

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR NON-JUDICIAL NOMINEES

PUBLIC

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

David Daniels Metcalf

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

United States Attorney, Eastern District of Pennsylvania, U.S. Department of Justice

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.

615 Chestnut Street, Suite 1250
Philadelphia, Pennsylvania 19106

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

1986; Fairfax, Virginia

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.

University of Virginia School of Law: 2009-2012
J.D.— June 2012

Princeton University: 2004-2008
Bachelor of Arts—June 2008

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.

March 2025-Present
Interim United States Attorney
United States Attorney's Office
Eastern District of Pennsylvania

615 Chestnut Street, Suite 1250
Philadelphia, Pennsylvania 19106

September 2022-March 2025
Corporate Counsel
Amazon.com, Inc.
525 S. 15th Street
Arlington, Virginia 22202

October 2020-September 2022
Assistant United States Attorney
United States Attorney's Office
Eastern District of Pennsylvania
615 Chestnut Street, Suite 1250
Philadelphia, Pennsylvania 19106

June 2020-January 2021
Counselor to the U.S. Attorney General
United States Department of Justice
Office of the Attorney General
950 Pennsylvania Avenue NW
Washington, D.C. 20530

* Detailed from the United States Attorney's Office for the District of Maryland and the
United States Attorney's Office for the Eastern District of Pennsylvania

February 2020-May 2020
Chief of Staff
United States Attorney's Office
District of Columbia
601 D Street NW
Washington D.C. 20579

*Detailed from the United States Attorney's Office for the District of Maryland

February 2019-February 2020
Senior Counsel to the U.S. Deputy Attorney General
United States Department of Justice
Office of the Deputy Attorney General
950 Pennsylvania Avenue NW
Washington, D.C. 20530

*Detailed from the United States Attorney's Office for the District of Maryland

October 2015-February 2019
Deputy Chief of Appeals, September 2018-February 2019
Assistant United States Attorney, October 2015 – August 2018
United States Attorney's Office
District of Maryland

36 South Charles Street
Baltimore, Maryland 21201

September 2013-October 2015

Associate
Covington & Burling LLP
850 10th Street NW
Washington D.C. 20001

August 2012-August 2013

Law Clerk
United States Court of Appeals for the Fourth Circuit
Chambers of the Honorable Albert Diaz
227 West Trade Street
Charlotte, North Carolina 28202

June 2012-July 2012

Summer Associate
McDermott Will & Emery LLP
500 North Capital Street NW
Washington DC 20001

June 2010-August 2010

Summer Associate
Covington & Burling LLP
850 10th Street NW
Washington D.C. 20001

June 2009-August 2009

Judicial Intern (unpaid)
United States District Court for the District of Colombia
Chambers of the Honorable Richard Leon
333 Constitution Avenue NW
Washington DC 20001

March 2009-May 2009

Assistant Coach, Girls' Soccer (unpaid)
Wakefield School
4439 Old Tavern Road
The Plains, VA 20198

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

I have not served in the U.S. military. I have registered for selective service.

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

Excellence in the Prosecution of Organized Crime, U.S. Department of Justice, 2019
Order of the Coif, University of Virginia School of Law, 2012
William Trevor Award, Princeton University Varsity Men's Soccer, 2008
1st Academic All-Ivy, Princeton University Varsity Men's Soccer, 2008
Honors, Bachelor of Arts, Princeton University, 2008

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.

I have not been a member of any bar associations or legal or judicial-related committees.

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.

Virginia, October 2012
District of Colombia, March 2014

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.

U.S. District Court for the Eastern District of Pennsylvania, January 2021
U.S. District Court for the District of Maryland, October 2015
Virginia Circuit Court, May 2014

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.

University of Pennsylvania Law School Inn of Court, August 2023-Present

Federalist Society, September 2012-Present

University Cottage Club, February 2010-Present

- b. 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.

The University Cottage Club is a social club located in Princeton University, although unaffiliated with the University. Historically, it is my understanding that the Club limited its membership to men (as did Princeton University itself). In 1986, prior to my membership in the Club, women were admitted.

12. Published Writings and Public Statements:

- a. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited, including material published only on the Internet. Supply four (4) copies of all published material to the Committee.

I have done my best to identify all books, articles, letters to the editor, editorial pieces and other published material, including through a review of my personal files and searches of publicly available electronic databases. I have not identified any responsive items.

- 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.

I have done my best to identify any reports, memoranda, or policy statements I have prepared or contributed to, including through a review of my personal files and searches of publicly available electronic databases. I have not identified any responsive items.

- 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.

I have done my best to identify any testimony, official statements, or other communications related, in whole or in part, to matters of public policy or legal interpretation, including through a review of my personal files and searches of publicly available electronic databases. I have not identified any responsive items.

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

I have done my best to identify transcripts or recordings of all speeches or talks delivered, including through a review of my personal files and searches of publicly available electronic databases.

