

UNITED STATES SENATE  
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Mary Katherine (Kit) Dimke

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

United States District Judge for the Eastern District of Washington

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

Office: United States District Court  
25 South Third Street  
Yakima, Washington 98907

Residence: West Richland, Washington

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

1977; Clarkston, Washington

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.

1999 – 2002, Vanderbilt University School of Law; J.D. (Order of the Coif), 2002

1996 – 1999, Pepperdine University; B.A. (*magna cum laude*), 1999

1997, Washington State University (summer course); no degree

1995 – 1996, Walla Walla Community College (Running Start courses); no degree

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

2016 – present  
United States District Court, Eastern District of Washington  
25 South Third Street  
Yakima, Washington 98907  
United States Magistrate Judge

2012 – 2016  
United States Attorney's Office  
Eastern District of Washington  
402 East Yakima Avenue  
Yakima, Washington 98901  
Assistant United States Attorney

2008 – 2012  
United States Attorney's Office  
Western District of Washington  
700 Stewart Street, Suite 5220  
Seattle, Washington 98101  
Assistant United States Attorney

2004 – 2007  
United States Department of Justice  
Criminal Division, Fraud Section  
1400 New York Avenue, Northwest  
Washington, District of Columbia 20005  
Trial Attorney

2003 – 2004  
Honorable Richard C. Tallman  
U.S. Court of Appeals for the Ninth Circuit  
1010 5th Avenue  
Seattle, Washington 98104  
Law Clerk

2002 – 2003  
Honorable Alan B. Johnson  
U.S. District Court for the District of Wyoming  
2120 Capitol Avenue, 2nd Floor  
Cheyenne, Wyoming 82001  
Law Clerk

Spring 2002  
United States Attorney's Office  
Middle District of Tennessee  
110 Ninth Avenue South, Suite A-961  
Nashville, Tennessee 37203

Legal Extern (Unpaid, for Credit)

Summer 2001  
Perkins Coie LLP  
1201 Third Avenue  
Seattle, Washington 98101  
Summer Associate

Summer 2000  
Justice Philip A. Talmadge  
Washington State Supreme Court  
415 12th Avenue Southwest  
Olympia, Washington 98504  
Intern (Unpaid)

Summer 2000  
King County Prosecutor's Office  
King County Courthouse  
516 Third Avenue W400  
Seattle, Washington 98104  
Intern (Unpaid)

Summer 1999  
Guy Bennett Lumber Company  
1951 Wilma Road  
Clarkston, Washington 99403  
Office Assistant

Other Affiliations (Uncompensated)

2016 – present  
Dimke Properties, LLC  
4031 Asotin Creek Road  
Asotin, Washington 99402  
Member

2015 – 2017  
American Legion Baseball – Richland Knights  
Board Member  
This entity does not have a physical address.

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

I did not serve in the military. I was not required to register for the selective service.

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

Certificate of Appreciation for HSI Investigations – U.S. Department of Homeland Security and U.S. Immigration and Customs Enforcement (2016)

Certificate of Appreciation for “Rainier Cascade” Investigation – U.S. Food and Drug Administration, Office of Criminal Investigations (2011)

Assistant Attorney General’s Award for Safeguarding and Maintenance of Confidence in the American Marketplace – U.S. Department of Justice (2007)

Certificate of Appreciation for “Operation Dutch Treat” – United States Postal Inspection Service (2007)

Department of Justice Meritorious Award (2006)

Department of Justice Special Achievement Award (2005)

United States Department of Justice, Attorney General’s Honors Program (2004)

Vanderbilt University, School of Law, J.D., *Order of the Coif* (2002)

Vanderbilt University, School of Law, Teaching Assistant for Legal Writing (2001 – 2002)

Vanderbilt University, School of Law, Law Review, Managing Editor (2000 – 2002)

Pepperdine University, B.A., *magna cum laude* (1999)

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.

Benton Franklin County Bar Association (2013 – present)

Federal Civil Trial Practice Seminar Planning Committee (2019 – present)

Federal Bar Association, Eastern District of Washington (2013 – 2016)

Federal Bar Association, Western District of Washington (2010 – 2012)

Federal Magistrate Judges Association (2016 – present)

Ninth Circuit Judicial Conference, Lawyer Representative (2014 – 2016)

Ninth Circuit Magistrate Judges Executive Board (2017 – present)  
Vice Chair (2020 – present)

Washington Bar Association (2003 – present)

Yakima County Bar Association (2014 – present)

10. **Bar and Court Admission:**

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

Washington, 2003

There have been no lapses in membership.

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

United States Court of Appeals for the Ninth Circuit, 2004  
United States Court of Appeals for the Tenth Circuit, 2005  
United States District Court, Eastern District of Washington, 2012  
United States District Court, Western District of Washington, 2008

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.

Tri-Cities Youth and Justice Forum, Planning Committee (2013 – present)

- 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, the organization listed above does not currently discriminate and did not formerly discriminate 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.

*MJEB Provides Training On Utilizing Virtual Platforms to Conduct Settlement Conferences*, Magistrate Judges Executive Board Newsletter, Winter 2021. Copy supplied.

*Obituary for John H. Dimke*, Lewiston Morning Tribune, Dec. 31, 2008. 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.

The Magistrate Judges Executive Board (MJEB) publishes a newsletter. It was published quarterly until the end of 2019, and from 2020 to the present, it is published biannually. As a board member, I contribute to general discussions regarding article topics for the newsletter, but do not actively prepare the articles or content, except as noted in the response to Question 12a and below.

Magistrate Judges Executive Board Newsletter, Winter 2021. Copy supplied.

Magistrate Judges Executive Board Newsletter, Summer 2020. Copy supplied.

Magistrate Judges Executive Board Newsletter, Winter 2020. I edited the following article: Lindsey Craven, *Social Security Disability: Changing Landscape for Evaluating Medical Opinions*. Copy supplied.

Magistrate Judges Executive Board Newsletter, Fall 2019. I edited the following article: Molly Smith, *Local Community Band Brings Performance to Naturalization Ceremony*. Copy supplied.

Magistrate Judges Executive Board Newsletter, Summer 2019. Copy supplied.

Magistrate Judges Executive Board Newsletter, Spring 2019. Copy supplied.

Magistrate Judges Executive Board Newsletter, Winter 2019. Copy supplied.

Magistrate Judges Executive Board Newsletter, Fall 2018. Copy supplied.

Magistrate Judges Executive Board Newsletter, Summer 2018. Copy supplied.

Magistrate Judges Executive Board Newsletter, Spring 2018. Copy supplied.

Magistrate Judges Executive Board Newsletter, Winter 2018. Copy supplied.

Magistrate Judges Executive Board Newsletter, Fall 2017. Copy supplied.

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

None.

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

May 28, 2021: Speaker, "Mediation in a Pandemic and Post-Pandemic World," Yakima County Bar Association Meeting, Virtual. Notes supplied.

May 14, 2021: Moderator and Panelist, "Ask the Judges Panel," Benton Franklin County Bar Association's 15th Annual Federal Civil Trial Practice Seminar, Virtual. Notes supplied.

April 29, 2021: Panelist, "Meet the Magistrate Judges," U.S. District Court, Eastern District of Washington, Virtual. Recording supplied.

April 20, 2021: Speaker, "Mediation in a Pandemic and Post-Pandemic World," Benton Franklin County Bar Association Meeting, Virtual. Notes supplied.

April 9, 2021: Speaker, "Magistrate Judge Question and Answer Session," United States District Court, First Friday Law Clerk Meeting, Virtual. Notes supplied.

January 28, 2021: Speaker, "Career Share-Magistrate Judge," Pasco High School, Virtual. Notes supplied.

December 16, 2020: Speaker, Retirement Party for Judicial Assistant Alice Rosenbach, Virtual. Video supplied.

December 15, 2020: Speaker, "Update Regarding Federal Court's Response to Covid," Benton Franklin County Bar Association Meeting, Virtual. Notes supplied.

September 23, 2020: Speaker, Eastern District of Washington Annual Sobriety Treatment Education Program Training, Virtual. This is an annual one-day training for reentry court team members. I provided an update on the functioning of the Yakima and Richland reentry courts. I have no notes, transcript, or recording. The United States District Court for the Eastern District of Washington's address is 920 West Riverside Avenue, Room 840, Spokane, Washington 99201.

July 30, 2020: Speaker, "Virtual Settlement Conferences," Ninth Circuit Magistrate Judges Executive Board Meeting, Virtual. Presentation supplied.

February 26, 2020: Speaker, "Career Share, Magistrate Judge Duties in the Criminal Justice System," West Valley High School Teen Empowerment Network, Yakima, Washington. Notes supplied.

February 26, 2020: Speaker, "Career Share, Magistrate Judge Duties in the Criminal Justice System," Eastmont High School Advanced Placement Government Class visit to the United States District Court in Yakima, Washington. Notes supplied.

February 21, 2020: Listener, Judicial Listening Tour-Missing and Murdered Native American and Indigenous Women, Community Response Team and Yakima Dispute Resolution Center, Yakima, Washington. The Community Response Team organized a panel of individuals to speak about the impact of domestic violence, assault, sexual assault, and murder on women and families in tribal communities. As part of the presentation, I asked questions and responded to questions asked by the panelists. I have no notes, transcript, or recording. The Yakima Dispute Resolution Center's address is 132 North First Avenue, Yakima, Washington 98902.

January 23, 2020: Volunteer, Mock Interviews for Financial Literacy Class, Chiawana High School, Pasco, Washington. I conducted mock interviews for

students and provided feedback. I have no notes, transcript, or recording. Chiawana High School's address is 8125 West Argent Road, Pasco, Washington 99301.

December 6, 2019: Presiding Judge, Naturalization Ceremony, U.S. District Court, Eastern District of Washington, Yakima, Washington. Notes supplied.

November 7, 2019: Speaker: "Tribute to Hon. Richard C. Tallman," Portrait Dedication Ceremony for the Honorable Richard C. Tallman, Seattle, Washington. Transcript supplied.

November 1, 2019: Volunteer, Tri-Cities Youth and Justice Forum, Pasco, Washington. I led group discussions with students regarding pre-prepared scenarios and networked with students interested in careers in the criminal justice field. I have no notes, transcript, or recording. The Tri-Cities Youth and Justice Forum does not have a physical address.

October 2019: Speaker, Jury Orientation Video, United States District Court for the Eastern District of Washington. Video supplied.

October 18, 2019: Presiding Judge, Naturalization Ceremony, U.S. District Court, Eastern District of Washington, Yakima, Washington. Notes supplied.

October 17, 2019: Volunteer, Mock Interviews for Financial Literacy Class, Chiawana High School, Pasco, Washington. I conducted mock interviews for students and provided feedback. I have no notes, transcript, or recording. Chiawana High School's address is 8125 West Argent Road, Pasco, Washington 99301.

October 11, 2019: Speaker, "Social Security Law Updates," Magistrate Judges Executive Board Meeting, Boise, Idaho. Notes supplied.

September 11, 2019: Speaker, Eastern District of Washington Annual Sobriety Treatment Education Program Training, Spokane, Washington. This is an annual one-day training for reentry court team members. I provided an update on the functioning of the Yakima and Richland reentry courts. I have no notes, transcript, or recording. The United States District Court for the Eastern District of Washington's address is 920 West Riverside Avenue, Room 840, Spokane, Washington 99201.

July 3, 2019: Presiding Judge, Naturalization Ceremony, U.S. District Court, Eastern District of Washington, Yakima, Washington. Notes supplied.

May 17, 2019, Panelist, "Mediation from Start to Finish," Benton Franklin County Bar Association's 13<sup>th</sup> Annual Federal Civil Trial Practice Seminar, Richland, Washington. Notes supplied.

March 3, 2019: Volunteer, Mock Interviews for Financial Literacy Class, Chiawana High School, Pasco, Washington. I conducted mock interviews for students and provided feedback. I have no notes, transcript, or recording. Chiawana High School's address is 8125 West Argent Road, Pasco, Washington 99301.

December 4, 2018: Presiding Judge, Naturalization Ceremony, U.S. District Court, Eastern District of Washington, Yakima, Washington. Notes supplied.

