

**UNITED STATES SENATE  
COMMITTEE ON THE JUDICIARY**

**QUESTIONNAIRE FOR JUDICIAL NOMINEES**

**PUBLIC**

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

Shane Kato Crews  
S. Kato Crews  
Kato Crews

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

United States District Judge for the District of Colorado

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

United States District Court for the District of Colorado  
Byron G. Rogers Courthouse  
1929 Stout Street, C-250  
Denver, Colorado 80294

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

1975; Pueblo, Colorado

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

1997 – 2000, University of Arizona James E. Rogers College of Law; J.D., 2000

1993 – 1997, University of Northern Colorado; B.A., 1997

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.

2018 – present

United States District Court for the District of Colorado

Byron G. Rogers Courthouse  
1929 Stout Street, C-250  
Denver, Colorado 80294  
United States Magistrate Judge

2013 – 2018

Waggener & Foster LLP d/b/a Hoffman Crews Nies Waggener & Foster LLP  
5350 South Roslyn Street, Suite 100  
Greenwood Village, Colorado 80111  
Partner

2011 – 2013

Mastin Law Firm P.C. d/b/a Mastin Hoffman & Crews LLC  
5750 South Ulster Circle E, #300  
Greenwood Village, Colorado 80111  
Member

2001 – 2010

Rothgerber Johnson & Lyons LLP  
1200 Seventeenth Street, Suite 3000  
Denver, Colorado 80202  
90 South Cascade Avenue, Suite 1100  
Colorado Springs, Colorado 80903  
Partner (2008 – 2010)  
Associate (2001 – 2008)

2000 – 2001

United States National Labor Relations Board, Region 27  
Byron Rogers Federal Building  
1961 Stout Street, #13-103  
Denver, Colorado 80294  
Attorney

Summer 1999

Exxon Mobil Corporation  
13501 Katy Freeway  
Houston, Texas 77079  
Legal Intern

Spring 1999

Snell & Wilmer LLP  
1 South Church Avenue  
Tucson, Arizona 85701  
Intern

Summer 1998

Sears, Roebuck & Co.  
3333 Beverly Road  
Hoffman Estates, Illinois 60179  
Public Relations Intern

Other Affiliations (Uncompensated):

2018 – present  
Colorado Bar Association CLE, Inc.  
1290 Broadway, Suite 1700  
Denver, Colorado 80203  
Board Member

2015 – 2018  
University of Northern Colorado  
501 20th Street  
Greeley, Colorado 80639  
Trustee

2014 – 2018  
Colorado Lawyer Trust Account Foundation (COLTAF)  
1120 Lincoln Street, #701  
Denver, Colorado 80203  
Board President (2018)  
Board Vice President (2016 – 2017)  
Discretionary Grants Committee Chair (2015 – 2018)

2012 – 2018  
CHOICE Education Foundation  
5350 South Roslyn Street, Suite 100  
Greenwood Village, CO 80111  
Board Member and Scholarship Committee Chair (2012 – 2018)

2010 – 2012  
Colorado Humanities  
7935 East Prentice Avenue, Suite 450  
Greenwood Village, Colorado 80111  
Board Member

2007 – 2010  
Urban League of the Pikes Peak Region, Inc.  
506 East Moreno Avenue  
Colorado Springs, Colorado 80903  
Board President (2008 – 2010)

2004 – 2005

City of Commerce City  
7887 East 60th Avenue  
Commerce City, Colorado 80022  
Alternate Hearing Officer

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

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

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

University of Northern Colorado

Board of Trustees' Resolution, in recognition of outstanding leadership and service to the University of Northern Colorado (2018)

Distinguished Young Alumni (2010)

Journalism and Mass Communications Departmental Scholar (1997)

Future Black Leader and Achiever, presented by Black faculty and staff (1994)

Fellows Emeritus, Colorado Bar Foundation (2017)

Superlawyers, Business Litigation (2017)

Superlawyers, Employment and Labor (2016)

Superlawyers, Colorado Rising Star, Employment and Labor (2009 – 2015)

Outstanding Contributions to the Colorado Municipal Clerks Association by a Non-Clerk (2012)

Colorado Springs Business Journal Rising Star (2008)

Colorado Bar Association Leadership Training Program (2007)

American Bar Association, Tort Trial & Insurance Practice Section Leadership Academy (2007)

University of Arizona, James E. Rogers College of Law

*Arizona Law Review* (1998 – 2000)

Dean's List (1998, 1999)

O'Connor Cavanagh Outstanding Appellate Brief (1997)

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

American Bar Association (approximately 2001 – 2010, 2021)  
Tort Trial & Insurance Practice Section Leadership Academy (2007)

Arapahoe County Bar Association (2012 – 2018)

Colorado Bar Association (2001 – present)  
Colorado Bar Association Leadership Training (COBALT) Program (2007)  
COBALT Programs Committee Co-Chair (2008)  
COBALT Gathering Whisperer (2009 – 2014)  
Colorado Bar Association CLE, Inc., Board Member (2018 – present)  
Our Courts Colorado (approximately 2002, 2019 – present)

Colorado Judicial Well-Being Committee (2020 – present)

Colorado Lawyer Trust Account Foundation (COLTAF), Board Member (2014 – 2018)  
Board President (2018)  
Board Vice President (2016 – 2017)  
Discretionary Grants Committee Chair (2015 – 2018)

Denver Bar Association (approximately 2001 – 2005, 2019, 2020)

El Paso County Bar Association (approximately 2006 – 2011)

Faculty of Federal Advocates, Member (2018 – present)

Federal Bar Association, Member (2021 – present)

Federal Magistrate Judges Association (2018 – 2023)  
Diversity Committee, Member (2018 – 2023)

Honorable Kristen L. Mix, Public Interest Diversity Internship Program (MixDIP)  
Participant (2018 – present)  
Co-coordinator (2022 – present)

National Bar Association, Member (approximately 2001 – 2002)

Sam Cary Bar Association, Member (approximately 2001 – 2010, 2015 – 2016, 2020 – present)

Tenth Circuit Judicial Council, Magistrate Judge Observer (2022 – present)  
Magistrate Judge Committee (2022 – present)

Thompson G. Marsh Inn of Court (2019 – 2021)

United States District Court for the District of Colorado (2018 – present)

Pro Se Working Group

Member (2019 – present)

Chair (2022 – present)

Federal Limited Appearance Program (FLAP), Founder (2020)

Roadways to the Bench, City Co-Chair (2022 – 2023)

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.

Colorado, 2000

There have been no lapses in membership. I have been registered as inactive in Colorado since my appointment as a magistrate judge in 2018.

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

United States Court of Appeals for the Tenth Circuit, 2001

United States District Court for the District of Colorado, 2001

United States Immigration Court, 2012

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.

Colorado Attorney Mentoring Program (2015 – present)

Colorado Beautillion-Cotillion, Inc., Mentor (approximately 2013 – 2017)

Colorado Abraham Lincoln Bicentennial Commission, Member (2009)

Law School Yes We Can, Senior Mentor (2019 – present)

NITA Miranda Trial Advocacy Institute, Faculty (2007, 2009)

- 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.

I have searched my personal files and the internet in an effort to identify all requested published writings responsive to this question. It is possible I may have omitted one or more inadvertently.

*Without Respect to Persons*, Law Week Colorado (July 2020), THE DOCKET (Aug./Sept. 2020). Copy supplied.

*New DOL Guidance Says Most Independent Contractors are Employees*, Hoffman Crews Nies Waggener & Foster online article (July 2015). Copy supplied.

*New Ruling: Medical Pot use Not Protected Under Lawful Activities Statute*, Hoffman Crews Nies Waggener & Foster online article (June 2015). Copy supplied.

*Corporate Officer Liability Under Colorado's Mechanics' Lien Statute*, Hoffman Crews Nies Waggener & Foster online article (Dec. 2013). Copy supplied.

*When a Civil Case to Enforce a Non-Competition Agreement Turns Criminal*, Mastin Hoffman & Crews online article (Mar. 2013). I am unable to locate a copy.

*Continued Employment is Now Sufficient Consideration in Colorado for a Later-Signed Non-competition Agreement*, Mastin Hoffman & Crews online article (June 14, 2011). Copy supplied.

With Joan Rennekamp, *Raising the Stakes for Misclassifying Workers as Independent Contractors*, Rothgerber Johnson & Lyons (Aug. 2010). Copy supplied.

*The Privacy Limits of Accessing Employee Emails*, Rothgerber Johnson & Lyons E-alert (May 3, 2010). Copy supplied.

*Understanding the Legality of Unpaid Summer Internships*, Rothgerber Johnson & Lyons, E-Alert (Apr. 13, 2010). Copy supplied.

*Employers Must Comprehend the Employee Free Choice Act*, Rothgerber Johnson & Lyons, Employment Law Update (Spring 2009). Copy supplied.

*When is an Undocumented Worker a Lawful "Employee?"*, Rothgerber Johnson & Lyons, Employment Law Update (Winter 2008/2009). Copy supplied.

*Supreme Court Holds Retaliation Claims Allowed Under Section 1981 and Federal-Sector ADEA Provision*, Rothgerber Johnson & Lyons, Employment Law Update (Summer 2008). Copy supplied.

*Timely Notify Your Insurer to Prevent Loss of Insurance Coverage for Employment Claims*, Rothgerber Johnson & Lyons, Employment Law Update (Winter 2008). Copy supplied.

*Small Employers Speak Up Early Lest Liability Await*, Rothgerber Johnson & Lyons, Employment Law Update (Fall 2007). Copy supplied.

With Joan Rennekamp, *Conducting Effective Investigations of Employee Complaints*, Rothgerber Johnson & Lyons, Employment Law Update (Summer 2007). Copy supplied.

*An Uptick in Discrimination Lawsuits Based on Family Responsibilities*, Rothgerber Johnson & Lyons, Employment Law Update (Winter 2006). Copy supplied.

*When Non-union Workers' Rights and Mandatory Arbitration Policies Collide*, Rothgerber Johnson & Lyons, Employment Law Update (Fall 2006). Copy supplied.

With Susan S. Sperber, *The Problem With the "My-Employer-Is-Picking-on-Me" Claim*, Rothgerber Johnson & Lyons, Employment Law Update (Summer 2006). Copy supplied.

*Organizing the Union-Free Company: A Salty Proposition*, Rothgerber Johnson & Lyons, Employment Law Update (Summer 2006). Copy supplied.

*Some Say "Alito," Some Say "Scalito": What Does it Mean to Employment Law?*, Rothgerber Johnson & Lyons, Employment Law Update (Spring 2006). Copy supplied.

*Supreme Court Lets Stand NLRA Preemption of State Law Claims Against Union "Salt,"* Rothgerber Johnson & Lyons, Employment Law Update (Summer 2005), re-printed online by Mondaq (Sept. 2005). Copy supplied.

