judicial office.

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

None.

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

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

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

From 1991 to 1992 I served as a law clerk to the Honorable Robert E. Keeton of the United States District Court for the District of Massachusetts.

From 1998 to 2009 I served as a law clerk for the Honorable Charles R. Breyer of the United States District Court for the Northern District of California.

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

I 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;

1992 – 1994
Goodwin Procter LLP
100 Northern Avenue
Boston, Massachusetts 02210
Associate

1994 – 1997
Coblentz, Patch, Duffy & Bass
1 Montgomery Street, Suite 3000
San Francisco, California 94104
Associate

2009 – 2011
Kerr & Wagstaffe LLP
100 Spear Street Suite 1800
San Francisco, California 94105
Partner

2011 – present
United States District Court for the Northern District of California
Phillip Burton Federal Building and U.S. Courthouse
450 Golden Gate Avenue
San Francisco, California 94102
United States Magistrate Judge

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

Prior to becoming a magistrate judge in 2011, I served for four years on the Northern District of California Alternative Dispute Resolution Panel of volunteer mediators. I mediated approximately 12 cases. The mediations are confidential.

b. Describe:

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

After completing my clerkship with Judge Keeton, from 1992 through 1994 I was a litigation associate at Goodwin Procter in Boston, Massachusetts where I practiced civil and criminal litigation.

From 1994 through 1997 I was a litigation associate at Coblentz, Patch, Duffy and Bass (then known as Coblentz, Cahen, McCabe & Breyer)

where I again practiced civil and criminal litigation

I left private practice in 1998 and joined Judge Breyer of the Northern District of California as his career law clerk. I clerked for Judge Breyer until 2009.

In 2009 I joined a small litigation firm, then known as Kerr & Wagstaffe, as a non-equity partner. I practiced civil litigation representing plaintiffs in class actions as well as defendants, primarily individuals.

Finally, in 2011 I began service as a magistrate judge in the Northern District of California, San Francisco station.

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

While at Goodwin Procter from 1992 through 1994 I represented primarily corporate defendants as well as white collar criminal defendants.

At Coblenz, Patch, Duffy and Bass from 1994 through 1997 my civil practice involved representing both plaintiffs and defendants, usually individuals or small companies. My criminal practice consisted primarily of representing a Hong Kong company accused of tariff fraud.

As a law clerk at the Northern District of California from 1998 through 2009 I assisted Judge Breyer with federal civil and criminal litigation matters.

My practice at Kerr & Wagstaffe from 2009 through 2011 involved representing individuals and small companies in civil litigation, as both plaintiffs (including class actions) and defendants.

As a United States Magistrate Judge for the Northern District of California from 2011 to the present, I preside over every type of federal civil litigation through trial (with the consent of the parties), and I handle felony criminal pretrial matters as well as misdemeanor cases through trial.

- 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.

When I was in private law practice, and not serving as a federal law clerk or a federal magistrate judge, I appeared in federal and state court approximately eight times a year.

i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|-----|
| 1. federal courts: | 65% |
| 2. state courts of record: | 30% |
| 3. other courts: | 0% |
| 4. administrative agencies: | 5% |

ii. Indicate the percentage of your practice in:

- | | |
|--------------------------|-----|
| 1. civil proceedings: | 80% |
| 2. criminal proceedings: | 20% |

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 tried two cases to verdict or judgment as associate counsel.

i. What percentage of these trials were:

- | | |
|--------------|------|
| 1. jury: | 100% |
| 2. non-jury: | 0% |

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

I have not practiced before the United States Supreme Court.