November 2, 2018: Volunteer, Tri-Cities Youth and Justice Forum, Pasco, Washington. I led group discussions with students regarding pre-prepared scenarios and networked with students interested in careers in the criminal justice field. I have no notes, transcript or recording. The Tri-Cities Youth and Justice Forum does not have a physical address.

September 28, 2018, Panelist, "Bench Opinion," Eastern District of Washington Federal Bar Association Annual Conference, Spokane, Washington. The presentation was a moderated discussion of five judges providing tips for effective oral and written advocacy, commonly made mistakes, and various practice tips. I have no notes, transcript, or recording. The Eastern District of Washington Federal Bar Association's address is c/o Amy Mensik, Witherspoon Kelley, 422 West Riverside Avenue Suite 1100, Spokane, Washington 99201.

September 26, 2018: Speaker, Eastern District of Washington Annual Sobriety Treatment Education Program Training, Richland, Washington. This is an annual one-day training for reentry court team members. I provided an update on the functioning of the Yakima and Richland reentry courts. I have no notes, transcript, or recording. The United States District Court for the Eastern District of Washington's address is 920 West Riverside Avenue, Room 840, Spokane, Washington 99201.

July 17, 2018: Presiding Judge, Naturalization Ceremony, U.S. District Court, Eastern District of Washington, Yakima, Washington. Notes supplied.

June 20, 2018: Speaker, "Pretrial Release Substance Use Disorder Treatment Plans, Furloughs, and Proposed Orders," Federal Defender's Third Thursday Training, Yakima, Washington. Notes supplied.

June 19, 2018: Presiding Judge, Naturalization Ceremony, U.S. District Court, Eastern District of Washington, Yakima, Washington. Notes supplied.

May 18, 2018: Panelist, "Ask the Judges," Benton Franklin County Bar Association's 12th Annual Federal Civil Trial Practice Seminar, Richland, Washington. Notes supplied.

April 20, 2018: Volunteer, Yakima Valley Youth and Justice Forum, Toppenish, Washington. I led group discussions with students regarding pre-prepared scenarios and networked with students interested in careers in the criminal justice field. I have no notes, transcript, or recording. The Yakima Valley Youth and Justice Forum does not have a physical address.

April 17, 2018: Presiding Judge, Naturalization Ceremony, U.S. District Court, Eastern District of Washington, Yakima, Washington. Notes supplied.

March 2, 2018: Reader/Speaker, Read Across America, James McGee Elementary School, Pasco, Washington. I read selections of children's books selected by three elementary school classes and answered questions about my job as a judge. I have no notes, transcript, or recording. The address for James McGee Elementary School is 4601 Horizon Drive, Pasco, Washington 99301.

February 24, 2018, Judge, High School Mock Trial-District Competition, Kennewick, Washington. I served as a judge during the mock trial competition and provided feedback to the students. I have no notes, transcript, or recording. It was hosted at the Benton County Courthouse, the address for which is 7122 West Okanogan Place, Building A, Kennewick, Washington 9936.

February 13, 2018: Presiding Judge, Naturalization Ceremony, U.S. District Court, Eastern District of Washington, Yakima, Washington. Notes supplied.

December 5, 2017: Presiding Judge, Naturalization Ceremony, U.S. District Court, Eastern District of Washington, Yakima, Washington. Notes supplied.

November 11, 2017: Panelist, "Mediation Panel," 15th Annual Evidence & Ethics CLE, Yakima County Bar Association and Volunteer Attorney Services, Yakima, Washington. Notes supplied.

November 8, 2017: Speaker, "Magistrate Judge Question and Answer," and "Sentencing Scenarios," United States District Court, Eastern District of Washington Judicial Institute, Spokane, Washington. The Judicial Institute is an annual two-day seminar where the court provides civics education to a group of middle and high school teachers. I have no notes, transcript, or recording. The United States District Court for the Eastern District of Washington's address is 920 West Riverside Avenue, Room 840, Spokane, Washington 99201.

November 3, 2017: Volunteer, Tri-Cities Youth and Justice Forum, Pasco, Washington. I led group discussions with students regarding pre-prepared scenarios and networked with students interested in careers in the criminal justice field. I have no notes, transcript, or recording. The Tri-Cities Youth and Justice Forum does not have a physical address.

October 24, 2017: Presiding Judge, Naturalization Ceremony, U.S. District Court, Eastern District of Washington, Yakima, Washington. Notes supplied.

September 27, 2017: Speaker, Eastern District of Washington Annual Sobriety Treatment Education Program Training, Richland, Washington. This is an annual one-day training for reentry court team members. I provided an update on the functioning of the Yakima and Richland reentry courts. I have no notes, transcript, or recording. The United States District Court for the Eastern District of Washington's address is 920 West Riverside Avenue, Room 840, Spokane, Washington 99201.

August 1, 2017: Presiding Judge, Naturalization Ceremony, U.S. District Court, Eastern District of Washington, Yakima, Washington. Notes supplied.

June 20, 2017: Presiding Judge, Naturalization Ceremony, U.S. District Court, Eastern District of Washington, Yakima, Washington. Notes supplied.

May 12, 2017: Moderator, "Employment Law Panel," Benton Franklin County Bar Association's 11th Annual Federal Civil Trial Practice Seminar, Richland, Washington. Notes supplied.

May 1, 2017: Presiding Judge, Naturalization Ceremony, U.S. District Court, Eastern District of Washington, Yakima, Washington. Notes supplied.

April 12, 2017: Panelist, "Perspective from Women in the Legal Community," Heritage University, Toppenish, Washington. Notes supplied.

April 5, 2017: Panelist, "Remote Warrants: Reliable Electronic Means for Issuing Warrants," National Magistrate Judge Workshop, Portland, Oregon. Presentation supplied.

April 4, 2017: Panelist, "60 Tips in 60 Minutes-Technology," National Magistrate Judge Workshop, Portland, Oregon. Notes supplied.

March 28, 2017: Presiding Judge, Naturalization Ceremony, U.S. District Court, Eastern District of Washington, Yakima, Washington. Notes supplied.

March 24, 2017: Speaker, "Career Day," Washington Middle School, Yakima, Washington. This was a career fair where students had the opportunity to network with various professionals. I have no notes, transcript, or recording. Washington Middle School's address is 510 South Ninth Street, Yakima, Washington 98901.

March 2, 2017: Guest Speaker, "Importance of Forensic Evidence," Central Washington University Introduction to Forensics Class, Ellensburg, Washington. Notes supplied.

November 3, 2016: Volunteer, Mock Interviews for Financial Literacy Class, Chiawana High School, Pasco, Washington. I conducted mock interviews for students and provided feedback. I have no notes, transcript, or recording. Chiawana High School's address is 8125 West Argent Road, Pasco, Washington 99301.

October 6, 2016: Volunteer, Yakima Valley Youth and Justice Forum, Toppenish, Washington. I led group discussions with students regarding pre-prepared scenarios and networked with students interested in careers in the criminal justice field. I have no notes, transcript, or recording. The Yakima Valley Youth and Justice Forum does not have a physical address.

September 20, 2016: Speaker, Eastern District of Washington Annual Sobriety Treatment Education Program Training, Spokane, Washington. This is an annual one-day training for reentry court team members. I provided an update on the functioning of the Yakima and Richland reentry courts. I have no notes, transcript, or recording. The United States District Court for the Eastern District of Washington's address is 920 West Riverside Avenue, Room 840, Spokane, Washington 99201.

July 22, 2016: Panelist, "Magistrate Judge Selection Process," Washington Leadership Institute, Walla Walla, Washington. Notes supplied.

July 2016: Panelist, Pretrial Discussion, Ninth Circuit Judicial Conference, Big Sky, Montana. This was a panel discussion on issues related to pretrial release and detention. I have no notes, transcript, or recording. The address for the Ninth Circuit Judicial Conference is James R. Browning United States Courthouse, Office of the Circuit Executive, Attention Renee Lorda, 95 7th Street, San Francisco, California, 94103.

June 21, 2016: Presiding Judge, Naturalization Ceremony, U.S. District Court, Eastern District of Washington, Yakima, Washington. Notes supplied.

May 19, 2016: Speaker, "Detention Hearings and Funds for Ancillary Services Under the Criminal Justice Act," Federal Defender's Third Thursday Training, Yakima, Washington. Notes supplied.

May 13, 2016: Panelist, "Ask the Judges," Benton Franklin County Bar Association's 10th Annual Federal Civil Trial Practice Seminar, Richland, Washington. Notes supplied.

April 27, 2016: Speaker, "Reentry Programs in the Eastern District of Washington," FCI-Sheridan, Sheridan, Oregon. This presentation was given to individuals incarcerated at FCI-Sheridan who were scheduled to be released to the Eastern District of Washington in the subsequent 18 months to advise them about

our district's reentry programs and encourage them to participate upon release. I have no notes, transcript, or recording. FCI-Sheridan's address is 27072 Southwest Ballston Road, Sheridan, Oregon 97378.

April 26, 2016: Guest Speaker, "Prosecutorial Ethics," Advanced Criminal Trial Seminar, Gonzaga University School of Law, Spokane, Washington. Notes supplied.

February 2, 2016: Presiding Judge, Naturalization Ceremony, U.S. District Court, Eastern District of Washington, Yakima, Washington. Notes supplied.

January 14, 2016, Speaker, Investiture, United States District Court, Eastern District of Washington, Yakima, Washington. Transcript supplied.

November 6, 2015: Volunteer, Tri-Cities Youth and Justice Forum, Pasco, Washington. I led group discussions with students regarding pre-prepared scenarios and networked with students interested in careers in the criminal justice field. I have no notes, transcript, or recording. The Tri-Cities Youth and Justice Forum does not have a physical address.

September 30, 2015: Volunteer, Yakima Valley Youth and Justice Forum, Toppenish, Washington. I led group discussions with students regarding pre-prepared scenarios and networked with students interested in careers in the criminal justice field. I have no notes, transcript, or recording. The Yakima Valley Youth and Justice Forum does not have a physical address.

April 2015: Speaker, "Career Day," Washington Middle School, Yakima, Washington. This was a career fair where students had the opportunity to network with various professionals. I have no notes, transcript, or recording. Washington Middle School's address is 510 South Ninth Street, Yakima, Washington 98901.

2014 – 2015: Panelist, Firearm/Ammunition Crime Enforcement (FACE) Panels, Coyote Ridge Corrections Center, Connell, Washington, and Washington State Penitentiary, Walla Walla, Washington. While serving as an AUSA, I served on panels that presented at the state prisons to provide education to incarcerated individuals as to the potential federal consequences associated with illegal firearm possession. I have no notes, transcript, or recording. To the best of my recollection, there was no formal sponsoring organization for these panels.

November 7, 2014: Volunteer, Tri-Cities Youth and Justice Forum, Pasco, Washington. I led group discussions with students regarding pre-prepared scenarios and networked with students interested in careers in the criminal justice field. I have no notes, transcript, or recording. The Tri-Cities Youth and Justice Forum does not have a physical address.

2014 (date unknown): Presenter, "Persuasive Use of Visual Aids," Desert Hills Middle School Unsolved Crime Project, Kennewick, Washington. The presentation was designed to educate middle school students how to use visual aids persuasively in their presentations. I have no notes, transcript, or recording. The address of Desert Hills Middle School is 1701 South Clodfelter Road, Kennewick, Washington 99338.

November 1, 2013: Speaker and Volunteer, Introductory Remarks for Keynote Speaker Nick Brown, Tri-Cities Youth and Justice Forum, Pasco, Washington. I introduced the keynote speaker for the forum, led group discussions with students regarding pre-prepared scenarios, and networked with students interested in careers in the criminal justice field. I have no notes, transcript, or recording. The Tri-Cities Youth and Justice Forum does not have a physical address.

April 2013: Presenter, "Special Issues Arising in Counterfeit Airbag Investigations/Prosecutions," Department of Justice National Advocacy Center, Columbia, South Carolina. The presentation was a case summary of a counterfeit airbag importation scheme that I prosecuted. I have no notes, transcript, or recording. The address for the Department of Justice National Advocacy Center is 1620 Pendleton, Street, Columbia, South Carolina 29201.