Based on my searches, I have not identified any responsive items.

- 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.

I have done my best to identify all interviews given, including through a review of my personal files, and searches of publicly available electronic databases. I have not had any interviews with the media. However, in my role as the United States Attorney for the Eastern District of Pennsylvania, I have issued press releases about the work of the office since March 2025. Those press releases can be found here: <https://www.justice.gov/usao-edpa/pr>.

13. Public Office, Political Activities and Affiliations:

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

I have not run for public office.

I have held the following appointed position at the United States Department of Justice:

Interim United States Attorney, Eastern District of Pennsylvania, March 2025-Present. I was appointed by Attorney General Pamela Bondi.

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

I have not held a position or played a formal role in a political campaign.

14. **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;

August 2012-August 2013
United States Court of Appeals for the Fourth Circuit
Chambers of the Honorable Albert Diaz
227 West Trade Street
Charlotte, North Carolina 28202

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

I have not practiced alone.

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

June 2012-July 2012
Summer Associate
McDermott Will & Emery LLP
500 North Capital Street NW
Washington DC 20001

September 2013-October 2015
Associate
Covington & Burling LLP
850 10th Street NW
Washington D.C. 20001

October 2015-October 2020

Deputy Chief of Appeals, September 2018-February 2019
Assistant United States Attorney, October 2015-August 2018
United States Attorney's Office
District of Maryland
36 South Charles Street
Baltimore, Maryland 21201

February 2019-February 2020
Senior Counsel to the U.S. Deputy Attorney General
United States Department of Justice
Office of the Deputy Attorney General
950 Pennsylvania Avenue NW
Washington, D.C. 20530
*Detailed from the United States Attorney's Office for the District of Maryland

February 2020-May 2020
Chief of Staff
United States Attorney's Office
District of Columbia
601 D Street NW
Washington D.C. 20579
* Detailed from the United States Attorney's Office for the District of Maryland

June 2020-January 2021
Counselor to the U.S. Attorney General
United States Department of Justice
Office of the Attorney General
950 Pennsylvania Avenue NW
Washington, D.C. 20530
*Detailed from the United States Attorney's Office for the District of Maryland and the United States Attorney's Office for the Eastern District of Pennsylvania

October 2020-September 2022
Assistant United States Attorney
United States Attorney's Office
Eastern District of Pennsylvania
615 Chestnut Street, Suite 1250
Philadelphia, Pennsylvania 19106

September 2022-March 2025
Corporate Counsel
Amazon.com, Inc.
525 S. 15th Street

Arlington, Virginia 22202

March 2025-Present
Interim United States Attorney
United States Attorney's Office
Eastern District of Pennsylvania
615 Chestnut Street, Suite 1250
Philadelphia, Pennsylvania 19106

- 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.

- v. Whether you have held any judicial office, including positions as an administrative law judge, on any U.S. federal, state, tribal, or local court and if so, please provide the name of the court, the jurisdiction of that court, whether the position was appointed or elected, and the dates of your service.

I have not held any judicial office.

b. Describe:

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

After law school, I clerked on the U.S. Court of Appeals for the Fourth Circuit for Judge Albert Diaz. In that capacity, I reviewed appellate briefs, prepared bench memoranda, prepared the Judge for oral arguments, authored draft judicial opinions, and generally counseled on appellate cases assigned to Judge Diaz.

After my clerkship, I was an associate for the Washington D.C. law firm Covington & Burling. My work spanned multiple practice areas of litigation and government enforcement, but I principally worked on legal analysis, fact development and review, and witness interviews.

I joined the Department of Justice in 2015 as a federal prosecutor. In that role, I led and supervised over a hundred criminal investigations in which I managed multi-agency investigative teams, strategized how to build a federal prosecution, conducted extensive grand jury investigations, applied for and obtained search warrants, interviewed witnesses, and other investigative actions. These investigations concerned numerous subject

matters, including public corruption, racketeering, national security, narcotics trafficking, fraud, and import/export controls.

I also prosecuted various categories of federal crimes in multiple United States Attorney's Offices, appearing in court regularly for preliminary proceedings (initial appearances), contested detention hearings, evidentiary hearings, suppression hearings, and trials. As Deputy Chief of Appeals for the United States Attorney's Office for the District of Maryland, I supervised, managed, and reviewed criminal appeals for the United States Attorney's Office and also served informally as ex officio general counsel to the United States Attorney for the District of Maryland.

During my tenure at the Department of Justice, I also served as Senior Counsel to the U.S. Deputy Attorney General and Counselor to the U.S. Attorney General. In both roles, I was on detail from the United States Attorney's Offices for the District of Maryland and for the Eastern District of Pennsylvania. In these roles, I served as an advisor to the Attorney General and Deputy Attorney General on various matters pursued by the Department, helped the Department formulate and implement its programs and policies as assigned, and served as a liaison for numerous United States Attorney's Offices.