*Trucking Operations: A Taste of the Davis-Bacon Act*, Rothgerber Johnson & Lyons, Employment Law Update (Winter 2005), re-printed online by Mondaq (Jan. 2005). Copy supplied.

*To Vote or Not to Vote? That is the Question*, Rothgerber Johnson & Lyons, Employment Law Update (Spring 2005), re-printed online by Mondaq (Mar. 2005). Copy supplied.

*New Law Eliminates "Double Taxation" of Attorneys' Fees*, Rothgerber Johnson & Lyons, Employment Law Update (Winter 2005), re-printed online by Mondaq (Jan. 2005). Copy supplied.

*Warning! WARN Act a Quagmire of Confusion*, Rothgerber Johnson & Lyons, Employment Law Update (Winter 2004). Copy supplied.

*Weingarten Rights and Nonunion Employees: The NLRB Returns to Its Thinking of Old*, Rothgerber Johnson & Lyons, Employment Law Update (Summer 2004), re-printed online by Mondaq (July 2004). Copy supplied.

*Employee Handbooks: Ripe for the Picking*, Rothgerber Johnson & Lyons, Employment Law Update (Summer 2003), re-printed online by Mondaq (Sept. 2003). Copy supplied.

*Nonunion Companies Beware the National Labor Relations Act*, Rothgerber Johnson & Lyons, Employment Law Update (Winter 2003). 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.

*Proposal for Approval of Pro Se Limited Appearance Program* (Apr. 2020).

Copy supplied.

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

In May/June 2022, I joined letters from the Federal Judges Association in support of the Daniel Anderl Judicial Security and Privacy Act. Copies supplied.

From 2015 to 2018, I served on the Board of Trustees of the University of Northern Colorado. Copies of available meeting minutes are supplied.

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

I have searched my personal files, calendar, and the internet in an effort to identify all events responsive to this question. I may have omitted one or more events inadvertently.

June 30, 2022: Co-presenter, What to Know About Rule 30(b)(6) Depositions, Denver Bar Association Young Lawyers Division, Denver, Colorado. Copy of attendee handout I prepared is supplied.

May 20, 2022, October 21, 2021, September 23, 2021, February 18, 2021, August 28, 2020, July 17, 2020, June 28, 2019, May 26, 2019, and February 15, 2019: Presiding Judge, Naturalization Ceremonies, United States District Court for the District of Colorado, Denver, Colorado. The remarks for each ceremony were substantially the same as those for the May 20, 2022, ceremony, which are supplied.

May 12, 2022: Panelist, Critique of Direct Examination, CBA CLE, Inc., Denver, Colorado. This panel critiqued a mock direct examination. I have no notes, transcript, or recording. The address for CBA CLE, Inc., is 1290 Broadway, Suite 1700, Denver, Colorado 80203.

May 10, 2022: Presenter, What Do I Do with This Evidence?, CBA CLE, Inc., Denver, Colorado. Copy of attendee handout I prepared is supplied.

April 22, 2022: Presenter, The Basics of Trial: Litigation Nuts and Bolts, Some Bench Tips, Colorado Bar Association Young Lawyers Division, Denver, Colorado. Copy of attendee handout I prepared is supplied.

April 8, 2022: Panelist, Judicial Walking Tour, University of Denver Sturm College of Law Asian Pacific American Law Students Association, University of Denver Law School Office of Diversity, Equity & Inclusion, University of Colorado Law School Black Law Students Association, Colorado Supreme Court, Asian Pacific American Bar Association, and Faculty of Federal Advocates. This panel discussed personal paths to the bench and diversity in the legal profession. I have no notes, transcript, or recording. The address for the University of Denver Law School is Sturm College of Law, University of Denver, 2255 East Evans Avenue, Denver, Colorado 80208. The address for the Colorado Supreme Court is Ralph L. Carr Colorado Judicial Center, Two East 14th Avenue, Denver, Colorado 80203. The address for the Asian Pacific American Bar Association is 224 South 14th Avenue, Brighton, Colorado 80601. The address for the Faculty of Federal Advocates is P.O. Box 12025, Denver, Colorado 80212.

January 14, 2022, February 14, 2020, January 10, 2019, January 14, 2015: Presenter, Grow as You Go, Colorado Bar Association Leadership Training Program, Denver, Colorado. My remarks for each presentation were substantially the same as those for the January 14, 2022, presentation, of which the PowerPoint slides I prepared are supplied.

December 7, 2021: Moderator, Don't Approach Discovery Like a Honey Badger: An Overview, CBE CLE, Inc., Denver, Colorado. PowerPoint slides prepared by the co-panelists are supplied.

November 11, 2021: Panelist, Trial Dos and Don'ts: Perspectives From the Bench, CBA CLE, Inc., and Sam Cary Bar Association, Denver, Colorado. PowerPoint slides I jointly prepared with a co-panelist are supplied.

October 13, 2021: Panelist, Storming the Bench, Colorado Women's Bar Association, Denver, Colorado. This panel discussed the application process for the federal magistrate judge bench. I have no notes, transcript, or recording. The address of the Colorado Women's Bar Association is P.O. Box 1918, Denver, Colorado 80201.

September 10, 2021: Panelist, Judicial Walking Tour, University of Denver Sturm College of Law Black Law Students Association, University of Denver Law School Office of Diversity, Equity & Inclusion, University of Colorado Law School Black Law Students Association, Colorado Supreme Court, Sam Cary Bar Association, and Faculty of Federal Advocates. This panel discussed personal paths to the bench and diversity in the legal profession. I have no notes, transcript, or recording. The address for the University of Denver Law School is Sturm College of Law, University of Denver, 2255 East Evans Avenue, Denver,

Colorado 80208. The address for the Colorado Supreme Court is Ralph L. Carr Colorado Judicial Center, Two East 14th Avenue, Denver, Colorado 80203. The address for the Sam Cary Bar Association is P.O. Box 300205, Denver, Colorado 80203. The address for the Faculty of Federal Advocates is P.O. Box 12025, Denver, Colorado 80212.

August 12, 2021: Co-presenter, Much Ado about Rule 30(b)(6) Depositions, Faculty of Federal Advocates, Denver, Colorado. Copy of attendee handout I prepared is supplied.

June 25, 2021: Panelist, Federal Practice Update 2021, Colorado Bar Association, Denver, Colorado (virtual). The panel of magistrate judges discussed practical tips for litigating in the District of Colorado. I have no notes, transcript, or recording. The address for the Colorado Bar Association is 1290 Broadway, Suite 1700, Denver, Colorado 80203.

May 21, 2021: Presenter, Priming the Pipeline Toward Diversifying the Bench, Colorado Women's Bar Association, Denver, Colorado (virtual). I hosted a roundtable segment discussing opportunities for diversifying the bench. I have no notes, transcript, or recording. The address of the Colorado Women's Bar Association is P.O. Box 1918, Denver, Colorado 80201.

April 29, 2021: Co-presenter, New to Federal Practice: What You Need to Know, Faculty of Federal Advocates, Denver, Colorado (virtual). I discussed aspects of practicing in federal court. I have no notes, transcript, or recording. The address of the Faculty of Federal Advocates is 3700 Quebec Street #100-389, Denver, Colorado 80207.

April 23, 2021: Opening Remarks, Colorado Bar Association Federal *Pro Se* Clinic, Denver, Colorado. Remarks supplied.

April 8, 2021: Panelist, Diverse Pathways to the Bench, Colorado Bar Association Young Lawyers Division, Denver, Colorado (virtual). This moderated panel discussed judicial appointments for state and federal courts. I have no notes, transcript, or recording. The address of the Colorado Bar Association Young Lawyers Division is 1290 Broadway, Suite 1700, Denver, Colorado 80203.

March 31, 2021: Panelist, From Bystander to Upstander: How to Respond to Sexual Harassment in the Legal Profession, CBE CLE, Inc. and Colorado Women's Bar Association, Denver, Colorado (virtual). Copy of outline I prepared and spoke from is supplied.

February 19, 2021: Panelist, Underappreciated Lawyer Skills, American Bar Association, Denver, Colorado (virtual). The panel discussed skills of effective lawyers. I have no notes, transcript, or recording. The address for the American Bar Association is 321 North Clark Street, Chicago, Illinois 60654.

February 16, 2021: Presenter, Monarch High School Black Student Union, Denver, Colorado (virtual). Copy of PowerPoint slides I prepared is supplied.

February 2, 2021: Panelist, Federal Clerkships, University of Arizona James E. Rogers College of Law, Denver, Colorado (virtual). The panel discussed federal court clerkships. I have no notes, transcripts, or recording. The address of the James E. Rogers College of Law is 1201 East Speedway Boulevard, Tucson, Arizona 85721.

January 13, 2021: Panelist, Learning On The Job – Magistrate Judges Crews And Neureiter Assess Their First Two Years On The Bench, Faculty of Federal Advocates, Denver, Colorado (virtual). Copy of notes I referred to for my remarks is supplied.

October 8, 2020: Introductory Speaker, Expanding Our Reach: The Future of *Pro Bono* Service Delivery for Federal Practitioners, Faculty of Federal Advocates, Denver, Colorado (virtual). Copy supplied.

September 30, 2020: Co-presenter, Federal Limited Appearance Program (FLAP) Orientation, Colorado Bar Association Young Lawyers Division, Denver, Colorado (virtual). PowerPoint slides prepared by the co-presenter are supplied.

June 16, 2020: Panelist, Your Microphone is Muted! Navigating Virtual Settlement Conferences, Faculty of Federal Advocates, Denver, Colorado (virtual). PowerPoint slides prepared by the co-panelists are supplied.

June 12, 2020: Presenter, Keeping Your Cool When Others Turn Up the Heat, CBA CLE, Inc., Solo-Small Firm Institute, Denver, Colorado. Copy of attendee handout I prepared is supplied.

May 21, 2020: Speaker, University of Denver Sturm College of Law, Extern Swearing-in Ceremony, Denver, Colorado. Remarks supplied.

February 13, 2020: Panelist, Best Practices in *Pro Se* Litigation, Faculty of Federal Advocates, Denver, Colorado. Copy of attendee handout is supplied; I prepared pages four through seven.

February 11, 2020: Panelist, You Be the Judge Coffee Connect, Colorado Bar Association Young Lawyers Division and CBA CLE, Inc., Denver, Colorado. The panel discussed paths to become a judicial officer. I have no notes, transcripts, or recording. The address of the Colorado Bar Association Young Lawyers Division and CBA CLE, Inc., is 1290 Broadway, Suite 1700, Denver, Colorado 80203.