October 19, 2012: Volunteer, Tri-Cities Youth and Justice Forum, Pasco, Washington. I led group discussions with students regarding pre-prepared scenarios and networked with students interested in careers in the criminal justice field. I have no notes, transcript, or recording. The Tri-Cities Youth and Justice Forum does not have a physical address.

June 2009: Presenter, "Case Presentation: Importation of Counterfeit Fitness Equipment," Intellectual Property Rights Conference, Intellectual Property Crimes, United States Attorney's Office, Western District of Washington, Seattle, Washington. The presentation was a case summary of a counterfeit fitness equipment importation scheme that I prosecuted. I have no notes, transcript, or recording. The address for the United States Attorney's Office, Western District of Washington is 700 Stewart Street, Suite 5220, Seattle, Washington 98101.

April 2008: Presenter, "Case Presentation: Nigerian/West African Fraud & Operation Dutch Treat," Department of Justice National Advocacy Center, Columbia, South Carolina. The presentation was a case summary of advance fee schemes I prosecuted originating out of the Netherlands. I have no notes, transcript, or recording. The address for the Department of Justice National Advocacy Center is 1620 Pendleton, Street, Columbia, South Carolina 29201.

Additionally, during the past 20 years I have occasionally served as a mock trial and moot court judge. I am unable to locate records relating to those events, but believe I participated in events at the University of Wyoming Law School (2002 – 2003); the University of Washington and Seattle University Law Schools (2003 –

2004, 2008 – 2012) and the Washington State YMCA Mock Trial Tournament (2004, 2008 – 2012).

- 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.

Stacy Thacker, *Here Comes the Judge*, Lewiston Morning Tribune, May 31, 2016. Copy supplied.

Ian Ith, *Issaquah, Burien Salon Owners Held in Federal Crackdown*, Seattle Times, August 26, 2009. Copy Supplied.

#### Department of Justice (DOJ) Press Releases

I have included Department of Justice press releases I located related to matters I was assigned while employed by the United States Attorney's Office in the Eastern District of Washington, the United States Attorney's Office in the Western District of Washington, and the Department of Justice, Criminal Division, Fraud Section. I am unable to determine whether a specific press release was drafted by a public information officer, a colleague, or me. I most likely offered input, edited, or authored the below listed press releases.

Press Release, United States Attorney's Office for the Eastern District of Washington, *Pasco Man Sentenced to More than 7 ½ Years Prison for Possession of a Firearm*, July 9, 2015. Copy supplied.

Press Release, United States Attorney's Office for the Eastern District of Washington, *Kennewick Man Sentenced to Four Years in Prison for Evading Taxes on Money He Stole by Defrauding Investors*, June 12, 2015. Copy supplied.

Press Release, United States Attorney's Office for the Eastern District of Washington, *Employees and Manager of La Bodega Yakimex Sentenced for Food Stamp Fraud Scheme*, Oct. 14, 2014. Copy supplied.

Press Release, United States Attorney's Office for the Eastern District of Washington, *Walla Walla Man Sentenced to Probation and Ordered to Pay over \$106,000 for Willfully Failing to Pay Child Support*, Feb. 13, 2014. Copy supplied.

Press Release, United States Attorney's Office for the Eastern District of Washington, *Moxee Man Sentenced to 31 Months in Federal Prison for Selling Counterfeit Airbags on e-Bay*, Nov. 13, 2013. Copy supplied.

Press Release, United States Attorney's Office for the Eastern District of Washington, *Former Walla Walla County Undersheriff Sentenced to Prison for Embezzling over \$67,000 in Public Funds*, Jan. 8, 2013. Copy supplied.

Press Release, United States Attorney's Office for the Eastern District of Washington, *Nicaraguan National Residing in the Tri-Cities Sentenced for Immigration and Fraud Crimes*, Dec. 21, 2012. Copy supplied.

Press Release, United States Attorney's Office for the Western District of Washington, *California Man Sentenced for Tax Fraud Conspiracy that Resulted in More than \$14 Million Tax Loss*, June 22, 2012. Copy supplied.

Press Release, United States Attorney's Office for the Western District of Washington, *Three Members of a South King County Family Sentenced for Disability Fraud Scheme*, June 1, 2012. Copy supplied.

Press Release, United States Attorney's Office for the Western District of Washington, *California Man Convicted of Tax Fraud, Conspiracy that Resulted in More than \$14 Million Tax Loss*, Mar. 15, 2012. Copy supplied.

Press Release, United States Attorney's Office for the Western District of Washington, *Kent Couple Sentenced to Prison for Twenty Year Disability Fraud Scheme*, Mar. 7, 2012. Copy supplied.

Press Release, United States Attorney's Office for the Western District of Washington, *Four Members of a South King County Family Plead Guilty to Disability Fraud Scheme*, Feb. 28, 2012. Copy supplied.

Press Release, United States Attorney's Office for the Western District of Washington, *Two Sentenced to Prison in Long Running Disability Fraud Scheme*, Jan. 6, 2012. Copy supplied.

Press Release, United States Attorney's Office for the Western District of Washington, *Kent Couple Pleads Guilty to Twenty Year Disability Fraud Scheme*, Oct. 14, 2011. Copy supplied.

Press Release, United States Attorney's Office for the Western District of Washington, *Two Sentenced to Prison for Scheme to Get Prescription Medication by Fraud*, Sept. 1, 2011. Copy supplied.

Press Release, United States Attorney's Office for the Western District of Washington, *Lynwood Resident Who Stole \$457,000 from Microsoft Sentenced to Four Years in Prison*, Aug. 25, 2011. Copy supplied.

Press Release, United States Attorney's Office for the Western District of Washington, *Lakewood Oncologist and Wife Indicted for Health Care Fraud*,

*False Statements, Obstruction, and Money Laundering*, July 13, 2011. Copy supplied.

Press Release, United States Attorney's Office for the Western District of Washington, *Nine Indicted in Long Running Disability Fraud Schemes-Defendants Repeated Faked Mental Disability to Obtain Federal SSI Payments*, June 24, 2011. Copy supplied.

Press Release, United States Attorney's Office for the Western District of Washington, *Two Plead Guilty in Scheme to Get Prescription Medication by Fraud*, May 12, 2011. Copy supplied.

Press Release, United States Department of Justice, *Alcatel-Lucent S.A. and Three Subsidiaries Agree to Pay \$92 Million to Resolve Foreign Corrupt Practices Act Investigation*, Dec. 27, 2010. Copy supplied.

Press Release, United States Attorney's Office for the Western District of Washington, *Bellevue Man Sentenced to Prison Over Counterfeit Honey Imports*, Dec. 20, 2010. Copy supplied.

Press Release, United States Attorney's Office for the Western District of Washington, *Tribal Cigarette Wholesaler Pleads Guilty to Obstruction of Justice*, Sept. 13, 2010. Copy supplied.

Press Release, United States Attorney's Office for the Western District of Washington, *Cigarette Wholesaler Sentenced for Trafficking in Untaxed Cigarettes*, Sept. 3, 2010. Copy supplied.

Press Release, United States Attorney's Office for the Western District of Washington, *Bellevue Man Pleads Guilty to Federal Charges over Counterfeit Honey Imports*, Sept. 1, 2010. Copy supplied.

Press Release, United States Attorney's Office for the Western District of Washington, *Cigarette Broker and Warehouse Co-Owner Sentenced for Trafficking in Untaxed Cigarettes*, July 9, 2010. Copy supplied.

Press Release, United States Attorney's Office for the Western District of Washington, *Swinomish Tribal Member Sentenced for Contraband Cigarette Scheme-Failed to Pay More than \$10 Million in State or Tribal Tax on Cigarettes*, June 16, 2010. Copy supplied.

Press Release, United States Attorney's Office for the Western District of Washington, *Swinomish Tribal Members Plead Guilty to Contraband Cigarette Scheme*, Feb. 12, 2010. Copy supplied.

Press Release, United States Attorney's Office for the Western District of

Washington, *Cigarette Broker Pleads Guilty for Trafficking in Untaxed Cigarettes*, Jan. 15, 2010. Copy supplied.

Press Release, United States Attorney's Office for the Western District of Washington, *Second Cigarette Wholesaler Pleads Guilty for Trafficking in Untaxed Cigarettes*, Jan. 5, 2010. Copy supplied.

Press Release, United States Attorney's Office for the Western District of Washington, *Seattle Man Sentenced to 18 Months in Prison for Possession of Child Pornography-Former Employee at Seattle Children's Theatre Viewed Child Porn on Computer at Work*, Dec. 3, 2009. Copy supplied.

Press Release, United States Attorney's Office for the Western District of Washington, *Lummi Tribal Member Sentenced to Three Years in Prison for Burglary-Defendant with Lengthy Criminal History Used Gun to Threaten Neighbors*, Nov. 30, 2009. Copy supplied.

Press Release, United States Attorney's Office for the Western District of Washington, *Operators of Burien Salon Plead Guilty in Case Involving Bribe and Illegal Import of Cosmetic Equipment*, Nov. 13, 2009. Copy supplied.

Press Release, United States Attorney's Office for the Western District of Washington, *Former Whidbey Island Resident Sentenced to 36 Months for Trafficking in Counterfeit Goods*, Sept. 25, 2009. Copy supplied.

Press Release, United States Attorney's Office for the Western District of Washington, *Cigarette Wholesalers Face Charges for Trafficking in Untaxed Cigarettes*, Sept. 9, 2009. Copy supplied.

Press Release, United States Attorney's Office for the Western District of Washington, *Three Indicted in Connection with Unlicensed Cosmetic Treatment-Bellevue Woman Offered Bad Botox; Burien Couple Tried to Bribe FDA Officer*, Aug. 25, 2009. Copy supplied.

Press Release, United States Attorney's Office for the Western District of Washington, *Seattle Man Pleads Guilty to Possession of Child Pornography*, Aug. 25, 2009. Copy supplied.

Press Release, United States Attorney's Office for the Western District of Washington, *Chinese National Pleads Guilty in Scheme to Defraud United States over Honey Imports*, Aug. 19, 2009. Copy supplied.

Press Release, United States Attorney's Office for the Western District of Washington, *Swinomish Tribal Members Indicted for Contraband Cigarette Scheme-Failed to Pay More than \$10 Million in State or Tribal Tax on Cigarettes*, July 6, 2009. Copy supplied.

Press Release, United States Attorney's Office for the Western District of Washington, *Navy Enlisted Man Sentenced to Five Years in Prison for Possession of Child Pornography*, July 6, 2009. Copy supplied.

Press Release, United States Attorney's Office for the Western District of Washington, *Tribal Cigarette Wholesaler Indicted for Lying to Court*, July 1, 2009. Copy supplied.

Press Release, United States Attorney's Office for the Western District of Washington, *Bellevue Lawyer Sentenced to Prison for Tax Evasion, Making False Statements and Obstructing Justice in Tax Audit*, May 15, 2009. Copy supplied.

Press Release, United States Attorney's Office for the Western District of Washington, *Bellevue Man and Chinese National Charged with Conspiracy to Defraud United States over Honey Imports*, May 6, 2009. Copy supplied.

Press Release, United States Attorney's Office for the Western District of Washington, *Seattle Man Arrested for Possession of Child Pornography-Defendant Employed in Information Technology at Seattle Children's Theatre*, Apr. 15, 2009. Copy supplied.

Press Release, United States Department of Justice, *Three Defendants Sentenced in 'Advance-Fee' Fraud Scheme that Cost Victims More than \$1.2 Million*, Apr. 2, 2009. Copy supplied.

Press Release, United States Attorney's Office for the Western District of Washington, *Bellevue Lawyer Convicted of Tax Evasion, Making False Statements and Obstructing Justice in Tax Audit*, Mar. 18, 2009. Copy supplied.

Press Release, United States Attorney's Office for the Western District of Washington, *Operators of 'Blue Stilly' Smoke Shop Sentenced to Prison for Trafficking in Millions of Contraband Cigarettes*, Mar. 16, 2009. Copy supplied.

Press Release, United States Attorney's Office for the Western District of Washington, *Former Puyallup Tribal Council Member and Smoke Shop Owner Sentenced for Contraband Cigarette Scheme*, Mar. 3, 2009. Copy supplied.

Press Release, United States Attorney's Office for the Western District of Washington, *Former Whidbey Island Resident Pleads Guilty to Trafficking in Counterfeit Goods*, Feb. 18, 2009. Copy supplied.