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

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

- McMunigal v. Bloch*, No. 10-CV-02765 SI (N.D. Cal.), 2010 WL 5399219 (N.D. Cal. Dec. 23, 2010) (2010)

In this 2010 copyright infringement/breach of contract action, a law professor sued my client, his co-author on a legal textbook. I was the lead attorney. The client originally retained me as local counsel and to merely review the answer, drafted by my client's counsel in New York. Upon review and some research, however, I concluded that there were grounds for dismissal without leave to amend. I drafted the motion to dismiss and argued the motion at a hearing before the district judge. At the hearing the trial judge indicated her intent to dismiss *with* leave to amend; I argued, however, that the dismissal should be without leave. Shortly thereafter the judge granted the dismissal without leave to amend. The plaintiff did not appeal.

Judge:

Honorable Susan Illston
Northern District of California

Counsel for Plaintiff:

Matthew Pavone
Law Offices of Matthew Pavone
Courtyard Square
750 Grant Avenue, Suite 250
Novato, CA 94945
(415) 209-9610

2. *In re: Prudential Ins. Co. of Am. SGLI/VGLI Contract Litig.*, No. 10-CV-30161 MAP, 763 F. Supp. 2d 1374 (D. Mass. MDL Feb. 4, 2011) (2010 – 2011)

I, together with my partner, represented a potential class of beneficiaries of life insurance policies issued by Prudential Life Insurance Company for United States military personnel. The named plaintiffs were nearly all parents whose sons, ages 19 to 26, died during military service, primarily in Iraq and Afghanistan. My clients alleged that, since approximately 1991, upon a policy holder's death Prudential failed to make the lump sum payment required by federal statutory law and the group life insurance policy; instead, Prudential retained the money owed in its corporate accounts and issued the beneficiaries a book of "checks" to access their money.

My partner and I filed the initial case in the District of Massachusetts. The case garnered national attention and several tag-along cases. Prudential, supported by the plaintiffs in the tag-along cases, filed a motion with the Multi-District Litigation panel to consolidate all the cases in the District of New Jersey. I, along with my partner, wrote the brief defeating Prudential's motion; the cases were instead consolidated in the venue of our clients' choice: the District of Massachusetts. We also defeated Prudential's motions to dismiss and to transfer venue with my partner and I drafting the oppositions.

I withdrew from the case upon my appointment as a magistrate judge in May 2011 and the case eventually settled.

Judge:

Honorable Michael A. Ponsor
United States District Court
District of Massachusetts

Co-counsel:

Michael von Loewenfeldt
Wagstaffe, von Loewenfeldt, Busch & Radwick
100 Pine Street, Suite 72,
San Francisco, CA 94111
(415) 357-8909

Opposing Counsel:

Michael Isenman
Goodwin Procter LLP
1900 N Street, Northwest
Washington, DC 20036
(202) 346-4229

Paul Nemser
Goodwin Procter LLP
100 Northern Avenue
Boston, MA 02210
(617) 570-1388

3. *Duenas v. Schwarzenegger*, 10-5844 RS (N.D. Cal.) (2010 – 2011)

I was the lead attorney representing the State Bar of California in a lawsuit brought by the plaintiff homeowner challenging the constitutionality of a recently-enacted law prohibiting attorneys from being paid in advance for loan modification legal services. We filed a motion to dismiss for lack of constitutional standing. I left Kerr & Wagstaffe for the bench before our reply brief was due (and the hearing); however, the district court granted the motion for lack of standing. The plaintiff chose not to amend his complaint.

Judge:

Honorable Richard Seeborg
Northern District of California

Opposing Counsel:

Sean Richard Olender
Olender
1999 South Bascom Avenue, Suite 797
San José, CA 95008
(408) 797-0000

4. *Brain Research Labs, LLC v. Clarke*, San Francisco Superior Court, 491932, 2012 WL 239578 (Cal. App. 1 Dist. Jan. 26, 2012) (2010 – 2011)

From 2010 until I became a magistrate judge in May 2011, I was the lead attorney representing plaintiff class action attorney Mr. Clarke and his law firm, Ropers Majeski, who were sued for defamation arising out of a YouTube video Mr. Clarke published to solicit clients for class action litigation. I drafted and filed an anti-SLAPP motion to dismiss which raised issues of first impression regarding application of the litigation privilege to an attorney's conduct on the internet. The trial court denied the motion. After I became a magistrate judge, the California Court of Appeal affirmed the denial. The case thereafter settled.