September 27, 2019: Panelist, Candor to the Tribunal and Fellow Members of the

Bar (What crosses the line when negotiating with the court and opposing counsel?), CBA CLE, Inc., Denver, Colorado. PowerPoint slides and a handout prepared by one or more of the co-panelists are supplied.

August 16, 2019: Speaker, Law Student Clinic Swearing-in Ceremony, University of Denver Sturm College of Law, Denver, Colorado. Remarks supplied.

July 25, 2019: Speaker, Closing Remarks Volunteer Appreciation Event, Federal *Pro Se* Clinic, Denver, Colorado. Notes supplied.

June 21, 2019: Panelist, Federal Practice Update 2019, Colorado Bar Association, Denver, Colorado. The panel of magistrate judges discussed practical tips for litigating in the District of Colorado. I have no notes, transcript, or recording. The address for the Colorado Bar Association is 1290 Broadway, Suite 1700, Denver, Colorado 80203.

June 18, 2019: Presenter, Finding Your Authentic Leadership Self, First Judicial District Probation Department, Golden, Colorado. PowerPoint slides I prepared are supplied.

May 24, 2019: Presenter, A View from the Bench, Colorado Bar Association Young Lawyers Division, Denver, Colorado. Notes supplied.

May 16, 2019: Speaker, Law Extern Swearing-in Ceremony, University of Denver Sturm College of Law, Denver, Colorado. My remarks were substantially the same as those for the May 21, 2020, law student swearing-in ceremony, which are supplied.

May 3, 2019: Graduate School Commencement Speaker, University of Northern Colorado, Greeley, Colorado. Video available at <https://www.youtube.com/watch?v=URei6JYN8pM>.

March 21, 2019: My Path to the Federal Bench & What I've Learned So Far as a Magistrate Judge, Faculty of Federal Advocates, Denver, Colorado. I discussed my path to the bench and what I learned as a judicial officer. I have no notes, transcript, or recording. The address of the Faculty of Federal Advocates is 3700 Quebec Street #100-389, Denver, Colorado 80207.

January 3, 2019: Speaker, Law Extern Swearing-in Ceremony, University of Denver Sturm College of Law, Denver, Colorado. These remarks were substantially the same as those for the May 21, 2020, law student swearing-in ceremony, which are supplied.

November 30, 2018: Magistrate Judge Investiture Remarks, United States District Court for the District of Colorado, Denver, Colorado. Remarks supplied.

October 26, 2018: Introductory Remarks, Denver Bar Association Access to Justice Committee National *Pro Bono* Week Celebration, Denver, Colorado. Remarks supplied.

July 28, 2018: Presenter, Cultural Competence, Colorado Bar Association Young Lawyers Division, Colorado Springs, Colorado. PowerPoint slides I prepared are supplied.

July 19, 2018: Introductory Remarks, Colorado Bar Foundation Young Lawyers Division, Denver, Colorado. Remarks supplied.

July 16, 2018: Thank You Remarks, Lewis Roca Rothgerber Christie LLP reception, Denver, Colorado. Notes supplied.

April 20, 2018: Cultural Competence in the Workplace, CBE CLE, Inc., Denver, Colorado. Materials supplied; I authored only the three slides on PDF pages 26 and 27 of the attachment, which were also incorporated into Section I of the related handout.

August 17, 2016: Co-presenter, Less Common Employment Claims Brought by Employees, Colorado Springs Human Resources Association, Colorado Springs, Colorado. I discussed less common employment law claims brought against employers. I have no notes, transcripts, or recording. The address of the Colorado Springs Human Resources Association is P.O. Box 26676, Colorado Springs, Colorado 80962.

April 2016 (specific date unknown): Panelist, The Generation Gap: Fostering Professional Communication Between Generations of Lawyers, Colorado Bar Association Young Lawyers Division and Colorado Attorney Mentoring Program, Denver, Colorado. The panel discussed tools to bridge the generational gap between lawyers. I have no notes, transcript, or recording. The address of the Colorado Bar Association Young Lawyers Division is 1290 Broadway, Suite 1700, Denver, Colorado 80203. The address of the Colorado Attorney Mentoring Program is 1300 Broadway, Suite 230, Denver, Colorado 80203.

April 2016 (specific date unknown): Panelist, Colorado Bar Association Leadership Training Program. The panel discussed diversity in leadership. I have no notes, transcripts, or recording. The address of the Colorado Bar Association is 1290 Broadway, Suite 1700, Denver, Colorado 80203.

July 16, 2015: Presenter, Real Estate Litigation Potpourri: A Few Topical Case Studies, Colorado Bar Association Real Estate Section 33rd Annual Real Estate Symposium, Steamboat Springs, Colorado. Copy of attendee handout I prepared is supplied.

April 21, 2015: Panelist, University of Northern Colorado, Greeley Colorado.

The panel discussed their respective paths to their professional careers. I have no notes, transcript, or recordings. The address of the University of Northern Colorado is 501 20th Street, Greeley, Colorado 80639.

February 18, 2015: Presenter, Colorado Springs Human Resources Association, Colorado Springs, Colorado. I presented on common law claims implicated in discharge decisions. I have no notes, transcript, or recordings. The address of the Colorado Human Resources Association is P.O. Box 26676, Colorado Springs, Colorado 80962.

February 19, 2014: Presenter, Colorado Springs Human Resources Association, Colorado Springs, Colorado. I presented on noncompetition, non-solicitation, and non-disclosure agreements. I have no notes, transcript, or recordings. The address of the Colorado Springs Human Resources Association is P.O. Box 26676, Colorado Springs, CO 80962.

May 12, 2011: Presenter, Employment Law Issues for Closely Held Businesses, CBE CLE, Inc., Denver, Colorado. Copy of attendee handout I prepared is supplied.

May 28, 2005: Speaker, Class of 2005 Rye High School Commencement Ceremony, Rye, Colorado. I delivered remarks to the graduating class of my alma mater encouraging them to find fulfillment and never believe they have arrived in life. I have no notes, transcript, or recording, but press coverage is supplied. The address of Rye High School is 1 High School Drive, Rye, Colorado 81069.

- 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.

Appearance (non-speaking) in video explaining the Federal Limited Appearance Program (Aug. 30, 2021). Video available at [https://www.youtube.com/watch?v=\\_PwMCvdlWAI](https://www.youtube.com/watch?v=_PwMCvdlWAI).

Kristen L. Mix, *Federal Pro Se Clinic in Colorado Helps the Public Navigate Our Federal Courts*, Institute for the Advancement of the American Legal System Blog (Mar. 30, 2021). Copy supplied.

Kevin Cheney, *Gettin' Legal with It Podcast, Judge S. Kato Crews*, Colorado Bar Association Young Lawyers Division (June 25, 2020). Audio available at <https://www.youtube.com/watch?v=LHLdRZatiw0>.

Terry Kraus, *1993 RHS Graduate Sits as Magistrate Judge in Denver Federal Court*, GREENHORN VALLEY VIEW (Apr. 23, 2020). Copy supplied.

Robert Boczkiewicz, *From "Crewser" to federal judge*, PUEBLO CHIEFTAIN (Oct. 21, 2019). Copy supplied.

University of Arizona James E. Rogers College of Law, *Denver Alumnus Judge Kato Crews ('00)*, Wildcat Wednesday, LETTER OF THE LAW (July 3, 2019). Copy supplied.

Ronald M. Sandgrund, Esq., *InQ., Can We Talk? Bias, Diversity, and Inclusiveness in the Colorado Legal Community*, COLORADO LAW (Jan. 2016). Copy supplied.

University of Northern Colorado, *The UNC Bear Den*, Q&A (Feb. 8, 2014). Copy supplied.

Bill Reed, *President of Urban League Fired*, THE GAZETTE (Colorado Springs, Colorado) (Apr. 22, 2009). Copy supplied.

Debbie Kelley, *Attorney Works for Community*, THE GAZETTE (Colorado Springs, Colorado) (Mar. 9, 2008). Copy supplied.

Colorado Bar Association, statement on volunteering (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.

I have served as a United States magistrate judge for the District of Colorado since August 3, 2018. I was appointed by the active-duty district judges.

The United States District Court is a court of limited jurisdiction, with jurisdiction over cases involving the United States government, the United States Constitution or federal laws, or controversies between states or between the United States government and foreign governments. The court also has diversity jurisdiction over cases between citizens of different states where the amount in controversy exceeds \$75,000. The jurisdiction or authority of magistrate judges is further limited by 28 U.S.C. § 636. In criminal cases, magistrate judges: consider petitions for issuance of search warrants; conduct preliminary proceedings; and preside over the trial and final disposition of misdemeanor cases. In the District of Colorado, civil cases are randomly drawn directly to both magistrate judges and district judges. In those cases where the parties do not consent to the magistrate judge handling all matters, both a district and magistrate judge are assigned to the case. In those cases, magistrate judges conduct pretrial matters, evidentiary proceedings, and post-trial matters on referral from the district judge. In civil cases where the parties consent to the magistrate judge handling all matters, the magistrate judge presides over the entirety of the case.

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

I have presided over six cases that have gone to verdict or judgment. Five of the cases were jury trials and one was a bench trial.

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

jury trials:	83%
bench trials:	17%

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

civil proceedings:	100%
criminal proceedings:	0%

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

See attached list of opinions.

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

1. *Gonzalez v. Englewood Lock and Safe, Inc.*, No. 1:20-cv-03686-SKC (D. Colo. Feb. 15, 2023)

The *pro se* plaintiff, Ms. Gonzalez, brought this action against her former employer alleging a constructive discharge, and sex discrimination, sexual harassment, and retaliation, all in violation of Title VII. The matter was before me on the parties' consent. I presided over the entirety of the case, to include the two-day jury trial and all pre-trial matters. I granted the defendant's oral motion made under Federal Rule of Civil Procedure 50(a) after the close of the plaintiff's evidence.

The plaintiff proceeded *pro se*

Counsel for the Defendant:

Gary M. Kramer  
Gary Kramer Law, LLC  
1730 Chapel Hills Drive, Suite 100  
Colorado Springs, CO 80920  
(719) 694-2783

2. *Brooks v. Colorado Department of Corrections*, No. 1:13-cr-02894-SKC (D. Colo. Dec. 16, 2022)

The plaintiff, Mr. Brooks, who was incarcerated during the relevant events, suffered from ulcerative colitis. He requested a specific meal or movement pass as a reasonable accommodation to his disability to access the cafeteria outside his scheduled mealtimes. He sued the Colorado Department of Corrections (CDOC) claiming a failure to accommodate his disability under Title II of the Americans with Disabilities Act after the CDOC denied his request for a pass. Mr. Brooks sought compensatory damages. The matter was before me on consent of the parties. I presided over the case in its entirety, including the five-day jury trial. The jury returned a verdict in his favor and against the CDOC and awarded Mr. Brooks compensatory damages. I granted the parties' request to temporarily stay post-trial proceedings.