Press Release, United States Attorney's Office for the Western District of Washington, *Arizona Man Pleads Guilty to Conspiracy to Traffic in Contraband Cigarettes*, Feb. 18, 2009. Copy supplied.

Press Release, United States Attorney's Office for the Western District of Washington, *Career Offender Sentenced to 24 Year Prison Term for Dealing Crack Cocaine-Seattle Man Had More Than 100 Previous Criminal Convictions*, Jan. 12, 2009. Copy supplied.

Press Release, United States Attorney's Office for the Western District of Washington, *Owners of 'Blue Stilly' Smoke Shop Plead Guilty to Trafficking in Millions of Contraband Cigarettes-Defendants Knowingly Failed to Pay More Than \$25 Million in State Taxes*, Nov. 20, 2008. Copy supplied.

Press Release, United States Department of Justice, *Former Alcatel CIT Executive Sentenced for Paying \$2.5 Million in Bribes to Senior Costa Rican Officials*, Sept. 23, 2008. Copy supplied.

Press Release, United States Department of Justice, *Former ITXC Corporation Executives Sentences for Roles in Foreign Bribery Scheme*, Sept. 2, 2008. Copy supplied.

Press Release, United States Attorney's Office for the Western District of Washington, *Smoke Shop Owners Plead Guilty to Conspiring to Traffic in Contraband Cigarettes and Structuring \$2.1 Million of Cash Transactions*, Aug. 13, 2008. Copy supplied.

Press Release, United States Attorney's Office for the Western District of Washington, *Felon Who Fired Gun in Seattle Nightclub Convicted of Illegal Gun Possession*, Mar. 14, 2008. Copy supplied.

Press Release, United States Attorney's Office for the Western District of Washington, *Bellevue Lawyer Indicted for Making False Statements and Obstructing Justice in Tax Audit*, Mar. 14, 2008. Copy supplied.

Press Release, United States Department of Justice, *Three Defendants Plead Guilty in 'Advance Fee' Fraud Scheme*, Jan. 30, 2008. Copy supplied.

Press Release, United States Department of Justice, *Two Former Executives of ITXC Corp. Plead Guilty and Former Regional Director Sentenced in Foreign Bribery Scheme*, July 27, 2007. Copy supplied.

Press Release, United States Department of Justice, *Former Alcatel Executive Pleads Guilty to Participation in Payment of \$2.5 Million in Bribes to Senior Costa Rican Officials to Obtain a Mobile Telephone Contract*, June 7, 2007. Copy supplied.

Press Release, United States Department of Justice, *Two Former Alcatel Executives Indicted for Allegedly Bribing Costa Rican Officials to Obtain a Telecommunications Contract*, Mar. 20, 2007. Copy supplied.

Press Release, United States Department of Justice, *Former Alcatel CIT Executive Is Indicted for Alleged Bribe to Costa Rican Officials to Obtain Mobile Telephone Contract*, Dec. 19, 2006. Copy supplied.

Press Release, United States Department of Justice, *Former Regional Director of ITXC Corp. Pleads Guilty in Foreign Bribery Scheme*, Sept. 6, 2006. Copy supplied.

Press Release, United States Department of Justice, *Four Defendants Indicted in Nigerian 'Advance Fee' Fraud Scam*, Mar. 23, 2006. Copy supplied

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

Since January 14, 2016, I have served as a United States Magistrate Judge appointed by the United States District Court for the Eastern District of Washington. I am responsible for criminal and civil matters as authorized by 28 U.S.C. § 636, including presiding by consent in a variety of civil matters and class A misdemeanors, and presiding over petty offenses and Civil Violations Bureau offenses (class B misdemeanors, class C misdemeanors, and infractions). I am responsible for all aspects of case management through jury or bench trial, and through sentencing in non-felony matters. I also conduct settlement conferences in civil cases, prepare reports and recommendations in a variety of civil matters, and conduct pretrial management of civil rights cases. I also conduct preliminary criminal proceedings, including initial appearances, arraignments, preliminary hearings, detention hearings, revocation hearings, and change of plea hearings. I review and issue search warrants, arrest warrants, criminal complaints, and applications under the Stored Communications Act. I empanel grand juries and take grand jury returns each month. I preside over two reentry courts.

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

I have presided over approximately 400 civil cases that have gone to verdict or judgment, the vast majority of which are social security appeals, which are presented as cross-motions for summary judgment and decided on the administrative record. I have conducted one civil bench trial. I have conducted one misdemeanor bench trial.

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

jury trials:	0%
bench trials:	100%

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

civil proceedings: 50%  
criminal proceedings: 50%

- 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. *Carbonell v. Tyson Fresh Meats, Inc.*, 4:19-CV-05041-RMP (E.D. Wash. 2019).

In this Title VII employment action alleging racial discrimination and retaliation, Mr. Carbonnell was appointed a guardian ad litem (GAL). The district judge referred to me various motion practice related to the effectiveness of the GAL and discovery disputes. To decide these motions, I conducted ex parte hearings to determine the GAL's understanding of Mr. Carbonnell's challenges and limitations and the GAL's effectiveness of representation. I also conducted hearings to address and resolve informal discovery disputes. Subsequently, I conducted a settlement conference for the parties, which resulted in an agreed resolution that was approved by the district judge.

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2. *United States v. Fielder*, No. 1:20-CR-02027-SAB-1, ECF No. 57 (E.D. Wash. May 21, 2021). Order supplied.

In this felony criminal matter, Mr. Fielder is charged with wire fraud, aggravated identity theft and other charges related to an alleged scheme in which, while debarred from receiving federal government contracts, he sought and received federal government contracts, using a false identity and falsely indicating an intent to provide the services being procured. In this matter, I ordered that Mr. Fielder be released pending trial and set pretrial release conditions. At the same time, he was also serving a period of supervised release related to a conviction in the Western District of North Carolina for conduct substantially similar to the alleged conduct in the instant matter. A pretrial release petition was filed alleging Mr. Fielder violated his release conditions by continuing to fraudulently contract with the government by using business names. I presided over three days of evidentiary hearings. The issues involved determining whether Mr. Fielder had been advised of the pretrial release conditions prior to the alleged conduct because he was being supervised out of the district, whether Mr. Fielder was the individual bidding for government contracts using a company's name and using another's bank account, and if so, whether revocation of pretrial release was the appropriate remedy. I concluded that the government established that Mr. Fielder had been advised of his pretrial release conditions prior to one of the transactions alleged, and had provided clear and convincing evidence that Mr. Fielder had committed a violation of release conditions by using a company's name and identity to bid for a contract with the government. I further found by a preponderance of the evidence that he was unlikely to abide by any future conditions the court could potentially set, given the already strict conditions that had been in place when the violation occurred and the dishonesty and fraudulent behavior involved in the efforts. Accordingly, I revoked his pretrial release. The underlying matter is set for trial on December 6, 2021.

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3. *Hymas v. U.S. Dep't of Interior*, No. 4:16-CV-05091-SMJ, 2021 WL 2458353 (E.D. Wash. Feb. 23, 2021), *report and recommendation adopted*, 2021 WL 2458352 (E.D. Wash. Mar. 31, 2021).

Mr. Hymas, a farmer in eastern Washington, challenged the Department of Fish and Wildlife Services's awards of cooperative farming agreements to other individuals, claiming the agency violated the Administrative Procedure Act. This case was initially filed in the Court of Federal Claims, where the Claims Court held it had jurisdiction over the matter and, on the merits, ruled for Mr. Hymas. The Federal Circuit reversed the Claims Court's finding as to jurisdiction, and transferred the case to our district. The court dismissed the action, which was reversed by the Ninth Circuit. The matter then was referred to me for a report and recommendation on cross-motions for summary judgment based on the administrative record. This case required analysis of federal statutes and the interplay of numerous agency manuals and director's orders to determine if the agency applied the appropriate legal standard, review of the agency's documentation to determine if the agency sufficiently articulated the basis for its decision, and an analysis of whether the articulated reasons were a rational exercise of the agency's authority. I recommended granting the United States's motion for summary judgment, concluding that the agency followed the relevant law and its awards of cooperative farming agreements were not an arbitrary and capricious exercise of its authority. After the report and recommendation was adopted in full, judgment was issued in favor of the United States.

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4. *Smith v. Am. Behavioral Health Sys.*, No. 2:16-CV-00380-MKD, 2018 WL 4100687 (E.D. Wash. Aug. 28, 2018) (order granting defendant's motion for

summary judgment), 2018 WL 4714793 (E.D. Wash. Oct. 1, 2018) (order declining to exercise supplemental jurisdiction).

This was a Section 1983 action brought by Mr. Smith, who sought substance abuse treatment services at American Behavioral Health Systems (ABHS) in conjunction with a community-based drug offender sentencing alternative (DOSAs) under Washington law. While receiving treatment, he became ill and alleged that ABHS delayed his medical care, causing his condition to worsen and eventually require a 45-day hospital stay. Mr. Smith filed a Section 1983 claim for violation of his Eighth and Fourteenth Amendment rights. In analyzing the Washington statutory framework regarding community-based DOSAs, the manner in which ABHS provided the services, and applying the Ninth Circuit's four tests for determining when a private individual's actions amount to state action, I concluded that ABHS did not qualify as a state actor. I further concluded that participating in inpatient treatment as a result of a community-based residential DOSA is not akin to incarceration for purposes of the Eighth Amendment. Accordingly, I granted summary judgment for ABHS on the federal claim. I subsequently declined to exercise supplemental jurisdiction over the remaining state claim. The matter was dismissed. Neither party appealed.

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Counsel for Defendant:

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5. *Nat'l Elec. Annuity Plan v. Roybal*, No. 1:15-CV-03213-MKD, 2017 WL 103161152 (E.D. Wash. Dec. 1, 2017) (order denying cross-motions for summary judgment); No. 1:15-CV-03213-MKD, ECF No. 129 (E.D. Wash. June 4, 2018) (findings of fact and conclusions of law). Findings of fact and conclusions of law supplied.

In this Employee Retirement Income Security Act of 1974 (ERISA) matter, National Electric Annuity Plan filed an interpleader action to determine the appropriate beneficiary for a decedent's retirement benefits. The decedent submitted a beneficiary form naming only one of his two adult children as a beneficiary upon his death, but did not sign the form. I denied cross motions for summary judgment filed by the decedent's children. I presided over a one-day

bench trial. I ruled that the decedent substantially complied, under state law, with the ERISA plan's requirements to designate a single beneficiary, only one of his children, and judgment was issued in favor of that party. Neither party appealed.

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6. *Sec. and Exch. Comm'n v. Hooper*, No. 2:16-MC-00022-MKD, 2017 WL 6550636 (E.D. Wash. Aug. 10, 2017), *aff'd*, 769 F. App'x 457 (9th Cir. Apr. 30, 2019).

The United States Securities and Exchange Commission (SEC) sought to enforce a prior suspension order that prohibited Mr. Hooper from practicing as an accountant before the SEC and sought disgorgement of the funds he received as a result of his prohibited conduct. The issues involved determining whether Mr. Hooper's conduct constituted "practicing" before the SEC and more significantly, whether disgorgement was an available equitable remedy under the statute given that historically equity excludes punitive sanctions. After staying the action and ordering supplemental briefing after the Supreme Court decided *SEC v. Koresch*, 137 S. Ct. 1635 (2017), and holding an evidentiary hearing, I ultimately granted the SEC's motion for enforcement of the administrative order. I concluded that Mr. Hooper's conduct constituted "practicing" as an accountant before the SEC in violation of the suspension order. I further concluded that disgorgement in the amount of the fees Mr. Hooper received in connection with his violations of the suspension order was an available equitable remedy pursuant to the statute. The order was affirmed by the Ninth Circuit.

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7. *United States v. Brain*, No. 1:16-PO-08143-MKD, ECF No. 37 (E.D. Wash. May 9, 2017) (findings of fact and conclusions of law), *aff'd*, No. 1:17-cr-02022-SAB, ECF No. 17 (E.D. Wash. Dec. 7, 2017). Findings of fact and conclusions of law supplied.