Judge:

Honorable Harold Kahn
San Francisco Superior Court

Opposing Counsel:

Jan Alison Yoss
JJSS Law, LLP
5777 West Century Boulevard, Suite 1750
Los Angeles, CA 90045
(866) 356-1028

5. *Chevron Corp. v. Bonifaz*, 09-CV-05371 CW (N.D. Cal.), 2010 WL 1948681 (N.D. Cal. May 12, 2010) (2009 – 2010)

I represented Mr. Bonifaz, a solo-practitioner attorney sued by Chevron Corporation for malicious prosecution related to the ongoing environmental contamination litigation involving the Ecuador Amazon. I was the lead attorney and performed nearly all of the legal work on behalf of Mr. Bonifaz, including investigation, research, written discovery responses, depositions, and brief writing. The district court granted Mr. Bonifaz's anti-SLAPP motion to strike in two written orders resulting in dismissal of the case with prejudice. The case thereafter settled.

Judge:

Honorable Claudia Wilken
Northern District of California

Opposing Counsel:

Scott A. Edelman
Gibson Dunn
Century City Office
2029 Century Park East
Los Angeles, CA 90067
(310) 557-8061

Robert Mittelstaedt
Jones Day

555 California Street, 26th Floor
San Francisco, CA 94104
(415) 875-5710

6. *Sand Hill Advisors, LLC v. Sand Hill Advisors, LLC*, 08-CV-5016 SBA, 2010 WL 3703029 (N.D. Cal. Sep. 16, 2010) (2010)

I was retained by the plaintiff in this trademark infringement action to defend the defendant's motion for attorneys' fees. I drafted the opposition to the motion for attorneys' fees, which motion the magistrate judge recommended denying. The defendant objected before the district court to the report and recommendation. I drafted the opposition to the objection, and the district court agreed with the magistrate judge that my client should not pay any attorneys' fees and costs.

Judge:

Honorable Sandra Brown Armstrong
Northern District of California

Opposing Counsel:

J. Michael Keyes
Dorsey & Whitney LLP
305 Lytton Avenue
Palo Alto, CA 94301
(650) 857-1717

7. *Estate of Gridley*, San Francisco Superior Court, PES-92-259147 (2009 – 2011)

I, together with my partner, represented the respondents in an ongoing probate dispute. Of particular significance, I developed a statute of limitations legal defense, drafted a motion for summary judgment on the issue, and had a lengthy argument before the Superior Court. Following the argument, the trial court agreed to bifurcate the respondents' statute of limitations defense and try it separately and first. This decision led to a favorable settlement. In a related probate matter among the same parties, I wrote the successful appellees' brief defending a bench trial victory.

Judge:

Honorable A. James Robertson
San Francisco Superior Court

Co-Counsel:

James Wagstaffe
Wagstaffe, von Loewenfeldt, Busch & Radwick
100 Pine Street, Suite 725
San Francisco, CA 94111
(415) 357-8900

Opposing Counsel:

Stephen E. Taylor
Taylor & Co., LLP
5519 Dry Creek Road
Healdsburg, CA 95448
(707) 433-8225

8. *United States v. Chang*, CR 95-0008 CAL (N.D. Cal.) (1995 – 1997)

I represented the corporate defendant in a federal customs-fraud criminal prosecution; each individual defendant had his or her own attorney. I was the only associate who worked on the case for all defendants and thus took the lead in coordination of the defense team, preparation of witness examinations, motion drafting and argument, and evidence analysis. My analysis of the voluminous documentary evidence convinced the defense team that we could persuade the government to resolve the case short of trial and guilty pleas. Accordingly, I presented the United States Attorneys with the defense's view of the evidence and why the government could not prove its case beyond a reasonable doubt. As a result of the presentation, the government agreed to dismiss the charges against the individual defendants in return for a guilty plea from the corporate defendant.