Counsel for the Plaintiff:

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Homiak Law LLC  
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Denver, CO 80204  
(505) 385-2614

Counsel for the Defendant:

Kelley M. DzieDzic  
Joshua G. Urquhart  
Rachel M. Lieb  
Colorado Attorney General's Office  
Civil Litigation & Employment Law Section  
1300 Broadway, 10th Floor  
Denver, CO 80203  
(720) 508-6000

3. *United States v. Goochey*, No. 1:22-po-07000-SKC (D. Colo. Aug. 19, 2022)

This was a matter in which the defendant faced five non-violent misdemeanors. Based on her court appearances, multiple *pro se* filings, and her various communications with court staff, I *sua sponte* ordered a competency evaluation pursuant to 18 U.S.C. § 4241. Based on the resulting, confidential competency evaluation report, I informed counsel I was prepared to find the defendant competent to enter a plea with the advice of counsel. I set the matter for a plea hearing, or in the alternative, a competency hearing. On the eve of the hearing, the Government moved to dismiss the Information, without prejudice, which I granted.

Counsel for the Government:

Brett William Tobin  
U.S. Army Judge Advocate General's Corps  
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Building 6222  
Fort Carson, CO 80913  
(719) 526-6469

Counsel for the Defendant:

Rebecca Lowell Briggs  
The Law Office of Becky Briggs  
315 Colorado Avenue  
Pueblo, CO 81003  
(434) 989-0847

4. *Scherbarth v. Woods et al.*, No. 1:16-cv-02391-SKC (D. Colo. Apr. 22, 2022)

The plaintiff brought excessive use of force claims under 42 U.S.C. § 1983 against two Aurora police officers. He alleged he sustained nerve damage, a concussion, and lacerations resulting from an arrest for a nonviolent misdemeanor where he was not resisting arrest or fleeing. I denied the officers' motion for summary judgment, which they sought on grounds of qualified immunity, because there were genuine disputes of material facts that bore on the applicability of immunity. The matter was before me on consent of the parties. I presided over the entirety of the case, including the five-day jury trial. Based on the jury's answers to special interrogatories at the close of all evidence, I found the defendants were entitled to qualified immunity and entered judgment in their favor.

Counsel for the Plaintiff:

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Christopher Bruner  
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(303) 863-1000

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Counsel for the Defendants:

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Isabelle Sabra Evans  
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Aurora, CO 80012  
(303) 739-7030

5. *Hutchison v. Walmart Inc.*, No. 1:19-cv-01496-SKC (D. Colo. Aug. 7, 2021)

This was a slip and fall case with a claim under Colorado's premises liability statute. The matter was before me on the parties' consent. I presided over the entirety of the case, including the five-day jury trial. The jury rendered a defense verdict.

Counsel for the Plaintiff:

John Keith Killian  
Killian Davis Richter & Mayle, P.C.  
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Grand Junction, CO 81501  
(970) 241-0707

Counsel for the Defendant:

Jacquelyn S. Booker  
Lily E. Nierenberg  
Sutton Booker PC  
4949 South Syracuse Street, Suite 500  
Denver, CO 80237  
(303) 730-6204

6. *United States v. Zamorano*, No. 1:19-cr-00531-WJM, 2020 WL 1820498 (D. Colo. Apr. 10, 2020), *aff'd*, 2020 WL 2512839 (D. Colo. May 15, 2020)

This was a felony criminal matter in which I ordered the defendant's pretrial detention after a hearing. She later filed a motion to reconsider and sought release due to the COVID-19 pandemic and based on her claim of new information regarding the availability of a third-party custodian. I held a hearing on her motion and denied it, finding the defendant failed to establish a basis for her release under the Bail Reform Act, or a basis to reopen her prior detention hearing, largely because she presented no new evidence unknown to her at the time of the original detention hearing, her proposed third-party custodian was not suitable, and her potential for COVID-19 exposure while detained was an insufficient basis for her release considering her circumstances. The defendant

filed objections to my order with the presiding district judge. The district judge overruled the defendant's objections and affirmed my ruling. The district judge also agreed the defendant's temporary release under 18 U.S.C. § 3142(i) was not warranted.

Counsel for the Government:

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(303) 454-0100

Counsel for the Defendant:

Laura Suelau  
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7. *Kim v. McAleenan*, No. 1:19-cv-01212-SKC, 2020 WL 1026494 (D. Colo. Mar. 3, 2020)

This matter was before me on consent. The plaintiff, Mr. Kim, was a citizen of South Korea and a lawful permanent resident of the United States. He brought this action under 8 U.S.C. § 1447(b) for a judicial determination of his N-400 application after the United States Citizenship and Immigration Services (USCIS) failed to make a final determination on his application for at least three years. The defendants moved to remand the matter to the USCIS, arguing that misrepresentations Mr. Kim made about his divorce in a form filed with the USCIS caused delay in its investigation and required additional proceedings. I determined the government unnecessarily delayed the adjudication of the plaintiff's application and denied the defendants' motion. The parties eventually filed a stipulated motion to dismiss and did not seek a ruling from me on Mr. Kim's application as part of their dismissal.

Counsel for the Plaintiff:

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David Lawrence Kolko  
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(303) 371-1822

Counsel for the Defendants:

Kyle W. Brenton  
United States Attorney's Office  
1801 California Street, Suite 1600  
Denver, CO 80202  
(303) 454-0126

8. *Shields v. U.S. Postal Service*, No. 1:16-cv-02517-SKC (D. Colo. Oct. 28, 2019)

This case involved the *pro se* plaintiff's claims arising under the Equal Pay Act against her former employer, the United States Postal Service. The matter was before me on consent of the parties. I presided over the entirety of the case, including the half-day bench trial. At trial, the plaintiff called one adverse witness, the human resources manager, during her case-in-chief and then rested. She called no other witnesses and refused to testify on her own behalf despite my explanations to her that without her testimony there would be very little evidence in support of her claim and she would risk dismissal on a Federal Rule of Civil Procedure 50(a) motion. The defendant made an oral motion for judgment as a matter of law under Rule 50(a). I granted the motion in an oral ruling from the bench and entered judgment in favor of the defendant.

The plaintiff proceeded *pro se*

Counsel for the Defendant:

Lauren Marie Dickey  
Logan Ann Steiner  
United States Attorney's Office  
1801 California Street, Suite 1600  
Denver, CO 80202  
(303) 454-0188

9. *St. Michael v. Rocky Mountain Festivals, Inc.*, No. 1:16-cv-02969-SKC (D. Colo. July 26, 2019)

The plaintiff, Ms. St. Michael, sued her former employer under Title VII for sexual harassment and gender discrimination. She performed tarot card reading at the Colorado Renaissance Festival for more than 30 years and the defendant owned and operated the Festival. The matter was before me on the parties' consent. I presided over the entirety of the case, including the five-day jury trial. The jury rendered a defense verdict.

Counsel for the Plaintiff:

Diane Smith King

King Employment Law  
1670 York Street  
Denver, CO 80206  
(303) 298-9878

Counsel for the Defendant:

Thomas Richard Rice  
Rice LLC  
473 Heritage Trail  
Elizabeth, CO 80107  
(303) 514-5842

10. *Ralston v. Cannon*, No. 1:14-CV-00247-SKC, 2019 WL 8223559 (D. Colo. Mar. 12, 2019), *aff'd*, No. 19-1146, 2021 WL 3478634 (10th Cir. Aug. 9, 2021)

This matter was before me on consent after being assigned to me upon my appointment as a magistrate judge. The defendant previously filed an appeal with the Tenth Circuit after the prior magistrate judge issued an order denying the defendant's motion for summary judgment on the plaintiff's 42 U.S.C. § 1983 claim. The Tenth Circuit dismissed that appeal for lack of appellate jurisdiction, but in a footnote, left it to the district court's discretion to revisit the propriety of summary judgment given the possibility that the defendant relied on an improper standard throughout the litigation. I held two hearings on the defendant's motion to reconsider the denial of his summary judgment motion. I granted the motion to reconsider and granted the defendant's motion for summary judgment. The Tenth Circuit affirmed on appeal.

Counsel for the Plaintiff:

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Denver, CO 80238  
(720) 675-8584

Counsel for the Defendant:

Christopher Joseph Robbie  
Hollie Renee Birkholz  
Denver City Attorney's Office  
201 West Colfax Avenue  
Denver, CO 80202  
(720) 913-3292

- 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. *Clark v. Hyatt Hotels Corp.*, No. 1:20-CV-01236-RM-SKC, 2022 WL 19416 (D. Colo. Jan. 3, 2022), *objections to discovery order overruled*, 2022 WL 884282 (D. Colo. Mar. 25, 2022).

Counsel for the Plaintiffs:

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Eric Michael Lee  
Michael Jason Decker  
Murphy & Decker, PC

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(303) 468-5980

2. *McKnight v. Brown*, No. 120-cv-03678-PAB-SKC, 2022 WL 488607 (D. Colo. Feb. 17, 2022)

Counsel for the Plaintiff:

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Counsel for the Defendant:

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Writer Mott  
Arapahoe County Attorney's Office  
5334 South Prince Street  
Littleton, CO 80120  
(303) 795-4639

3. *Scherbarth v. Woods*, No. 1:16-CV-02391-SKC, 2020 WL 1538755 (D. Colo. Mar. 31, 2020)

Counsel for the Plaintiff:

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4. *Est. of Burgaz by & through Zommer v. Bd. of Cnty. Commissioners for Jefferson Cnty. Colorado*, No. 1:19-CV-01383-SKC, 2021 WL 168441 (D. Colo. Jan. 19, 2021), *aff'd*, 30 F.4th 1181 (10th Cir. 2022)

Counsel for the Plaintiff:

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Counsel for the Defendant:

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Rebecca Philana Klymkowsky  
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David R. DeMuro  
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720 South Colorado Boulevard, North Tower, Penthouse  
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5. *Kim v. McAleenan*, No. 1:19-CV-01212-SKC, 2020 WL 1026494 (D. Colo. Mar. 3, 2020)

Counsel for the Plaintiff:

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Counsel for the Defendants:

Kyle W. Brenton  
United States Attorney's Office  
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Denver, CO 80202  
(303) 454-0126

6. *K.S. v. Mesa Cty. Valley Sch. Dist. 51*, No. 1:18-cv-2238-SKC, 2020 WL 996868 (D. Colo. Mar. 2, 2020)

Counsel for the Plaintiff:

Theresa Lynn Sidebotham  
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Counsel for the Defendant:

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7. *Hale v. Marques*, No. 1:19-cv-00752-WJM-SKC, 2020 WL 2309619 (D. Colo. Feb. 3, 2020), *R & R adopted as modified*, 2020 WL 1593339 (D. Colo. Mar. 30, 2020)

The plaintiff proceeded *pro se*

Counsel for the Defendants:

David Z. Moskowitz  
Kyle W. Brenton  
United States Attorney's Office

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Denver, CO 80202  
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8. *Ralston v. Cannon*, No. 1:14-CV-00247-SKC, 2019 WL 8223559 (D. Colo. Mar. 12, 2019), *aff'd*, No. 19-1146, 2021 WL 3478634 (10th Cir. Aug. 9, 2021)

Counsel for the Plaintiff:

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9. *Handy et al. v. Fisher et al.*, No. 1:18-cv-00789-RBJ-SKC, 2019 WL 1014595 (D. Colo. Mar. 4, 2019), *R & R adopted*, 2019 WL 1375677 (D. Colo. Mar. 27, 2019)

The plaintiffs proceeded *pro se*

Counsel for the Defendants:

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Rebecca Philana Klymkowsky  
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100 Jefferson County Parkway, Suite 5500  
Golden, CO 80419  
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10. *Estate of Strong v. City of Northglenn*, No. 1:17-cv-1276-WJM-SKC, 2018 WL 6589813 (D. Colo. Dec. 14, 2018)

Counsel for the Plaintiff:

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Counsel for the Defendants:

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Denver, CO 80210  
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- e. Provide a list of all cases in which certiorari was requested or granted.