In this federal criminal petty offense case, Mr. Brain was charged with hunting migratory game birds by the aid of bait in violation of 50 C.F.R. § 20.21(i). This matter involved pretrial motion practice on the *mens rea* element. Relying on Fifth Circuit authority, the United States argued the Court should interpret the statutory language that the hunter “knew or should have known” the area was baited to include a responsibility on the hunter to reasonably inspect the area to be hunted. *See United States v. Lee*, 217 F.3d 284 (5th Cir. 2000). I declined to apply the Fifth Circuit authority because it interpreted regulatory language that existed prior to the relevant regulatory language in the instant matter. Moreover, the plain language of the regulation did not indicate congressional intent to incorporate such an obligation on the hunter. I conducted a one-day bench trial. I ultimately found Mr. Brain guilty of the offense and imposed a \$500 fine. The conviction was affirmed on appeal.

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Counsel for Defendant:

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8. *Sutton v. Dep’t of Corrs.*, 4:15-CV-05123-SAB, ECF No. 144 (E.D. Wash. Aug. 15, 2017), *report and recommendation adopted*, ECF No. 156 (E.D. Wash. Oct. 18, 2017). Report and recommendation supplied.

This was a prisoner civil rights action, alleging deprivation of Mr. Sutton’s

Fourteenth Amendment right to procedural due process when prison officials failed to issue him notices that two letters he had attempted to send to another inmate had been flagged as threatening in tone, rejected, and not sent to the inmate, and deprivation of his First Amendment rights by denying him access to the courts, violating his freedom from unwarranted censorship of his outgoing mail, and taking retaliatory action against him. In essence, Mr. Sutton alleged that the jail officials retaliated against him for filing a prior lawsuit by opening, reading, and rejecting delivery of his letters to another inmate, and by issuing him infractions for the letters. This matter involved intensive discovery management, including hearings to resolve discovery disputes and motions for the issuance of subpoenas, for the production of transcripts, to compel depositions, to show cause, and to stay. I recommended granting the prison officials' motion for summary judgment, concluding that (1) at most, Mr. Sutton demonstrated negligence with respect to his failure to receive notices his mail had been rejected, which is not a cognizable procedural due process claim; (2) that he had not demonstrated a First Amendment violation of his right to access the courts because he had not shown actual injury from the confiscation of the letters to the other inmate; (3) he had not demonstrated that the prison's policy of seizing communications that officials deemed threatening was a violation of his First Amendment right to correspond; and (4) finally, he did not bring forth any evidence that the letters were seized in retaliation for bringing the prior lawsuit. The report and recommendation was adopted in full and judgment was issued in favor of the prison officials.

Plaintiff was represented pro se

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9. *Lawson v. Carney et al.*, No. 2:15-CV-00184-RMP, 2017 WL 4324830 (E.D. Wash. Aug. 4, 2017), *report and recommendation adopted*, 2017 WL 4322408 (E.D. Wash., Sept. 28, 2017), *aff'd*, 765 F. App'x 308 (9th Cir. Apr. 5, 2019).

This was a Section 1983 action in which Mr. Lawson alleged violations of rights protected by the First, Eighth, and Fourteenth Amendments and the Religious Land Use and Institutionalized Persons Act (RLUIPA) related to being provided a soy-based kosher diet and his suspension of a kosher diet for a 77-day period. I presided over discovery matters and issued a report and recommendation on the prison officials' motion for summary judgment. I recommended granting summary judgment on the RLUIPA claim related to the soy-based diet because he had not raised a genuine issue of material fact indicating he had a soy allergy;

granting summary judgment on his request for injunctive relief related to his kosher diet as he had not demonstrated a likelihood his religious diet would be suspended; and granting summary judgment on his claim for monetary damages because RLUIPA does not authorize such damages against officials in their official or individual capacities. I recommended granting summary judgment on Mr. Lawson's First Amendment free exercise claim as he had not presented any evidence to raise a genuine issue of material fact indicating that the prison officials had acted intentionally or with deliberate indifference. The report and recommendation was adopted in full, and judgment was issued in favor of the prison officials. The result was affirmed by the Ninth Circuit.

Plaintiff was represented pro se

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10. *United States ex rel. Savage Logistics v. CH2M Hill Plateau Remediation Co.*,  
4:14-cv-05002-SMJ (E.D. Wash.)

This was a qui tam False Claims Act case. In 2008, the United States Department of Energy awarded CH2M Hill Plateau Remediation Company (CHPRC) a \$4.5 billion prime contract to continue environmental cleanup at the Hanford Nuclear site. As a condition of being awarded the contract, CHPRC implemented a Small Business Subcontracting program. Savage Logistics and others, as the relators, filed a qui tam action against the prime contractor, CHPRC, and certain small business subcontractors, alleging that the small business subcontractors were pass through entities and did not qualify as legitimate small businesses subcontractors. The action alleged that CHPRC fraudulently misrepresented the small business status of the subcontractors and falsely sought payment for \$21 million of subcontract work, which was paid the by United States. This matter was referred to me for a settlement conference after the matter had been pending for five years. Over the course of several months and two full day-long settlement conferences, I successfully mediated a resolution between the United States, the relators, the lead defendant CHPRC and one of the subcontractors, including resolving all outstanding attorney fee litigation.

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

1. *Hymas v. U.S. Dep't of Interior*, No. 4:16-CV-05091-SMJ, 2021 WL 2458353 (E.D. Wash. Feb. 23, 2021), *report and recommendation adopted*, 2021 WL 2458352 (E.D. Wash. Mar. 31, 2021).

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2. *Sponcler v. BNSF Ry. Co.*, No. 2:19-CV-00286-SMJ, 2021 WL 798880 (E.D. Wash. Jan. 6, 2021), *report and recommendation adopted*, 2021 WL 916922 (E.D. Wash. Mar. 10, 2021).

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3. *Linz v. Core Values Roadside Serv. LLC*, No. 2:20-CV-00107, 2020 WL 7502482 (E.D. Wash. Dec. 4, 2020), *report and recommendation adopted*, 2020 WL 7495591 (E.D. Wash. Dec. 21, 2020).

Counsel for Plaintiff:

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Finney Law Firm, LLC  
4270 Ivy Pointe Boulevard, Suite 225  
Cincinnati, OH 45245  
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Counsel for Defendant:

Jeremy Scott Hyndman  
Basalt legal PLLC  
6 ½ North Second Avenue, Suite 200  
Walla Walla, WA 99362  
(509) 529-0630

4. *Daley v. Greystar Real Estate Partners, LLC*, No. 2:18-CV-00381-SMJ, 2020 WL 6865780 (E.D. Wash. July 2, 2020), *report and recommendation adopted*, 2020 WL 4698316 (E.D. Wash. Aug. 13, 2020).

Counsel for Plaintiff:

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Cameron Southerland PLLC  
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(509) 315-4507

Counsel for Defendant:

Michael A. Jaeger  
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1111 Third Avenue, Suite 2700

Seattle, WA 98101  
(206) 436-2020

5. *Cascade Nat'l Gas Corp. v. Int'l Chem. Workers Union*, No. 1:16-CV-03163-SMJ, ECF No. 73 (E.D. Wash. June 5, 2020), *report and recommendation adopted*, ECF No. 74 (E.D. Wash. June 26, 2020). Report and recommendation supplied.

Counsel for Plaintiff:

Kammi Mencke Smith  
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Counsel for Defendant:

Robert W. Lowrey  
ICWUC/UFCW Legal Department  
1655 West Market Street, 6th Floor  
Akron, OH 44313  
(330) 926-1444

6. *Ruiz v. Haynes*, No. 4:17-CV-05031-SAB, ECF No. 9 (E.D. Wash. Aug. 14, 2019), *report and recommendation adopted*, ECF No. 12 (E.D. Wash. Nov. 7 2019). Report and recommendation supplied.

Plaintiff was represented pro se

Counsel for Defendant:

John Joseph Samson  
Attorney General of Washington  
Corrections Division  
P.O. Box 40116  
Olympia, WA 98504  
(360) 586-1445

7. *Lora M. v. Comm'r of Soc. Sec.*, No. 2:18-CV-00198-MKD, 2019 WL 2130303 (E.D. Wash. April 5, 2019), *report and recommendation adopted*, 2019 WL 2127306 (E.D. Wash. May 15, 2019).

Counsel for Plaintiff:

Kevin S. Kerr  
Schneider Kerr & Robichaux  
626 Southeast Alder Street  
Portland, OR 97293  
(503) 255-9092

Counsel for Defendant:

Justin Lane Martin  
Social Security Administration  
701 Fifth Avenue, Suite 2900  
Seattle, WA 98104  
(206) 615-3735

8. *Smith v. Am. Behavioral Health Sys.*, No. 2:16-CV-00380-MKD, 2018 WL 4100687 (E.D. Wash. Aug. 28, 2018).

Counsel for Plaintiff:

Jeffrey Finer  
KSB Litigation PS  
510 West Riverside Avenue, Suite 300  
Spokane, WA 99201  
(509) 666-2835

Counsel for Defendant:

Gerald Kobluk  
KSB Litigation PS  
510 West Riverside Avenue, Suite 300  
Spokane, WA 99201  
(509) 624-8988

9. *Diaz v. Uttecht*, No. 1:15-CV-03163-SMJ, ECF No. 41 (E.D. Wash. Mar. 29, 2018), *report and recommendation adopted*, ECF No. 42 (E.D. Wash. Apr. 16, 2018). Report and recommendation supplied.

Plaintiff was represented pro se

Counsel for Defendant:

John Joseph Samson  
Attorney General of Washington  
Corrections Division  
P.O. Box 40116  
Olympia, WA 98504  
(360) 586-1445

10. *Foote v. Comm'r of Soc. Sec.*, No. 1:16-CV-03098-MKD, 2017 WL 6940704 (E.D. Wash. Sept. 21, 2017), *aff'd*, 747 F. App'x 636 (9th Cir. Jan. 10, 2019).

Counsel for Plaintiff:

D. James Tree  
Tree Law Office  
3711 Englewood Avenue

Yakima, WA 98902  
(509) 452-1700

Counsel for Defendant:

Daniel P. Talbert  
Social Security Administration  
Office of General Counsel  
160 Spear Street, Suite 800  
San Francisco, CA 94105  
(415) 977-8995

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

I have conducted a database search and located no cases in which certiorari was requested or granted.

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

I have decided more than 500 social security matters on consent of the parties or by referral. I have been reversed by the Ninth Circuit Court of Appeals on four occasions and once by the district court. As a magistrate judge, I have conducted hundreds of detention hearings pursuant to 18 U.S.C. § 3142. I am aware of the three below listed detention and/or release orders being reversed.

*Alderson v. Saul*, No. 2:19-CV-00349-MKD, ECF No. 18 (E.D. Wash. June 2, 2020), *rev'd and remanded*, No. 20-35638, 2021 WL 2624128 (9th Cir. June 25, 2021). Order supplied. I affirmed the ALJ's denial of social security benefits, finding the ALJ properly evaluated the medical opinion evidence, properly conducted the step three analysis, properly evaluated Plaintiff's symptom complaints, and the ALJ did not err in declining to order a new psychological evaluation. On appeal, in a memorandum disposition, the Ninth Circuit affirmed the first two findings, but reversed finding that the ALJ erred in relying on Plaintiff's failure to obtain mental health treatment in discrediting Plaintiff's symptom complaints and erred by not ordering a new psychological evaluation.

*Perez v. Saul*, No. 1:19-CV-03107-MKD, ECF No. 15 (E.D. Wash. Dec. 17, 2019), *rev'd and remanded*, No. 20-35092, 2021 WL 1944379 (9th Cir. May 14, 2021). Order supplied. I affirmed the ALJ's denial of social security benefits, finding the ALJ properly evaluated the medical opinion evidence and Plaintiff's symptom complaints. The Ninth Circuit reversed in a memorandum disposition, finding that the ALJ did not provide specific and legitimate reasons for discounting the opinions of treating and examining physicians and did not provide

clear and convincing reasons for discounting Plaintiff's symptom complaints.

*United States v. Mendoza*, No. 4:18-CR-06008-EFS-5, ECF No. 125 (E.D. Wash. June 29, 2018), *rev'd*, ECF No. 174 (E.D. Wash. July 23, 2018). Detention order and district court order supplied. At a detention hearing, I found the presumption of detention had not been rebutted and ordered Ms. Mendoza detained pending trial. The district court reversed and found that "exceptional reasons" under 18 U.S.C. § 3145(c) warranted release.