Judge:

Honorable Charles A. Legge (Ret.)
JAMS
Two Embarcadero Center, Suite 1500
San Francisco, CA 94111
(415) 982-5267

Co-Counsel:

Nanci L. Clarence
Clarence Dyer & Cohen LLP
899 Ellis Street
San Francisco, CA 94109
(415) 749-1800

Kenneth E. Keller
Pillsbury Winthrop Shaw Pittman LLP
Four Embarcadero Center
22nd Floor
San Francisco, CA 94111
(415) 983-1084

George Niespolo
Duane Morris LLP
One Market Plaza, Spear Tower
Suite 2200

San Francisco, CA 94105
(415) 957-3013

Honorable Charles R. Breyer (then in private practice)
Northern District of California
450 Golden Gate Avenue
San Francisco, CA 94102
(415) 522-3660

Opposing Counsel:

Miranda Kane (former Assistant United States Attorney)
Conrad | Metlitsky | Kane
Four Embarcadero Center
San Francisco, CA 94111
(415) 469-1714

Jeffrey L. Bornstein (former Assistant United States Attorney)
Rosen Bien Galvan & Grunfeld
101 Mission Street, Sixth Floor
San Francisco, CA 94105
(415) 433-6830

9. *United States v. Martignoni*, 92-CR-1097 JFK (S.D.N.Y.) (1992 – 1994)

I represented Mr. Martignoni, the only defendant in a criminal bank fraud prosecution in the Southern District of New York. I conducted the investigation; worked with experts; prepared witness examinations, motions in limine, jury instructions, and witness testimony; and drafted the new-trial motion and the sentencing memorandum. At the 1993 trial I served as second chair. Mr. Martignoni was convicted following a three-week trial. However, before trial the government had insisted on a loss calculation of \$70 million for sentencing guidelines purposes which could have resulted in a sentence of more than 10 years; after trial, the government agreed the loss was around \$150,000 and the district court sentenced Mr. Martignoni to 21 months imprisonment.

Judge:

Honorable John F. Keenan
Southern District of New York

Co-counsel:

Paul F. Ware
Goodwin Procter LLP
100 Northern Avenue
Boston, MA 02210
(617) 570-1280

Opposing Counsel:

Alan J. Brudner (former Assistant United States Attorney)
Katten Muchin Rosenman LLP
575 Madison Avenue
New York, NY 10022
(212) 940-6362

10. *United States v. Alzanki*, 93-CR-10309 RWZ (D. Mass.) (1994)

I second-chaired the defense of an individual defendant in a federal criminal “involuntary servitude” trial. I led the investigation, prepared witness examinations, motions in limine, jury instructions, witness outlines, and conducted a direct examination. The charges against my client were dismissed mid-trial.

Judge:

Honorable Rya W. Zobel
District of Massachusetts

Co-counsel:

Honorable F. Dennis Saylor IV
United States District Court
District of Massachusetts
1 Courthouse Way
Boston, MA 02210
(617) 748-9177

Opposing Counsel:

Steven M. Dettlebach
Baker Hostetler LLP
Key Tower, 127 Public Square
Suite 2000
Cleveland, OH 44114
(216) 861-7177

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

In addition to my courtroom duties in both civil and criminal matters, since 2015, I have volunteered to serve as the magistrate judge for the Northern District of California, San Francisco Division, Alternatives to Incarceration Program (ATIP). District court judges refer defendants who have pled guilty but not yet been sentenced to the Program. I, along with the ATIP team, meet with the participants as a group twice a month. The team

members also meet at least twice a month, and sometimes more if a particular participant's needs require further discussion. I also meet with our ATIP graduates as a group once a month, and as the ATIP team's magistrate judge I meet with graduates and active participants singly to discuss issues that arise with their progress and participation. The goal of ATIP is to help the participants become sober, employed, and committed to a lawful life so that rather than being incarcerated they can begin to support their families and contribute to society.