To the best of my knowledge and upon searching legal databases, certiorari has not been requested or granted in any of my cases.

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

*Schwartz v. City and County of Denver, et al.*, Civil Action No. 21-CV-02160-CNS-SKC (D. Colo. Sept. 19, 2022), *R & R affirmed and adopted in part, and denied in part*, 2023 WL 1879305 (D. Colo. Feb. 10, 2023). Before me on referral was the defendant's Rule 12(b)(6) motion to dismiss. I recommended dismissing the plaintiff-estate's municipal liability claim brought under 42 U.S.C. § 1983 on the grounds that the amended complaint failed to plausibly allege the city defendant had a municipal policy or custom that caused the violation of the plaintiff's constitutional rights when a sheriff's deputy assaulted the now deceased person while in custody. Copy supplied. The presiding district judge adopted the portion where I recommended dismissal of the municipal liability claim that was based on a theory of post-conduct ratification, and denied the portion where I recommended dismissal of the claim that was based on a theory of failure to train.

*Vyanet Operating Group, Inc. v. Maurice et al.*, Civil Action No. 21-CV-02085-CMA-SKC (D. Colo. Aug. 3, 2022), *R & R partially rejected*, 2022 WL 4008043 (D. Colo. Sept. 2, 2022). I issued a report and recommendation finding the economic loss rule barred the plaintiff's intentional tort claims. Copy supplied. The presiding district judge determined "the legal landscape of the economic loss rule has shifted" based on recent Tenth Circuit precedent suggesting Colorado's economic loss rule does not bar claims for intentional torts, including common law fraud, and rejected that portion of my recommendation.

*Lucas v. Board of County Commissioners of the County for Larimer County Colorado, et al.*, Civil Action No. 1:19-CV-01251-RMR-SKC (D. Colo. Aug. 24, 2021), *order vacated*, 2022 WL 3704079 (D. Colo. July 26, 2022). I issued an order granting the plaintiff leave to file a third amended complaint. Copy

supplied. In part, I declined to entertain the defendants' additional argument regarding futility of amendment explaining that, in my view, it is more efficient to address futility arguments in the context of a motion to dismiss rather than based on a response to a motion for leave to amend due to the lack of briefing on the issue. The presiding district judge decided to entertain the futility argument and construed my order as a report and recommendation, which she respectfully rejected and found the proposed amendment(s) futile.

*Brooks v. Colorado Dep't of Corr.*, No. 1:13-CV-02894-SKC, 2019 WL 8323948 (D. Colo. Sept. 30, 2019), *aff'd in part, rev'd in part, dismissed in part*, 12 F.4th 1160 (10th Cir. 2021). This matter was before me on consent of the parties. Mr. Brooks was an incarcerated person who suffered from ulcerative colitis. He sued the Colorado Department of Corrections and its employees asserting claims for violation of Title II of the Americans with Disabilities Act based on their failure to accommodate his disability. I entered summary judgment for the defendants, finding the prison's ADA inmate coordinator's denial of Mr. Brook's request for a movement or special meal pass did not violate the Eighth Amendment. The Tenth Circuit affirmed my determination that the ADA inmate coordinator's denial of Mr. Brooks' request did not violate the Eighth Amendment, but found fact issues remained as to whether the prison officials' offer of adult undergarments was a reasonable accommodation. It reversed and remanded the matter.

*Vreeland v. Vigil*, No. 1:18-cv-03165-PAB-SKC, 2021 WL 4306643 (D. Colo. Aug. 16, 2021), *R & R rejected*, 2022 WL 168739 (D. Colo. Jan. 19, 2022), and *Vreeland v. Huss*, No. 1:18-cv-00303-PAB-SKC, 2021 WL 4192106 (D. Colo. Aug. 10, 2021), *R & R rejected*, 2022 WL 833369 (D. Colo. Mar. 21, 2022). I issued a report and recommendation in these related cases, recommending that the court administratively close the cases until the *pro se* incarcerated plaintiff could demonstrate he was able to fully prosecute them; he previously indicated he was unable to prosecute because he lacked access to his legal materials. After the plaintiff filed a document stating he agreed his cases should be administratively closed, he later filed a motion stating he could now prosecute. Finding the circumstances had changed since I issued my recommendation, the district judge rejected my recommendation and did not administratively close the cases.

*Vreeland v. Olson*, No. 1:20-cv-02330-PAB-SKC, 2021 WL 4556212 (D. Colo. Aug. 10, 2021), *R & R adopted in part, rejected in part*, 2021 WL 4237269 (D. Colo. Sept. 16, 2021). The *pro se* incarcerated plaintiff brought First Amendment retaliation claims alleging prison guards denied him two meals in retaliation for his having filed grievances against the guards, and they announced this punishment in front of other incarcerated persons. In relevant part, I issued a report and recommendation to deny qualified immunity to the defendant guards finding the plaintiff's rights were clearly established. The district judge disagreed and rejected this portion of my recommendation. The district judge adopted my additional recommendation to dismiss a co-defendant from the case.

*A.C. v. Jefferson Cnty. RI Sch. Dist.*, No. 1:20-cv-00078-CMA-SKC, 2021 WL 1946453 (D. Colo. Feb. 22, 2021), *R & R adopted in part, rejected in part*, 2021 WL 4438036 (D. Colo. Sept. 28, 2021). The plaintiffs initiated this action alleging the School District and certain school officials violated Title IX as well as the minor-plaintiff's constitutional rights. The district judge rejected and "respectfully disagree[d]" only with that portion of my report and recommendation wherein I recommended finding the plaintiffs failed to allege the appropriate comparators to establish the similarly-situated prong of her gender discrimination claim.

*Vreeland v. Vigil*, No. 1:18-cv-03165-PAB-SKC, 2020 WL 6293387 (D. Colo. Oct. 16, 2020), *R & R rejected*, 2021 WL 231450 (D. Colo. Jan. 22, 2021). The *pro se* incarcerated plaintiff sought leave to amend his complaint to satisfy requirements under the Colorado Governmental Immunity Act (CGIA). I issued an opinion recommending the request be denied based on the district judge's prior rejection of the same, or a similar, argument previously made by the plaintiff. The district judge rejected my recommendation based on intervening Tenth Circuit case law.

*KeyBank Nat'l Ass'n v. Williams*, No. 1:19-cv-03714-CMA-SKC, 2020 WL 6257180 (D. Colo. Sept. 11, 2020), *R & R adopted in part, rejected in part*, 2020 WL 6255293 (D. Colo. Sept. 28, 2020). I presided over a multi-day evidentiary hearing regarding the plaintiff's motion for a preliminary injunction. My opinion recommended denying the motion for preliminary injunction, but granting only the portion of the motion which sought the return or destruction of certain of the plaintiff's confidential reports in the defendants' possession. The district judge rejected that portion of my recommendation, stating that "because the Court agrees with Judge Crews that Plaintiff has failed to demonstrate irreparable harm, the Court finds that Plaintiff's Motion should be denied in its entirety."

*Blake v. United States*, No. 1:18-cv-00570-RBJ-SKC, 2020 WL 7249090 (D. Colo. Aug. 14, 2020), *R & R adopted in part, rejected in part*, 2020 WL 6482691 (D. Colo. Nov. 4, 2020). I issued a report and recommendation addressing four separate motions. One of the plaintiff's motions sought to extend the deadline for filing a certificate of review under Colo. Rev. Stat. § 13-20-602 (in claims alleging the negligence of a licensed professional, the attorney or party must execute a certificate declaring they consulted a person with expertise in the area of alleged negligent conduct, and the person concluded the claim does not lack substantial justification). I recommended denying this motion finding the plaintiff had not established good cause for an extension. The district judge rejected that portion of my recommendation.

*Vreeland v. Vigil*, No. 1:18-cv-03165-PAB-SKC, 2020 WL 8258356 (D. Colo. July 23, 2020), *R & R rejected*, 2021 WL 229288 (D. Colo. Jan. 22, 2021). In this case involving a *pro se* incarcerated person, I construed a motion filed by the

plaintiff as one seeking a preliminary injunction and issued an opinion recommending the motion be denied for failing to meet the elements for a preliminary injunction. The district judge instead construed the motion as seeking a remedy akin to a discovery dispute and rejected my recommendation.

*Reneau v. Cardinas*, No. 1:17-cv-02595-PAB-SKC, 2020 WL 4511051 (D. Colo. Mar. 9, 2020), *R & R adopted in part, rejected in part*, 2020 WL 2783445 (D. Colo. May 29, 2020), *aff'd in part, rev'd in part, and remanded*, 852 F. App'x 311 (10th Cir. 2021). I issued an opinion recommending, in part, the denial of a motion for summary judgment as to one of the defendants. The plaintiff, an incarcerated person appearing *pro se*, alleged that a prison nurse refused to examine his injuries after he fell from his bunk bed, tearing his rotator cuff and breaking his leg. I found a reasonable factfinder could conclude this defendant chose to ignore a substantial risk of serious harm to the plaintiff on his Eighth Amendment claim. The district judge rejected that portion of my recommendation, holding the plaintiff failed to present evidence the defendant in fact chose to ignore a substantial risk of serious harm. On March 31, 2021, the Tenth Circuit reversed the district judge on this issue and remanded for further proceedings. The matter remains pending.