*United States v. Osorio*, No. 1:18-CR-02022-SAB-1, ECF No. 6, (E. D. Wash. Apr. 3, 2018), *rev'd*, ECF No. 30 (E.D. Wash. Apr. 19, 2018). Detention order and district court order supplied. At a detention hearing, I found the government established by clear and convincing evidence that Mr. Osorio posed a danger to the community if he were to be released due to his criminal history and ordered him detained pending trial. The district court reversed my ruling, finding the government had not met its burden, and released Mr. Osorio pending trial.

*United States v. Adams*, No. 2:18-CR-00031-WFN, ECF No. 32 (E.D. Wash. Mar. 16, 2018), *rev'd*, ECF No. 38 (E.D. Wash. Mar. 22, 2018), *aff'd*, ECF No. 58 (9th Cir. Apr. 26, 2018). Release order, district court order, and Ninth Circuit order supplied. In a detention hearing, I found the presumption of detention had been rebutted and released Ms. Adams on stringent pretrial conditions. The district court reversed and detained her pending trial finding she had not rebutted the presumption of detention as to dangerousness.

*Rocha v. Comm'r*, No. 1:17-CV-03034-MKD, 2018 WL 2460194 (E.D. Wash. Mar. 15, 2018), *rev'd and remanded*, 771 F. App'x 447 (9th Cir. June 5, 2019). In this social security appeal, I affirmed the denial of social security benefits. In the analysis, I concluded that the ALJ erred in applying a continuing presumption of non-disability due to the establishment of new impairments, but that Ms. Rocha had not established prejudice because she did not establish the resulting residual functioning capacity was in error. I further found that the ALJ erred in failing to address whether pain disorder was a medically determinable impairment, but that the error was harmless. I found the ALJ provided specific and legitimate reasons for rejecting the medical opinion of a treating provider. The Ninth Circuit reversed, finding that the ALJ erred in evaluating the medical opinion of Ms. Rocha's treating psychologist by failing to provide specific and legitimate reasons for rejecting the opinion. The Ninth Circuit concurred in my conclusions that the ALJ incorrectly applied a presumption of non-disability because Ms. Rocha raised new issues that were not considered in her prior application and further erred in failing to consider Rocha's pain disorder at step two of the five step-sequential evaluation. The Ninth Circuit remanded for additional proceedings.

*Bennett v. Colvin*, No. 1:15-CV-03065-MKD, ECF No. 26 (E.D. Wash. Aug. 30, 2016), *rev'd and remanded*, 716 F. App'x 673 (9th Cir. Mar. 26, 2018). Order supplied. In this social security appeal, I concluded the ALJ erred in discounting

Mr. Bennett's symptom complaints and in rejecting the various medical opinions relating to Mr. Bennett's functioning. I remanded for additional proceedings instead of an immediate award of benefits. In a memorandum disposition, the Ninth Circuit reversed and remanded for an immediate award of benefits, finding the three prongs of the credit-as-true rule were satisfied and the record did not raise any serious doubt that Mr. Bennett was disabled.

*Dellinger v. Colvin*, No. 2:15-CV-00223-TOR, ECF No. 16 (E.D. Wash. July 25, 2016), *report and recommendation rejected*, 2016 WL 4599907 (E.D. Wash. Sept. 2, 2016). Report and recommendation supplied. In this social security appeal, I recommended affirming the ALJ's decision denying social security benefits. I concluded that the ALJ properly evaluated the medical evidence. The district judge disagreed, determining that the ALJ improperly evaluated Ms. Dellinger's treating physician's opinion as to her functioning by failing to set forth specific and legitimate reasons to reject the opinions. The district judge granted summary judgment to Ms. Dellinger.

- 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.

Unless sealed, all orders and reports and recommendations that I have filed are available through the Court's CM/ECF system and PACER, and as selected by Westlaw and Lexis on their databases.

- 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.

*Ruiz v. Haynes*, No. 4:17-CV-05031-SAB, ECF No. 9 (E.D. Wash. Aug. 14, 2019), *report and recommendation adopted*, ECF No. 12 (E.D. Wash. Nov. 7, 2019). Report and recommendation previously supplied in response to Q13d.

*Smith v. Am. Behavioral Health Sys.*, No. 2:16-CV-00380-MKD, 2018 WL 4100687 (E.D. Wash. Aug. 28, 2018).

*Diaz v. Uttecht*, No. 1:15-CV-03163-SMJ, ECF No. 41 (E.D. Wash. Mar. 29, 2018), *report and recommendation adopted*, ECF No. 42 (E.D. Wash. Apr. 16, 2018). Report and recommendation previously supplied in response to Q13d.

*McAdams v. Penrose*, No. 4:16-CV-05133-SAB, ECF No. 28 (E.D. Wash. Nov. 14, 2017), *report and recommendation adopted*, ECF No. 31 (E.D. Wash. Jan. 9, 2018), *aff'd*, No. 19-35265 (9th Cir. July 30, 2019). Report and recommendation supplied.

*Sutton v. Dep't of Corr.*, No. 4:15-CV-05123-SAB, ECF No. 144 (E.D. Wash. Aug. 15, 2017), *report and recommendation adopted*, ECF No. 156 (E.D. Wash.

Oct. 18, 2017). Report and recommendation previously supplied in response to Q13c.

*Lawson v. Carney et al.*, No. 2:15-CV-00184-RMP, 2017 WL 4324830 (E.D. Wash. Aug. 4, 2017), *report and recommendation adopted*, 2017 WL 4322408 (E.D. Wash. Sept. 28, 2017), *aff'd*, 765 F. App'x 308 (2019).

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

I have not sat by designation on a federal court of appeals.

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

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

The clerk of court maintains a list of all the companies in which I hold stock or interest and attorneys for whom I have identified a conflict. Should a case arise with any of the conflicts, I would be automatically recused. The courtroom deputy assigned to magistrate court or I conduct a search on CM/ECF for any criminal defendant to determine if I ever appeared as counsel in the matter. If I appeared on the matter, I recuse from the case.

No party has ever requested that I recuse in a matter. I have issued *sua sponte* recusal notices in the following cases:

*Kitchen Cabinet Manu. Ass'n v. AAA Cabinets & Millworks*, No. 2:19-CV-00291-SMJ (E.D. Wash.).

This matter was referred to me by the presiding judge for a settlement conference.

After the referral, I learned that I had a social connection to the owners of one of the businesses who would be present at the settlement conference. Given this social connection would be of an ongoing nature, I did not believe there was a way to remedy the conflict or appearance of a conflict. Upon learning this information, I recused *sua sponte*.

*Busselman v. Battelle Mem'l Inst.*, No. 4:18-CV-05019-SMJ (E.D. Wash.).

This matter was referred to me by the district judge for a settlement conference. After the referral, I learned that the corporate representative of one of the parties was a close personal friend of mine. Upon learning this information, I recused *sua sponte*.

*Security Nat'l Ins. Co. v. Constr. Assoc. of Spokane, Inc.*, No. 2:20-CV-00167-SMJ (E.D. Wash.).

A discovery dispute was referred to me by the presiding judge. One of the law firms involved is on my conflict list. It was an error for the Clerk's Office to assign the matter to me. Once I realized the inadvertent error, I recused *sua sponte*.

*Benavides v. Comm'r of Soc. Sec.*, No. 4:17-CV-05127-JTR (E.D. Wash.).

This was a social security appeal. I had personal knowledge of the claimant. Given the nature of the personal knowledge, I believed there would be both an actual conflict and an appearance of a conflict. I recused *sua sponte*.

*Dozier-Quine v. Colvin*, No. 1:14-CV-03176-TOR (E.D. Wash.).

This was a social security appeal. In reviewing the file, I realized that, when I was an Assistant United States Attorney, I had prosecuted one of the medical providers who rendered an opinion on the claimant's functioning for health care fraud. Given that the veracity of the medical opinion could be at issue, I believed there could be appearance of a conflict. I recused *sua sponte*.

*Owens obo TO v. Comm'r of Soc. Sec.*, No. 4:19-CV-05003-RMP (E.D. Wash.).

This was a social security disability appeal that was referred to me after another judge recused. One of the issues involved whether the claimant's assets exceeded the administration's eligibility limits as a result of a court settlement wherein funds were placed in a "blocked account" until the claimant reached the age of 18. The attorney involved in the underlying court settlement is one with whom I had a conflict at the time. I had been involved in a car accident and the other party retained this attorney to interact with my insurance company, which matter was subsequently resolved short of filing an action. When the matter was referred to me, I identified this potential conflict and recused *sua sponte*.

*In Re Search of 2000 Fort Simcoe Road, White Swan, Washington*, No. 2:11-MC-00008 (E.D. Wash.).

This matter involved a search warrant that had been executed in 2011 and a related motion to return property pursuant to Fed. R Crim. P. 41(g). It had been stayed as of 2012. In 2016 when I took the bench, this matter was reassigned to me from the retiring judge's docket. As an Assistant United States Attorney in the Western District of Washington, I had worked with the Assistant United States Attorney who oversaw the execution of the warrant on matters that were related. I could not confirm whether we had consulted on this specific matter so I believed it was most appropriate to recuse from any consideration of the matter.

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

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

None.

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

None.

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

- a. Describe chronologically your law practice and legal experience after graduation from law school including:
- i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

From 2002 to 2003, I served as a law clerk to the Honorable Alan B. Johnson, United States District Judge for the District of Wyoming.

From 2003 to 2004, I served as a law clerk to the Honorable Richard C. Tallman, United States Circuit Judge for the Ninth Circuit Court of Appeals.

- 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;

2004 – 2007

United States Department of Justice  
Criminal Division, Fraud Section  
1400 New York Avenue, Northwest  
Washington, District of Columbia 20005  
Trial Attorney

2008 – 2012

United States Attorney's Office  
Western District of Washington  
700 Stewart Street, Suite 5220  
Seattle, Washington 98101  
Assistant United States Attorney

2012 – 2016

United States Attorney's Office  
Eastern District of Washington  
402 East Yakima Avenue  
Yakima, Washington 98901  
Assistant United States Attorney

2016 – present

United States District Court, Eastern District of Washington  
25 South Third Street  
Yakima, Washington 98907  
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 not served as a mediator or arbitrator in alternative dispute resolution proceedings.

b. Describe:

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

Following my clerkships, I was selected for the Attorney General's Honors Program. From 2004 to 2007, I served as a trial attorney for the Fraud Section, Criminal Division, United States Department of Justice in Washington, District of Columbia. I prosecuted primarily fraud cases with an international component such as advance fee schemes and Foreign Corrupt Practices Act cases. I participated in two corporate fraud trials.

From 2008 to 2012, I served as an Assistant United States Attorney in the Western District of Washington, in Seattle, Washington. For the first 18 months, I worked in the General Crimes Unit, where I prosecuted a broad range of crimes, including firearm offenses, narcotics trafficking, child exploitation, international parental kidnapping, and identity theft. From 2009 to 2012, I worked in the Complex Crimes Unit, where I focused exclusively on financial crimes and fraud-related matters, such as theft of government funds, Social Security disability fraud, tax evasion, contraband cigarette trafficking, importation of counterfeit, contaminated, and mislabeled products to avoid import taxes, medical professionals for overprescribing opioids, and long-term care pharmacies for Food Drug and Cosmetic Act violations. I tried five cases (one bench trial and four jury trials).

From 2009 to 2012, I served as an Assistant United States Attorney in the Eastern District of Washington, in Yakima, Washington. I handled cases of diverse subject matters and varying complexity, ranging from single-defendant, single-count cases to complex corporate and multi-defendant prosecutions. The majority of my cases involved financial crimes and Organized Crime Drug Enforcement Task Force (OCDETF) narcotics trafficking conspiracies with ties to Mexico. I tried three cases to juries. While at this office, I served as the USAO's representative on the district's reentry court.

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

My client while with the Department of Justice was the United States of America. During the majority of my years practicing law, I specialized in investigating and prosecuting fraud and financial crimes.

- 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.