I also serve as the judicial law clerk liaison for the Northern District of California. In that role I am responsible for the ongoing education of our District's career and term law clerks, including organizing an annual day-long law clerk conference and monthly lunch time educational programs. During the pandemic I began a weekly virtual lunch-time program entitled "Clerkship Community Conversations" in an attempt to build and maintain the court community during the period of remote work.

In 2018 I began service as the Alternatives to Dispute Resolution (ADR) judge for the Northern District of California. My responsibilities include participating on our District's ADR committee which discusses amendments to our local rules governing ADR. I also issue rulings on whether parties may be excused from participating in court-ordered ADR, and resolve complaints about violations of ADR rules or other unethical conduct in connection with court-ordered ADR.

Every summer I participate in the American Bar Association's Judicial Intern Opportunity Program by hiring an extern from the Program. The purpose of the Program is to provide opportunities to students who are members of racial and ethnic groups that are traditionally underrepresented in the profession, students with disabilities, students who are economically disadvantaged, students who identify themselves as LGBT, and women.

In private practice from 1995 through 1997, I represented a bank officer being investigated by the FBI and the United States Attorneys Office for bank fraud. I was responsible for investigating the facts, preparing the client for government interviews, and representing him at his FBI/United States Attorney interview. No charges against him were filed.

I have not performed any lobbying activities or registered as a lobbyist.

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

None.

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.

As the Vice-President of the Celiac Community Foundation for Northern California, I am responsible for coordinating Camp Celiac at Camp Arroyo, a six-night summer camp for children with celiac disease. I, along with my husband, founded the Camp around 2006. Assuming it would be consistent with my ethical obligations if confirmed, I would like to continue my volunteer work with the Camp.

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.

The Northern District of California, where I currently serve as a magistrate judge, maintains an automated conflict checker that precludes cases with attorneys or parties on the conflict list from being assigned to the identified judge. On my list I include my former law clerks for two years after their clerkship with me ends. I also include my sister, who is an attorney in the San Francisco Bay Area, and another attorney who is a close friend. Also on my automatic conflict list are my former law partner because I continue to contract with him to edit book chapters. Finally, my spouse is a partner in the Permanente Medical Group so I have placed

that entity on my conflict list. I have also included other Kaiser health insurance entities because the San Francisco Bay Area public generally does not understand that Kaiser physicians are separate from Kaiser hospitals and the Kaiser health insurance plan and thus my impartiality might reasonably be questioned in any proceeding involving any Kaiser entity.

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

I will list automatic recusal conflicts, such as my sister, my spouse's employer and related entities, my former law partner, and my former law clerks (for two years following their clerkship), in the automatic conflict checker of the Northern District of California so that I will not be assigned cases on which they appear. I do not anticipate any other conflicts of interest. If confirmed, I would handle any matters involving actual or potential conflicts of interest by applying 28 U.S.C. § 455, the Code of Conduct for United States Judges, 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.

As an associate at Goodwin Procter LLP, I worked on a state capital habeas petition, and at Coblenz, Cahen, McCabe and Breyer I researched and drafted briefs in support of a federal capital habeas petition. As a partner at Kerr & Wagstaffe LLP, I volunteered for the Ninth Circuit Pro Bono Program and represented a pro se plaintiff on his appeal of the dismissal of his excessive force lawsuit.

26. **Selection Process:**

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

In January 2021, I submitted an application for a vacant Northern District of California district court position to the chair of Senator Diane Feinstein's judicial nomination process. He forwarded my application to Senator Feinstein's judicial nominations committee for the Northern District of California. My understanding

is that the committee recommended me to the chair, and I interviewed with him on March 24, 2021.

My understanding is that Senator Feinstein then recommended me to the White House. On July 29, 2021, I interviewed with attorneys from the White House Counsel's Office. Since August 5, 2021, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On November 3, 2021, the President announced his intent to nominate me.

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

No.