*Moudden v. Univ. of Colorado Boulder*, No. 1:18-cv-02514-WJM-SKC, 2019 WL 7833974 (D. Colo. Sept. 4, 2019), *R & R adopted in part, rejected in part*, 2019 WL 6975015 (D. Colo. Dec. 20, 2019). I issued an opinion recommending a portion of the plaintiff's Title VII failure-to-hire claim be dismissed for failure to plausibly allege the fourth factor in the *McDonnell Douglas* burden shifting framework. The district judge rejected that portion of my recommendation. After the defendant later filed a motion for summary judgment, the district judge adopted my recommendation that the defendant's motion for summary judgment be granted.

*Hernandez v. United Builders Serv., Inc.*, No. 1:18-cv-02019-RM-SKC, 2019 WL 5790702 (D. Colo. Aug. 19, 2019), *R & R adopted in part, rejected in part*, 2019 WL 4744788 (D. Colo. Sept. 30, 2019). I issued an opinion recommending the defendant's motion to dismiss be granted in part and denied in part. I analyzed the motion under Rule 12(b)(1) and recommended granting the motion, in part, based on the lack of RICO and COCCA (Colorado Organized Crime Control Act) standing. The district judge instead analyzed the matter under Rule 12(b)(6) and rejected that portion of my recommendation regarding dismissal under Rule 12(b)(1), but accepted my recommendation of dismissal on different grounds.

*Scott v. Carry*, No. 1:18-cv-00610-WJM-SKC, 2019 WL 7289015 (D. Colo. July 5, 2019), *R & R adopted in part, rejected in part*, 2019 WL 5957295 (D. Colo. Nov. 12, 2019), *aff'd*, 829 F. App'x 334 (10th Cir. 2020). I issued an opinion on the defendants' partial motion to dismiss recommending it be granted in part and denied in part. I recommended the state law claims be dismissed finding the plaintiff failed to adequately allege compliance with the Colorado Governmental

Immunity Act's (CGIA) notice provision by failing to plausibly allege the entity to whom the plaintiff sent notice. The district judge rejected that portion of my recommendation.

*Vista Partners, Inc. v. BrainScope Co., Inc.*, No. 1:19-cv-00138-CMA-SKC, 2019 WL 4920649 (D. Colo. Apr. 11, 2019), *R & R adopted in part, rejected in part*, 2019 WL 3543625 (D. Colo. Aug. 5, 2019). I issued a recommendation on the defendant's motion to transfer under 28 U.S.C. § 1404(a). I recommended the motion be granted but that certain claims be severed with some litigated in Maryland and others in Delaware in consideration of Fed. R. Civ. P. 1. The district judge rejected that portion of my recommendation.

*Gerstenberger v. Internal Revenue Serv.*, No. 1:17-cv-02184-PAB-SKC, 2019 WL 1322630 (D. Colo. Feb. 19, 2019), *R & R adopted*, 2019 WL 1584521 (D. Colo. Mar. 18, 2019), *order amended and superseded*, 2019 WL 1317659 (D. Colo. Mar. 21, 2019), *and R & R adopted in part, rejected in part*, 2019 WL 1317659 (D. Colo. Mar. 21, 2019). I issued an opinion recommending the plaintiff's motion for leave to amend the complaint be denied based on futility, and the case be dismissed with prejudice. The district judge originally accepted my recommendation and dismissed the case. Thereafter, the district judge *sua sponte* revisited the matter and determined dismissal with prejudice was not appropriate, rejecting that portion of my recommendation.

*Janny v. Gamez*, No. 1:16-cv-002840-SKC, 2018 WL 8188008 (D. Colo. Sept. 20, 2018), *R & R adopted in part, rejected in part*, 2019 WL 1034587 (D. Colo. Mar. 5, 2019). I issued an opinion recommending the defendants' respective motions to dismiss be granted. I recommended one defendant-group be dismissed finding the complaint failed to plausibly allege these defendants were state actors. The district judge rejected this portion of my recommendation.

- g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.

As a magistrate judge the majority of my decisions are unpublished opinions, although some are captured and reported by Westlaw and LexisNexis. The Court's e-filing system, CM/ECF, captures and permanently stores all opinions and orders I have issued. One hundred percent of my opinions and orders are available on the CM/ECF system or through Pacer unless a case is sealed.

- 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.

*Ralston v. Cannon*, No. 1:14-CV-00247-SKC, 2019 WL 8223559 (D. Colo. Mar. 12, 2019), *aff'd*, No. 19-1146, 2021 WL 3478634 (10th Cir. Aug. 9, 2021)

*Hale v. Marques*, No. 1:19-cv-00752-WJM-SKC, 2020 WL 2309619 (D. Colo. Feb. 3, 2020), *R & R adopted as modified*, 2020 WL 1593339 (D. Colo. Mar. 30, 2020)

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

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

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

Identify each such case, and for each provide the following information:

- a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;
- b. a brief description of the asserted conflict of interest or other ground for recusal;
- c. the procedure you followed in determining whether or not to recuse yourself;
- d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

The United States District Court for the District of Colorado has an automated conflict checking program to identify conflicts of interest for each judge. Judges in the District of Colorado give the Clerk’s Office a list of individuals and entities in whose cases we would recuse. I have provided, and regularly update, such a list to the Clerk’s Office.

Aside from the conflict-checks program, in determining the necessity or propriety of recusal, I am guided by 28 U.S.C. § 455(a), which provides a judge “shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned,” and § 455(b), which specifies circumstances in which a judge must recuse. I also refer to the Judicial Canons from the Code of Conduct for United States Judges, Published Advisory Opinions, and the Ethics Deskbook for United States Judges. I remain cognizant that a judge has as strong a duty to sit when there is no legitimate reason to recuse as she does to recuse when the law and facts require.

In those circumstances where I determine a current or prior relationship to a party or

attorney before the court will neither affect nor influence my impartiality, but one or more parties could feel my impartiality might reasonably be questioned, I will disclose the possible basis for my disqualification and follow the remittal of disqualification procedures from Canon 3(D) (“The judge may participate in the proceeding if, after that disclosure, the parties and their lawyers have an opportunity to confer outside the presence of the judge, all agree in writing or on the record that the judge should not be disqualified, and the judge is then willing to participate.”).

Below is a list of cases where either a party requested my recusal or I recused *sua sponte*:

*Franklin v. Sulzer*, 1:22-cv-01963-RMR-SKC (D. Colo. Dec. 17, 2022): I recused *sua sponte* because a former intern and current mentee of mine was defense counsel in the case. While this relationship would not have affected my impartiality, I concluded a reasonable person might reasonably question my impartiality under these circumstances given the recency of our relationship.

*Lindenthaler v. Burtlow et al.*, 1:22-cv-01013-CNS-SKC (D. Colo. Oct. 14, 2022): I recused *sua sponte* because a member of my staff had a familial relationship with a party to the case and I determined it was not reasonably feasible to “wall off” this staff member.

*Messeri v. Zak*, No. 1:20-cv-2184-WJM-SKC, 2021 WL 492489 (D. Colo. Feb. 10, 2021): The *pro se* plaintiff filed a motion seeking my recusal because, from December 2013 to March 2014, the defendant University engaged me to investigate an internal complaint of discrimination and harassment involving a separate matter not connected to the plaintiff’s case. I reviewed 28 U.S.C. § 455 and the Ethics Deskbook for United States Judges, and conducted additional legal research to determine whether the issues raised by the plaintiff caused my impartiality to be reasonably questioned. I declined to recuse concluding no reasonable person, knowing all the relevant facts, would harbor doubts about my impartiality, and further there was no reasonable basis to question my impartiality considering: when the prior representation ended; the nature and duration of the prior representation; the lack of any ongoing personal relationship with the client; and there was no mandatory recusal under § 455(b). I issued a written decision with my analysis and reasons.

*Lexion v. CWI Inc.*, 1:20-cv-00241-WJM-NYW (D. Colo. Sept. 28, 2020): I recused *sua sponte*. It came to my attention that I have a familial relationship with a material witness in the case. I determined my recusal was warranted under § 455(a).

*Brown-Smith v. Board of Trustees of the University of Northern Colorado*, 1:20-cv-03271-SKC (D. Colo. Nov. 17, 2020): I recused *sua sponte*. I served on the defendant’s Board of Trustees from January 1, 2015, to June 30, 2018. While I did not believe my former service on the Board of Trustees alone required recusal, I remained involved with the University and certain of its initiatives. I determined my recusal was warranted under § 455(a).

Cases in which attorneys from my prior law firms, Rothgerber Johnson & Lyons LLP (or its successor), and Hoffman Crews Nies Waggener & Foster LLP, entered an appearance from August 3, 2018, to August 3, 2020: I recused, *sua sponte*, from any matters involving my former law firms. Although I had not worked at Rothgerber since December 31, 2010, the firm held a reception for me in about June 2018, after my selection as magistrate judge. I relied on the guidance of Advisory Opinion No. 24, which recommends that new judges consider a recusal period of two years in all cases in which the judge's former law firm appears before the judge. These *sua sponte* recusals involving the Rothgerber law firm were automatic in some cases and are too numerous to list here. Those recusals involving the Hoffman law firm were automatic and resulted in one such *sua sponte* recusal in *Contiguglia v. Mitchell Law Firm PC et al.*, 1:20-cv-00307-CMA-KLM (D. Colo. Feb. 15, 2020).

*Reneau v. Cardinas et al.*, 1:17-cv-02595-PAB-SKC (D. Colo. May 14, 2020): The plaintiff, a *pro se* incarcerated person, filed a motion seeking my recusal. The plaintiff was dissatisfied with a prior motion he filed that I effectively granted by extending an applicable deadline, but where I also advised him to avoid his reliance on speculation and conjecture in his motions. The plaintiff felt these comments demonstrated bias against him. I declined to recuse, concluding the issues the plaintiff raised equated to a dissatisfaction with a judicial ruling, which is not a valid basis for recusal.

*Colorado Seminary v. Hiscox Ins. Co., Inc.*, 1:20-cv-00678-DDD-KLM (Mar. 24, 2020): My recusal arose after my remittal of disqualification to the parties. I disclosed the plaintiff was a former client for whom I had performed significant work, with that relationship ending in July 2018. I afforded the parties time to confer outside my presence, and ordered them to file a form I developed titled, "Election Concerning Possible Basis for Disqualification." This form allows the parties to check a box indicating either no party seeks my recusal, or at least one party seeks my recusal. The parties filed the election form indicating at least one party sought my recusal. I determined the parties' election, the nature and degree of my prior relationship with that client, and the time-period associated with my last association to the client, all warranted my recusal consistent with § 455(a).

*Brown et al. v. Colorado Judicial Branch*, 1:19-cv-03362-MEH (D. Colo. Feb. 24, 2020): I recused *sua sponte*. It came to my attention that one of my law clerks had certain involvement in the underlying facts of this case. I determined my recusal was warranted under § 455(a).