- i. Indicate the percentage of your practice in:
  - 1. federal courts: 100%
  - 2. state courts of record: 0%

- 3. other courts: 0%
- 4. administrative agencies: 0%

ii. Indicate the percentage of your practice in:

- 1. civil proceedings: 2%
- 2. criminal proceedings: 98%

While an AUSA, I prosecuted criminal cases but some of the cases had a civil forfeiture component to them.

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

I have participated in ten trials. I was associate counsel in six cases. I was chief counsel in four cases. I was never sole counsel at trial.

i. What percentage of these trials were:

- 1. jury: 90%
- 2. non-jury: 10%

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

I have never practiced before the United States Supreme Court.

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

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

- 1. *United States v. Johnson*, No. 4:15-CR-06042-SMJ (E.D. Wash.); *United States v. Estes*, No. 4:15-CR-6048-SMJ (E.D. Wash.); *United States v. Bush-Estes*, No. 4:15-

CR-06047-SMJ (E.D. Wash.); *United States v. Holmes*, No. 4:15-CR-06044-SMJ (E.D. Wash.).

In these related cases, several individuals were prosecuted for operating an extensive fraudulent biofuels production scheme. Gen-X Energy Group, a renewable energy company, operated renewable fuel production facilities in Washington and in Georgia. These individuals operated a three-year scheme where they falsely claimed the production of renewable identification numbers (RINs) for fuel that had not been produced or fuel that was reprocessed through the facilities. They sold the fraudulently obtained RINs and also filed for IRS tax refund claims for the fraudulent biofuel credits. From 2012 to 2015, Gen-X received at least \$57 million for the sale of fraudulent RINs. During this time, Gen-X filed false claims for refund of excise taxes for the fraudulent RINs and received over \$9 million from the IRS. Mr. Johnson and Mr. Holmes, the CEO and CFO, pled guilty to conspiracy to commit wire fraud and conspiracy to defraud the government by filing false claims for tax refunds with the IRS and were sentenced to 70 and 78 months of imprisonment. Mr. and Ms. Estes pled guilty to conspiracy to launder money for establishing shell businesses to launder the funds that were generated as a result of the scheme and were sentenced to 105 and 73 months of imprisonment. I was lead local counsel on the matter and collaborated with the IRS, the EPA, and Department of Justice attorneys handling similar cases across the country.

Dates of Representation: 2015 – 2016

Judge and Court: Hon. Salvador Mendoza, Jr., United States District Court for the Eastern District of Washington

Co-counsel:

Karla Perrin  
Environmental Protection Agency  
1200 Sixth Avenue, Suite 900  
Seattle, WA 98101  
(206) 553-1265

Opposing Counsel:

Kevin Curtis  
Winston & Cashatt  
601 West Riverside Avenue, Suite 1900  
Spokane, WA 99201  
(509) 838-6131

Alex B. Hernandez  
Office of the Federal Defender  
306 East Chestnut Avenue  
Yakima, WA 98901  
(509) 248-8920

Michael Lynch  
Michael W. Lynch PS  
24 North Second Street  
Yakima, WA 98901  
(509) 952-1267

Mark O'Brien  
O'Brien Hatfield, PA  
511 West Bay Street, Suite 330  
Tampa, FL 33606  
(813) 228-6989

2. *United States v. Spitzauer*, No. 2:13-CR-06071-SMJ, 2014 WL 7240266 (E.D. Wash. Dec. 19, 2014).

Mr. Spitzauer perpetrated an international fraud scheme from the Port of Pasco, seeking investors for his biodiesel business. Over a six-year period, he stole \$10 million from victims across the globe. He falsely told investors their funds would be controlled by an attorney, generated fraudulent bank statements, and forged documents purportedly from an attorney and state regulatory employees to perpetrate the scheme. This matter involved more than a dozen foreign witnesses. Mr. Spitzauer pled guilty to filing a false tax return and failure to file a tax return. I was lead counsel in this case from the initiation of the investigation through sentencing. Mr. Spitzauer was sentenced to 48 months of imprisonment.

Dates of Representation: 2012 – 2016

Judge and Court: Hon. Salvador Mendoza, Jr, United States District Court  
for the Eastern District of Washington

Co-Counsel:

James Goeke  
United States Attorney's Office  
Eastern District of Washington  
920 West Riverside, Suite 300  
Spokane, WA 99210  
(509) 835-6323

Opposing Counsel:

Chris Black  
Black & Askerov, PLLC  
705 Second Avenue, Suite 1111  
Seattle, WA 98104  
(206) 623-1604

3. *United States v. Lepiane*, No. 2:12-CR-06054-FVS (E.D. Wash.).

This case involved the prosecution of the Undersheriff of Walla Walla County for theft of government funds for a five-year scheme to embezzle \$67,000 from the Sheriff's Office. Although not a significant amount relative to other cases, these events had an extremely negative impact on the local community. The crime undermined the public's confidence in local law enforcement (Ms. Lepiane's husband, who was not involved, was the local police chief); the events cast suspicions on other members of the Sheriff's Office and became a local campaign issue; and the Sheriff's Office had to undertake a lengthy investigation of many employees to determine culpability, which undermined morale in the Office. Significantly, she stole from a vulnerable population unlikely to receive public sympathy. The stolen funds were designated for the Inmate Welfare Fund, and the direct result of the theft was a reduction of services to jail inmates. I was sole counsel. I reviewed the initial investigation conducted by the Washington State Patrol and Auditor's Office, collaborated with the FBI regarding additional investigative steps, formulated the charges, negotiated the plea agreement, and represented the United States at sentencing. Ms. Lepiane was sentenced to six months of imprisonment.

Dates of Representation: 2012 – 2013

Judge and Court: Hon. Fred Van Sickle, United States District Court for the Eastern District of Washington

Opposing Counsel:

Michael de Grasse  
59 South Palouse Street  
Walla Walla, WA 99362  
(509) 522-2004

4. *United States v. Angulo*, No. 4:14-CR-06014-EFS (E.D. Wash.).

Mr. Angulo was prosecuted for being a felon in possession of a firearm. In 2013, Mr. Angulo was convicted in state court of a domestic violence-related offense for assaulting his former girlfriend. He was placed on probation and a no-contact order was issued. Subsequently, the police were called when the victim caught Mr. Angulo crawling through her kitchen window. Two months later, Mr. Angulo broke into the victim's home while armed with a firearm. Instead of finding his former girlfriend, he encountered her parents. He fled the home and discarded the firearm in a neighbor's trashcan. He was charged federally with being a felon in possession of a firearm. At the time, he was prohibited from possessing a firearm due to his criminal history and drug abuse. During the trial, the government learned that Mr. Angulo had been communicating with his sister from the jail under another inmate's pin number, coaching her about false testimony he requested she provide. These circumstances required mid-trial litigation about the admissibility of the calls, seeking orders to interview prior counsel regarding the newly-disclosed testimony, and addressing the sister's potential culpability. After a six-day jury trial, Mr. Angulo was found guilty of the offense. Mr. Angulo was sentenced to 92 months of imprisonment. I collaborated with the Pasco

Police Department and the Bureau of Alcohol, Tobacco, Firearms, and Explosives on the investigation, presented the charges the grand jury, and served as lead counsel at trial.

Dates of Representation: 2014 – 2015

Judge and Court: Hon. Edward F. Shea, United States District Court for the Eastern District of Washington

Co-Counsel:

Brian Hultgrenn  
Special Assistant United States Attorney  
Benton County Prosecutor's Office  
7122 West Okanogan Place, Building A  
Kennewick, WA 99336  
(509) 735-3591, Ext. 53591

Opposing Counsel:

James Egan  
James E. Egan PS  
21 North Cascade Street  
Kennewick, WA 99336  
(509) 586-3091

5. *United States v. Jordan*, No. 2:12-CR-02079-RMP (E.D. Wash.).

Mr. Jordan's business imported at least 7,000 counterfeit and defective airbags from China, which his business marketed as genuine. Mr. Jordan continued this conduct despite numerous seizures by U.S. Customs and Border Protection (CBP) and notifications that the products were counterfeit. He pled guilty to conspiracy to traffic counterfeit goods. It was confirmed he sold approximately 2,000 counterfeit and defective airbags to unsuspecting customers for installation in their vehicles. Since he failed to maintain adequate records of the sales, the CBP agents and I worked with the Department of Transportation to use internet sale records and bank records to try to locate and advise the victims of the products' deficiencies and encourage them to replace the defective airbags. He was sentenced to 30 months of imprisonment. I was sole counsel. I collaborated with CBP regarding investigative steps, formulated the charges, negotiated the plea agreement, and represented the United States at sentencing.

Dates of Representation: 2012 – 2013

Judge and Court: Rosanna M. Peterson, United States District Court for the Eastern District of Washington

Opposing counsel:

Rick Hoffman (retired)

6. *United States v. Holden*, No. 2:11-CR-02064-RHW, 2017 WL 5398619 (E.D. Wash. Nov. 6, 2012) (order addressing pretrial motions), 2017 WL 2149612 (E.D. Wash. May 16, 2013) (order denying motions for acquittal and new trial), 2017 WL 10754146 (9th Cir. Dec. 3, 2014) (unpublished decision affirming conviction and addressing remaining appellate arguments), 806 F.3d 1227 (9th Cir. 2015) (affirming conviction), *cert. denied*, 137 S. Ct. 567 (2016).

Dr. Holden, a licensed podiatrist, was prosecuted for health care fraud for billing Medicare and private insurance companies for services not provided and overbilling for services that were provided. When his employees complained about his billing practices, he actively worked to circumvent them. In response to audits, he falsified patients' chart notes to reflect what had previously billed, which resulted in the patients' medical records not accurately reflecting the medical services they had received. This investigation and prosecution required review of medical records, an understanding of podiatry medical procedures, and knowledge of the intricacies of the Medicare billing rules. As the practice treated many elderly patients, by the time of trial, witnesses had passed away or suffered memory deficits. Moreover, many of the patients were unaware of the fraud, as it was perpetrated against Medicare not the patient. Due to the falsifying of certain records and the inability to determine what precise service the patient had received, calculating the loss and forfeiture proved challenging. I joined the case approximately four months before trial because the lead prosecutor was on medical leave. I served as co-counsel during the seven-day jury trial. Dr. Holden was ultimately convicted of 32 counts of health care fraud. I briefed and argued the response to the motion for acquittal and/or a new trial and briefed the sentencing matters. Dr. Holden was sentenced to one year and a day. The matter was appealed to the Ninth Circuit, where I briefed and argued the appeal, and resulted in a published decision on several issues, including a matter of first impression; specifically, whether health care fraud was a continuing offense.

Dates of Representation: 2012 – 2015

Court and Judge: Hon. Robert W. Whaley, United States District Court for the Eastern District of Washington

Co-counsel:

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Opposing counsel:

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7. *United States v. George et al.*, No. 2:11-CR-209-RSL (W.D. Wash.); *id.*, No. 2:11-CR-00213-TSZ, 2011 WL 4559122 (W.D. Wash. Sept. 29, 2011) (order denying motions to dismiss); *id.*, No. 12-CV-2217-TXZ, 2013 WL 3456873 (W.D. Wash. July 9, 2013) (order denying habeas petition).

These collective matters involved a decades-long scheme to fraudulently obtain nearly \$1 million from federally and state-funded benefit programs. The fathers in these families feigned development disabilities to be deemed disabled by the Social Security Administration (SSA) and receive monthly supplemental security income benefits under one identity, while they worked under other identities. In order to be deemed disabled, they attended interviews and medical appointments where the men falsely pretended to suffer from development disabilities. Family members, such as their significant others and their children, pretended not to be related to the men and then falsely advised the SSA and the medical providers that the men were unable to care for themselves. By being deemed disabled, the men were then also entitled to federally-funded medical benefits and housing benefits. The significant others applied under state programs to serve as caretakers for the men receiving disability benefits, representing the men were unable to care for themselves. After the government successfully defended motions to dismiss, the principals pled guilty to conspiracy to defraud the United States or theft of government funds. The lesser culpable adult children pled to lesser offenses. Sentences ranged from probation to 37 months of imprisonment. I was lead counsel on half of the cases resulting from the investigation and co-counsel on the other half of the cases. I collaborated with the SSA agents regarding the direction of the investigation, presented the charges to the grand jury, responded to motions to dismiss, negotiated plea agreements, and briefed and argued sentencing matters.