*Carbajal et al. v. Falk et al.*, 1:19-cv-01387-PAB-NYW (D. Colo. Dec. 18, 2019): I recused *sua sponte*. I issued a recommendation in a separate matter involving one of these plaintiffs, and a related party, wherein I found these individuals lacked credibility and they had perpetuated a charade on the court. I determined my recusal was warranted under § 455(a).

*Vreeland v. Vigil et al.*, 1:18-cv-03165-PAB-SKC (D. Colo. Oct. 2, 2019) and *Vreeland v. Huss*, 1:18-cv-00303-PAB-SKC (D. Colo. Oct. 2, 2019): The plaintiff, a *pro se*

incarcerated person, filed the same motion in two of his cases, which I construed as seeking my recusal. The plaintiff claimed I had an improper *ex parte* communication with defense counsel—the plaintiff was represented by counsel at the time—after I had ordered a discovery hearing at which the plaintiff’s attorney failed to appear. I held the hearing in his absence in open court and on the record. I declined to recuse concluding no improper *ex parte* communication occurred and there was no basis under § 455 supporting recusal.

*Byrd v. GMAC Mortgage, LLC*, 1:19-cv-000651-DDD-STV (D. Colo. Apr. 1, 2019): I recused *sua sponte*. The plaintiff was a former client for whom I had done significant work, and he remained a personal friend. I determined my recusal was warranted under § 455(a).

*Borgers v. State Farm Fire and Casualty Co.*, 1:18-cv-00415-PAB-NYW (D. Colo. Oct. 3, 2018): I recused *sua sponte*. The matter involved a motion referred to the magistrate judge that required the magistrate judge to analyze the reasonableness of certain insurance policy language. I had the same insurance policy with the same language and same carrier. I determined my recusal was warranted under § 455(a).

*Makeen Investment Group, LLC et al. v. WoodStream Falls Condominium Association, Inc et al*, 1:16-cv-01250-WJM-NYW (D. Colo. Aug. 7, 2018): I recused *sua sponte*. I represented a non-party (while in private practice) in another of this plaintiff’s cases with regard to a motion to quash subpoenas he served on my client. I determined my recusal was warranted under § 455(a).

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.

From January 2015 to June 2018, I served as a Trustee on the University of Northern Colorado Board of Trustees. I was appointed by then Governor John Hickenlooper.

In 2009, I served as a Member of the Colorado Abraham Lincoln Bicentennial Commission. I was appointed by then Governor Bill Ritter.

From 2004 to 2005, I served as an Alternate Hearing Officer for the City of Commerce City. I was hired based on a response I submitted to a Request for Proposal.

- b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever

held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

None.

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

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

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

I did not serve as a law clerk to a judge.

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

I have not practiced law alone.

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

2000 –2001

United States National Labor Relations Board, Region 27

Byron Rogers Federal Building

1961 Stout Street, #13-103

Denver, Colorado 80294

Attorney

2001 –2010

Rothgerber Johnson & Lyons LLP

1200 Seventeenth Street, Suite 3000

Denver, Colorado 80202

90 South Cascade Avenue, Suite 1100

Colorado Springs, Colorado 80903

Associate (2001 – 2008)

Partner (2008 – 2010)

2004 – 2005

City of Commerce City

7887 East 60th Avenue

Commerce City, Colorado 80022

Alternate Hearing Officer

2011 – 2013  
Mastin Hoffman & Crews LLC  
(no longer in business)  
Member

2013 – 2018  
Hoffman Crews Nies Waggener & Foster LLP  
5350 South Roslyn Street, Suite 100  
Greenwood Village, Colorado 80111  
Partner

2018 – present  
United States District Court, District of Colorado  
Byron G. Rogers United States Courthouse  
1929 Stout Street, C250  
Denver, Colorado 80294  
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.

I have never served as a mediator or arbitrator in alternative dispute resolution proceedings. I have conducted settlement conferences in my capacity as a United States Magistrate Judge.

b. Describe:

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

I started my legal career in August 2000 as an attorney with the U.S. National Labor Relations Board, Region 27, in Denver. I was responsible for enforcing the National Labor Relations Act (NLRA), to include investigating and prosecuting unfair labor practice charges and conducting union-representation elections. A significant aspect of my work involved investigating employers for violations of 29 U.S.C. § 157, which affords employees the right to form or join a union, to engage in other concerted activities for their mutual aid or protection, or to refrain from these activities. I made recommendations to the Regional Director to issue complaints against employers where my investigation determined employees' rights under the NLRA had been violated.

I entered private practice in September 2001. I was a civil litigator throughout my time in private practice. When working as an associate attorney and then partner at Rothgerber Johnson & Lyons LLP, I was a

member of the firm's labor and employment law practice group, where I primarily represented employers, but not exclusively. For example, in 2005 I represented a union, the Pikes Peak Musicians Association, in an appeal before the Tenth Circuit; in 2007 I sued a construction company in federal court on behalf of my female client alleging discriminatory failure to promote, constructive discharge, hostile work environment, and unlawful retaliation, all in violation of Title VII. I also represented clients in other civil matters, such as construction defect litigation and contract disputes. I made partner at the Rothgerber law firm in 2008.

I left Rothgerber and began practicing in a small law firm on January 1, 2011. The nature of my practice did not change significantly other than I began to represent more employees in employment law matters.

Since 2018, I have served as a United States Magistrate Judge on the United States District Court for the District of Colorado.

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

Throughout my career I specialized in employment and traditional labor law. Prior to moving my practice to a small law firm in January 2011, my typical employment and labor law clients were mid-sized to large corporations, but I also represented a union in a Tenth Circuit appeal and an employee in a Title VII lawsuit I filed in federal court. Thereafter, my employment and labor law clients included companies ranging from non-profit organizations and small businesses, to large corporations and individuals. My representation of employees expanded during this time. My typical employee clients ranged from blue collar workers to highly compensated individuals. Because my practice varied outside the labor and employment law context, the nature of my clients ran the gamut to include companies of all sizes and individuals of all socio-economic status, and those for whom I performed services pro bono. My probate clients included estates, personal representatives, and estate beneficiaries.

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

As a lawyer, 100 percent of my practice was in litigation. I appeared in court frequently throughout my career.

- i. Indicate the percentage of your practice in:
  - 1. federal courts: 20%
  - 2. state courts of record: 76%
  - 3. other courts: 0%

4. administrative agencies: 4%

- ii. Indicate the percentage of your practice in:
1. civil proceedings: 100%
  2. criminal proceedings: 0%

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

When I was a practicing lawyer, I tried approximately 18 cases to verdict, judgment, or final decision. Six of the cases involved jury trials in which I was chief counsel in four, and associate counsel in two. Eight involved bench trials in which I was sole counsel in six, chief counsel in one, and associate counsel in one. The other four involved administrative hearings in which I was sole counsel.

- i. What percentage of these trials were:
1. jury: 33%
  2. non-jury: 67%

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

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

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

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

1. *Bernal v. Diamond Elite et al.*, No. 2017-cv-31075, Adams County District Court

I represented the individual defendant, Ms. Waterhouse, in this civil action involving a dispute between former business partners. The plaintiff alleged breach of fiduciary duty, civil theft, fraud, and related claims. The matter proceeded to a bench trial. I prevailed on a motion for judgment as a matter of law made after the close of plaintiff's case-in-chief. The Honorable Edward Moss presided. The dates of representation were approximately 2017 to 2018.

Opposing Counsel:

Adam O'Rourke  
O'Rourke Law Firm LLC  
1355 South Colorado Boulevard, Suite C502  
Denver, CO 80222  
(303) 848-2907

2. *Smith v. Board of Governors of the Colorado State University System*, Civil Action No. 1:15-cv-00770-REB-KMT (D. Colo.)

I represented the defendant University as lead counsel. The plaintiff began his employment with the University as a police officer and alleged he suffered a hostile work environment and harassment motivated by his race, culminating in his discriminatory discharge in violation of Title VII. I deposed the plaintiff, managed discovery, and drafted the summary judgment motion. We prevailed on summary judgment and judgment was entered in favor of our client. The Honorable Robert Blackburn presided and the Honorable Kathleen Tafoya served in the magistrate judge referral role. The dates of representation were 2015 to 2017.

Co-counsel:

Jessamyn Jones  
3i Law Firm  
2000 South Colorado Boulevard, Tower 1, Suite 10,000  
Denver, CO 80222  
(720) 245-2100

Opposing Counsel:

Allan Ewert  
Alexander Ewert LLC  
2625 Redwing Road, Suite 200  
Fort Collins, CO 80526  
(970) 725-6626

3. *Parking Authority LLC v. Perri*, 2015-cv-031757, Jefferson County District Court

I represented the defendant, Mr. Perri, as lead trial counsel. The plaintiff brought claims against my client alleging breach of non-competition and non-solicitation agreements. We tried the case to a jury and received a defense verdict. The Honorable Diego G. Hunt presided. The dates of representation were approximately 2015 to 2016.

Co-counsel:

Madalyn McElwain  
McElwain Law  
429 East 5th Street  
Leadville, CO 80461  
(303) 915-0658

Opposing Counsel:

Derek Blass  
Blass Law LLC  
3900 East Mexico Avenue, Suite 300  
Denver, CO 80210  
(303) 726-7959

4. *Kaufman's Men's Wear v. Doan et al.*, 2014-cv-33297, Arapahoe County District Court

I represented the defendant, Mr. Doan, in this case as lead trial counsel. My client was a Vietnamese immigrant and sole proprietor who worked as an independent contractor for the plaintiff and provided tailoring services for customers who purchased the plaintiff's line of clothing for big and tall men. The claims against my client included claims of fraud and civil theft, among others. The plaintiff alleged my client improperly and fraudulently charged the plaintiff for tailoring services. We tried the case to a jury which returned a verdict for the plaintiff. The Honorable Charles M. Pratt presided. The dates of representation were approximately 2015 to 2016.

Co-counsel:

Jessamyn Jones  
3i Law Firm  
2000 South Colorado Boulevard, Tower 1, Suite 10,000  
Denver, CO 80222  
(720) 245-2100

Opposing Counsel:

Valissa Tsoucaris  
Tsoucaris Law Conflict Resolution Services  
3000 Holly Street  
Denver, CO 80207  
(303) 229-1090

5. *Steele v. Colorado Springs Early Colleges et al.*, No. 1:14-cv-03016-KLM (D. Colo.)

I represented the defendant charter school and its school administrators as lead trial counsel. The plaintiff sued my clients alleging First Amendment retaliation after my clients did not renew the plaintiff's teaching contract. We tried the case to a jury and

received a defense verdict. The Honorable Kristen L. Mix presided. The dates of representation were 2014 to 2016.

Co-counsel:

Emily Coleman  
Higher Ground Law LLC  
5023 West 120th Avenue, #158  
Broomfield, CO 80020  
(720) 437-9517

Opposing Counsel:

Ian Kalmanowitz  
Cornish & Dell'Olio, P.C.  
431 North Cascade Avenue, Suite 1  
Colorado Springs, CO 80903  
(719) 475-1204

6. *Phi Kappa Sigma Bldg Corp. of Colorado et al. v. Colorado Seminary et al.*, 2013-cv-034834, Denver District Court

I represented Colorado Seminary/University of Denver in this case as lead trial counsel. The plaintiff fraternal corporation sued the University alleging breach of a lease agreement between the parties, and related claims. We tried the case to a jury, which found for the defense on some claims, and for the plaintiff on others, resulting in a smaller monetary award of damages and judgment in the plaintiff's favor. The Honorable Kenneth M. Laff presided. The dates of representation were approximately 2013 to 2014.

Co-counsel:

Emily Coleman  
Higher Ground Law LLC  
5023 West 120th Avenue, #158  
Broomfield, CO 80020  
(720) 437-9517

Opposing Counsel:

Alan B. Hendrix  
Genesee Center I  
602 Park Point Drive, #240  
Golden, CO 80401  
(303) 759-9111

7. *Watershed, LLC v. Estate of Altrogge*, 2011-pr-844, Denver Probate Court

I represented the defendant family members and estate in this case as lead trial counsel. The plaintiff sued the defendant Estate and certain family members and beneficiaries of

the Estate, alleging breach of contract, fraud, and related claims involving a life settlement agreement purportedly signed by the deceased. The defendants asserted counterclaims for abuse of process, among others. The case went to a bench trial in Denver Probate Court. The judge rendered a defense verdict on all claims asserted against our clients, and we prevailed on our clients' counterclaim. The judgment in our clients' favor included an award of monetary damages and attorney's fees. The Honorable Elizabeth S. Leith presided. The dates of representation were approximately 2011 to 2014.

Co-counsel:

Mychael Dave  
Hoffman Nies Dave & Myer LLP  
5350 South Roslyn Street, Suite 100  
Greenwood Village, CO 80111  
(720) 390-3461

Opposing Counsel:

Michael Glaser (deceased)

Michael Murphy  
Franklin D. Azar Associates P.C.  
14426 East Evans Avenue  
Aurora, CO 80014  
(303) 900-5595

8. *Ellsworth v. Nunn Construction, Inc.*, Civil Action No. 1:07-cv-01392-WDM-MEH (D. Colo.)

I represented the plaintiff as sole counsel in this sex discrimination case alleging claims under Title VII, to include discriminatory failure to promote, hostile work environment, and unlawful retaliation. The plaintiff also alleged constructive discharge. As sole counsel I handled all drafting and discovery. The matter settled prior to dispositive motions being filed. The Honorable Walker Miller presided and the Honorable Michael Hegarty served in the magistrate judge referral role. The dates of representation were 2007 to 2008.

Opposing Counsel:

Amy L. Miletich  
Miletich PC  
717 17th Street, Suite 1510  
Denver, CO 80202  
(303) 825-5500

9. *Tradewinds Group LLC v. Martin at al.*, Civil Action No. 2006-cv-001425, El Paso County District Court, *judgment reversed and remanded*, No. 08CA1300, 2009 WL 1629960 (Colo. App. June 11, 2009)

I was second chair in this breach of contract matter representing the plaintiff. Our client sued the defendants alleging breach of an agreement related to our client's purchase of an airplane hangar. I helped manage and conduct discovery, took and defended depositions, and was second chair at trial, where I delivered the opening statement, examined certain witnesses, argued the halftime motion, and prepared and finalized jury instructions. The jury found in favor of our client. The defendants appealed and the judgment was reversed and the matter remanded. I argued the appeal before the Colorado Court of Appeals. The dates of representation were approximately 2006 to 2009.

Co-Counsel:

Edward Gleason  
Nussbaum Speir Gleason PLLC  
2 North Cascade Avenue, Suite 1430  
Colorado Springs, CO 80903  
(719) 428-2326

Opposing Counsel:

Murray Weiner  
Mulliken Weiner Berg Jolivet P.C.  
102 South Tejon Street, Suite 900  
Colorado Springs, CO 80903  
(719) 635-8750

10. *Peters v. Pikes Peak Musicians Association*, 462 F.3d 1265 (10th Cir. 2006)

I was the primary drafter of an appellate brief filed in the Tenth Circuit on behalf of a trade union, the Pikes Peak Musicians Association. The appeal arose from a bankruptcy case in which the employer contested the payment of its musicians' wages and benefits due under a collective bargaining agreement as administrative expenses from the bankrupt employer's estate. In bankruptcy court, the union sought and obtained payment of their post-petition wages and benefits as administrative expenses, which receive first priority under the Bankruptcy Code. The bankruptcy trustee appealed first to the U.S. District Court and then to the Tenth Circuit. I represented the union in the Tenth Circuit appeal, where the decision below was affirmed. The dates of representation were 2005 to 2006.

Co-Counsel:

Brent Cohen  
Lewis Roca Rothgerber Christie LLP  
1601 19th Street, Suite 1000  
Denver, CO 80202  
(303) 623-9000

Opposing Counsel:

Philip Arthur Pearlman (inactive)

Spencer Fane LLP  
1901 Locust Street  
Denver, CO 80220  
(303) 316-5050

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.)

Many of my most significant legal activities outside of litigation matters have involved my volunteer efforts around access to justice. I have served on the Board of Directors of CBA CLE, Inc., the nonprofit educational arm of the Colorado Bar Association and the Denver Bar Association. Its mission is to provide continuing legal education to Colorado's lawyers. I have served on this board since about July 2018. We meet quarterly (at a minimum), and monthly as matters require. I also serve on the Board's Executive Committee. Outside of my service on the Board, I have presented numerous continuing legal education programs (on a volunteer basis) sponsored by CBA CLE Inc., the Faculty of Federal Advocates, and other local or national legal associations.

Since taking the bench I have served as a Senior Mentor for the Law School Yes We Can program founded by United States District Judge Christine M. Arguello. I also serve as a mentor with the Colorado Attorney Mentoring Program, and mentor both law and undergraduate students informally by making myself an available resource to them. As part of my mentoring efforts, I developed a program in my Chambers called Crews' Crew Chit Chats. These Chit Chats are to occur each semester in my courtroom and provide diverse law students from our two local law schools the opportunity to engage with diverse local legal professionals.

Since taking the bench I have also participated in United States Magistrate Judge Kristen L. Mix's MixDIP program where I am paired with at least one 2L intern in my chambers during the fall semester. In 2022 I began to assist Judge Mix with coordinating this program in light of her planned retirement from the bench in August 2023, to help ensure the program continues.

I also regularly offer internships and externships to law students and undergraduate students outside of MixDIP. The undergraduate students typically join me during one or both of my criminal duty weeks; they observe criminal proceedings and prepare a paper I assign.

I have served on the Colorado Judicial Well-Being Committee since about August 2020. Our focus is to strengthen performance on the bench, enhance job satisfaction and work-life balance, and foster community within our profession.

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.

I am party to a 2018 agreement with my prior law firm, Hoffman Crews Nies Waggener and Foster LLP, regarding the receipt of fees collected, if any, in the future for work I performed prior to leaving the firm in July 2018. I do not anticipate the further collection of fees under this agreement, if any, as those fees are likely now uncollectable.

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

None.

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

See attached Financial Disclosure Report.

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

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

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

I am not aware of any persons, parties, categories of litigation, or financial arrangements that are likely to present potential conflicts of interest if I am confirmed to the position to which I have been nominated.

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

If confirmed, I will continue to evaluate and resolve any potential conflict of interest by applying Canon 3 of the Code of Conduct for United States Judges, 28 U.S.C. § 455, and any other applicable statutes, canons, and rules. I will also continue to use the court's automated conflict checking system and regularly update my conflicts list with the Clerk's Office.

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.

Within my first two years as a magistrate judge, I founded the Federal Limited Appearance Program (FLAP) in conjunction with the Colorado Bar Association Young Lawyers Division. This is a volunteer-driven program developed by the U.S. District Court for the District of Colorado and the CBA YLD, in coordination with the existing Federal Pro Bono Panel and the Faculty of Federal Advocates. It is designed to provide *pro se* litigants with legal representation during certain non-dispositive court hearings. My discussions with the CBA YLD about developing this program began in 2019. We developed a proposal in conjunction with the court's *Pro Se* Working Group and *Pro Se* Standing Committee, that was submitted to, and approved by, the district judges. The program officially launched in December 2020.

In about March 2019 I became a member of the U.S. District Court's *Pro Se* Working Group. I was appointed Chair by the Chief Judge toward the end of 2021. Our charge is to investigate and consider how the court can best facilitate *pro se* access to the court and how *pro se* cases can be handled in the most efficient and economical way possible. This includes consideration of how *pro se* cases and parties come to the court, the manner in which they file pleadings, the assistance they need to navigate court processes and where it can be obtained, as well as the best procedures to handle *pro se* filed pleadings and cases.

As a lawyer I served on the COLTAF (Colorado Lawyer Trust Account Foundation) Board of Directors from 2014 to August 2018. I was Board President in 2018, Board Vice President in 2016 and 2017, and chaired the Discretionary Grants Committee from 2015 to 2018. COLTAF is a partnership between the legal and banking communities whereby the interest on lawyers' pooled trust accounts is used to make grants to improve access to civil justice statewide.

My pro bono work also included direct client representation. For example, in 2012 I was sole counsel representing a South Korean man on a pro bono basis through a program developed by the Rocky Mountain Immigrant Advocacy Network. The Government sought my client's removal and I sought to assist him with his Form I-485 application to become a lawful permanent resident because he qualified as the parent of a United States citizen who was at least 21 years old. The matter went to a bench trial in the United States Immigration Court before the Honorable James P. Vandello. The court ruled in my client's favor and granted his application.

26. **Selection Process:**

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

On March 28, 2022, I submitted an application to the Advisory Committee established by Senators Michael Bennet and John Hickenlooper for a vacancy on the United States District Court for the District of Colorado. On April 18, 2022, I interviewed with the Advisory Committee. On April 22, 2022, I interviewed with Senators Bennet and Hickenlooper and two members of their staff. On May 18, 2022, I interviewed with attorneys from the White House Counsel's Office. On August 3, 2022, an attorney from the White House Counsel's Office informed me that I would be vetted for a judgeship. Since August 3, 2022, I have been in contact with officials from the Office of Legal Policy at the United States Department of Justice. On February 22, 2023, 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.