Dates of Representation: 2010 – 2012

Judges, Court: Hon. Robert S. Lasnik, Hon. Thomas S. Zilly, United States District Court for the Western District of Washington

Co-Counsel:

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8. *United States v. Goodridge et al.*, No. 2:08-CR-00363-JLR (W.D. Wash.).

This matter involved collaboration with the Bureau of Alcohol, Tobacco, Firearms and Explosives, the Washington State Liquor Control Board, and other entities to prosecute contraband cigarette trafficking that was prevalent in the state. In total, we prosecuted 17 defendants in several related cases that resulted in a \$45 million tax loss to Washington State and three tribal entities. During the 1990s, Washington State and various Native American tribes were engaged in conflicts regarding the tribes' refusal to pay the Washington State Excise Tax associated with sales of cigarettes to non-Native Americans. As a means to resolve the dispute, Washington enacted legislation authorizing certain tribes to enter into tax collection agreements whereby the state tax would be collected but remitted to the tribes. As an example of the cases, the then-Chairman of the Stillaguamish Tribe, Mr. Goodridge, Sr., refused to allow the Stillaguamish Tribe to enter into a compact. He and family members used their positions of power within the Tribe to engage in an act of self-dealing; they appointed themselves

as the private operators of the only smoke shop on the reservation. For four years, they refused to collect the state tax, thus enabling them to sell cigarettes to the general public at a significant discount, which drew many non-Native American customers from across the state. By avoiding the state tax, the result was a \$25 million loss to the State. More importantly, had they entered into a compact, those taxes would have gone to the Stillaguamish Tribe to benefit the entire community. The four principals in this case profited \$5 million each, while many in their community lived in poverty. At sentencing, the new Chairman of the Stillaguamish Tribe emphasized the resulting damage to relationships within the tribal community and the devastating loss of revenues that would have been available for social services for Tribal members. These cases collectively involved complex motion practice, such as defending against assertions that tribal treaties deprived the State of the power to impose taxes on commodities sold to the general public and jurisdictional issues arising when people violated existing compacts. *See, e.g., United States v. Wilbur*, 674 F.3d 1160 (9th Cir. 2012). The four defendants in the *Goodridge* matter pled guilty to conspiracy to traffic in contraband cigarettes and money laundering. I joined the investigations after the search warrants had been executed. I was lead counsel on the *Goodridge* matter. I collaborated with the agents regarding the direction of the investigation, presented the charges to the grand jury, negotiating the plea agreements, and briefed the sentencing matters. Sentences ranged from probation to 18 months of imprisonment. On the related *Wilbur* matter, I also assisted in briefing the substantial motion practice, argued half of the motions, and argued the matter before the Ninth Circuit.

Dates of Representation: 2008 – 2010

Judges, Court: Hon. James L. Robart, United States District Court for the Western District of Washington

Co-counsel:

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J. Tate London  
United States Attorney's Office  
Western District of Washington  
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Summit Law Group  
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9. *United States v. Landau*, No. 2:08-CR-0061-MJP (W.D. Wash.).

This case involved the prosecution of Mr. Landau, an attorney, for a tax evasion scheme. Mr. Landau began hiding income, anticipating a divorce. From at least 2000 to 2002, Mr. Landau maintained a separate bank account in which he deposited receipts from his law practice that he kept off the practice's books. This account was not disclosed in his divorce proceedings nor were the receipts included in his taxes for years 2000 to 2002. In early 2003, Mr. Landau was randomly selected for an IRS audit. During the audit, Mr. Landau failed to disclose the additional bank account and the law practice's receipts, and he shredded records in an undisclosed storage unit. When the examiner inquired about certain discrepancies, Mr. Landau provided false declarations from him and his then-girlfriend explaining that the discrepancies were from cash reserves. This case involved a two and one-half day evidentiary hearing on a motion to suppress; litigating at least four motions to compel discovery and other matters from the defense; and a seven-day bench trial. It required comprehension of the relevant tax rules to accurately account for the amount of tax loss and presenting expert tax testimony. Mr. Landau raised a mental health defense contending that his failure to report income and his conduct during the audit resulted from his bipolar condition. The case involved presenting expert testimony from a psychologist and a psychiatrist regarding Mr. Landau's lack of neuropsychological deficits or neurocognitive impairments based on tests administered and evaluations, and cross-examining his expert psychiatrist. Mr. Landau was convicted of tax evasion, obstruction of justice, and making false statements. I was lead counsel on the investigation. I collaborated with the IRS agent regarding the direction of the investigation and presented the charges to the grand jury. I was joined by co-counsel and we shared responsibility for the extensive motion practice and hearings and the seven-day trial. Mr. Landau was sentenced to 18 months of imprisonment.

Dates of Representation: 2008 – 2009

Judges, Court: Hon. Marsha J. Pechman, United States District Court for  
the Western District of Washington

Co-Counsel:

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United States Attorney's Office  
Western District of Washington  
700 Stewart Street, Suite 5220  
Seattle, WA 98101  
(206) 553-2277

Opposing Counsel:

Robert Chicoine  
66 South Hanford Street, Suite 200  
Seattle, WA 98134  
(206) 467-9000

10. *United States v. Sapsizian*, No. 1:06-CR-20797-PAS (S.D. Fla.).

This case involved the prosecution of a foreign national for making more than \$8 million in corrupt payments to public officials in Costa Rica and other countries to obtain telecommunications contracts on behalf of his employer, a publicly traded company. He pled guilty to conspiracy to make and making corrupt payments to foreign officials. His cooperation eventually led to the successful prosecution of Alcatel-Lucent and a \$137 million settlement agreement. I worked with the Securities and Exchange Commission, the Office of the Attorney General in Costa Rica, and French law enforcement authorities in connection with this investigation. I was sole counsel and handled the prosecution of Mr. Sapsizian but departed the Fraud Section prior to the resolution of the matter with Alcatel-Lucent. Mr. Sapsizian was sentenced to 30 months of imprisonment.

Dates of Representation: 2005 – 2007

Judges, Court: Hon. Patricia A. Seitz, United States District Court for the Southern District of Florida

Opposing Counsel:

Roy Kahn  
Law Office of Roy Kahn, P.A.  
800 Brickell Avenue  
Miami, Florida 33131  
(305) 358-7400

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.)

I have been a member of the Ninth Circuit Magistrate Judges Executive Board (MJEB) since 2017 and am currently serving a two-year term as Vice-Chair. The MJEB's mission is to provide continuing education and training to the Ninth Circuit magistrate judges and provide a channel of communication amongst the various districts and the Chief Judge of the Circuit. The MJEB keeps abreast of developments in the law that may require procedural and institutional changes by the courts, helps implement policies to effectuate the changes, and assists districts with information sharing and solving problems that arise. Additionally, the MJEB provides regular training and issues a bi-annual newsletter. I have presented at trainings, authored/edited articles for the newsletter, and recruited others to present trainings and author articles. In 2019, I provided training on new regulations related to social security disability appeals. In 2020, I gave a demonstration on conducting virtual settlement conferences to enable continued mediation services for litigants during the pandemic.

I have participated in the Benton-Franklin County Bar Association Federal Civil Seminar as a presenter since 2016 and joined the Planning Committee in 2019. It is a cooperative effort between the local county bar association and the Court to provide a continuing legal education program focusing on federal civil practice. The seminar is held yearly and consists of Ninth Circuit and Supreme Court case law updates, a keynote speaker, an ethics presentation, panels on current topics, and an "Ask the Judges" session. The Committee meets monthly during the year to identify relevant topics, recruit speakers, and manage logistics. For 2021, I organized a panel on Tribal law and moderated the "Ask the Judges" session.

I regularly present at trainings for attorneys and judges on topics varying from how to use technology to improve our efficiency, to legal updates on certain subject matter, to presenting my personal story at leadership events. I have presented locally, regionally, and nationally at approximately 30 trainings since I joined the bench.

From 2014 to 2016, I served as an Eastern District of Washington Lawyer Representative to the Ninth Circuit Judicial Conference.

I have never acted or registered as a lobbyist.

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

None.

20. **Deferred Income/ Future Benefits:** List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business

relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

I do not have any anticipated receipts from any sources described above. The only future benefits I expect to receive are from my federal retirement plan, from investments in individual retirement accounts, and from investment properties I co-own with my siblings through an LLC.

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

I do not have any plans, commitments, or agreements to pursue outside employment.

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

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

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

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

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

As a United States Magistrate Judge, I follow the federal recusal statutes and Code of Conduct for United States Judges. The Clerk of Court maintains a list of conflicts and applies a software program that compares that list to all case assignments. The program identifies potential conflicts and prompts an order of recusal in any cases in which I have a financial conflict of interest, cases in which I was previously involved as an attorney, or cases in which I have a personal conflict based on the parties or the attorneys. I regularly review and update this list. If confirmed, I will continue this practice of creating, reviewing, and maintaining a list of any conflicts that may require my recusal, and comparing that list to any case assignments. I would also recuse myself in matters involving

my family, close friends, and my own financial interests. I will evaluate any other real or potential conflict, or relationship that could give rise to an appearance of conflict, on a case-by-case basis and determine appropriate action, including recusal where necessary, with the advice of parties and their counsel.

- 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 carefully review any real or potential conflicts of interest under the standards of 28 U.S.C. § 455, Canon 3 of the Code of Conduct of United States Judges, and any other laws, rules, and practices that may apply to such circumstances.

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

As a federal law clerk, Department of Justice trial attorney, Assistant United States Attorney, and a federal magistrate judge, I have been largely prohibited from engaging in the practice of law outside of government service. However, I attempted to serve the community through service to the bar and courts and volunteer work.

I actively participate in court governance and public outreach on behalf of the Court. I participate in the Court's Judicial Teacher's Institute and regularly volunteer to judge the Court's Civics Competitions for students. I volunteer to conduct several naturalization ceremonies each year. I am organizing the Court's 2021 Power Act webinar to encourage pro bono work to benefit individuals affected by domestic violence in tribal communities. I have visited FCI-Sheridan and spoken with individuals in custody who were scheduled to be released to our district to encourage them to participate in the court's reentry programs.

I have volunteered at the Tri-Cities Youth and Justice Forum since 2012 and have been on the Planning Committee since 2015. I also volunteer at the Yakima Forum held at Heritage University. The Forum is sponsored by the Washington State Minority and Justice Committee. The purpose is to encourage students to consider careers in the justice system, focusing on students from communities that are traditionally underrepresented in the justice system professions. The event is for 200 middle and high school students and involves skits, speakers, break-out sessions, and networking opportunities with more than 100 volunteers including judges, prosecutors, defense attorneys, law enforcement officers, probation officers, interpreters, mental health providers, and other professionals. It is our hope that by encouraging more diverse participation in the justice system, the community will have more confidence in the justice system.

I regularly participate in events across the district ranging from elementary through law school, to teach civics education, participate in career fairs, and be a guest speaker.

I have also sought out opportunities to serve as a mentor. Currently, I am a mentor through the University of Washington Law School's Mentor Program to a first-year law student. We meet virtually approximately every two to three weeks to discuss progress in school, answer questions, review resume and application materials, and provide networking opportunities. I also organized a mentoring and networking opportunity for a local paralegal student through People for People this year.

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 February 1, 2021, the United States Senators for Washington State announced a vacancy for a United States District Judge position. On February 27, 2021, I submitted an application to the Judicial Merit Selection Committee, which was established by Senators Patty Murray and Maria Cantwell. On March 23, 2021, I interviewed with the Judicial Merit Selection Committee. I was advised that my name was forwarded by the Committee to the Senators' Offices. On April 19, I interviewed with representatives of Senator Murray's Office. On April 23, 2021, I interviewed with representatives of Senator Cantwell's Office. On May 20, 2021, I interviewed with Senator Murray. On May 21, 2021, Senator Murray's office informed me that the Senators were forwarding my name to the White House Counsel's Office. On May 26, 2021, I interviewed with attorneys from the White House Counsel's Office. Since that date, I have been in contact with the officials from the Office of Legal Policy at the Department of Justice. On August 5, 2021, the President announced his intent to nominate me.

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

No.