In 2022, I went in-house to serve as corporate counsel to Amazon, where I defended the company against government investigations and enforcement actions brought by foreign, federal, and state regulators. This work involved structuring the compliance of multiple business lines, managing legal teams to gather facts, advocating the company's defenses directly to government attorneys, and negotiating settlements. I served in this capacity until I was appointed as the Interim United States Attorney for the Eastern District of Pennsylvania in March 2025. In this capacity, I am the chief federal law enforcement officer for the Eastern District of Pennsylvania, and I supervise and oversee all federal criminal prosecution and civil litigation in the district.

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

During my tenure at the Department of Justice, my client was the United States. I represented the United States as an Assistant United States Attorney prosecuting various federal crimes.

At Covington & Burling, I represented various corporate clients. My work spanned multiple practice areas of litigation and government enforcement, and I principally worked on legal analysis, fact development and review, and witness interviews.

I represented Amazon while serving as in-house counsel. In this role, I defended the company against government investigations and enforcement actions brought by foreign, federal, and state regulators.

- 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.

While serving as a federal prosecutor (2015-2019; 2020-2022), I appeared in court weekly for initial appearances, arraignments, detention hearings, evidentiary hearings, plea hearings, suppression motions, and/or trials. While serving as a junior associate at Covington & Burling (2013-2015), as well as recently as Amazon corporate counsel (2022-2025), I did not appear in court.

- i. Indicate the percentage of your practice in:
1. federal courts; 100%
 2. state courts of record; <1% (one appearance in spring 2014)
 3. other courts; 0%
 4. administrative agencies: 0%
- ii. Indicate the percentage of your practice in:
1. civil proceedings; 10%
 2. criminal proceedings: 90%
- d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

I have tried five cases to verdict, judgment or final decision. I was the primary prosecutor on each case.

- i. What percentage of these trials were:
1. jury; 100%
 2. non-jury: 0%
- e. Describe your practice, if any, before the Supreme Court of the United States. Supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

I have not practiced before the United States Supreme Court.

15. **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. Federal Trade Commission v. Amazon.com, Inc.

Case No. 2:23-cv-0932

United States District Court for the Western District of Washington

The Honorable John H. Chun

2023-2025

My legal team managed and oversaw the representation of Amazon in the ongoing landmark consumer protection case brought by the Federal Trade Commission alleging billions of dollars in damages. The case is regarded by some as the most significant consumer protection enforcement action in the history of ecommerce, and its importance will define permissible commercial marketing and subscription practices for years to come. The lawsuit spans several years and all aspects of the Amazon Prime business. In sum, the FTC alleges that Amazon knowingly deceived customers into enrolling into their Amazon Prime subscription program and then improperly thwarted customers from cancelling subscriptions. I supervised and directed the legal strategy and factual development of the defense of the company.

Amazon Co-Counsel:

Ben Langner
Corporate Counsel
Amazon.com, Inc.
2021 7th Avenue
Seattle WA 98121
(773) 793-5131

Counsel for Amazon:

Laura Kim
Stephen Anthony
Covington & Burling LLP
850 10th Street NW
Washington D.C. 20001

(202) 662-6000

Moez Kaba
Hueston Hennigan LLP
523 W. 6th Street
Los Angeles, CA 90014
(213)788-4543

Opposing Counsel:

Evan Mendelson
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580
(202) 326-3320

2. United States v. Terrell Plummer et al.,

Case No. 17-cr-223
United States District Court for the District of Maryland
The Honorable George L. Russell III
2017-2020

I represented the United States in the prosecution of the Old York Money Gang, a Baltimore street gang responsible for murder, robbery, and drug trafficking. The case attracted significant notoriety as it originated from a horrific and infamous killing of a three-year-old child named Mackenzie Elliott. I led the investigation into the organization through a proactive targeting of the gang responsible with racketeering charges, and brought a comprehensive prosecution against nine defendants comprising the gang for various charges, including contract murder and the killing of Mackenzie Elliott. The killer of the child, Terrell Plummer, pled guilty and received a sentence of 25 years in prison. Most of the other defendants also pled guilty. The two leaders of the gang, Trevon Beasley and Darrin Mosley, were responsible for multiple murders and were convicted by a jury after a five-week trial. Beasley received a sentence of life imprisonment, while Bosley received a sentence of thirty years' imprisonment.

Co-Counsel:

Michael Hanlon
Assistant United States Attorney
36 S. Charles Street, Fourth Floor
Baltimore, Maryland 21201
(410) 209-4800

Opposing Counsel:

Jonathan Van Hoven
1 N. Charles Street, Suite 1215
Baltimore, Maryland 21201
(410) 576-0689

3. United States v. David Wise

Case No. 17-cr-132
United States District Court for the District of Maryland
The Honorable Richard D. Bennett
2017-2019

I represented the United States in the prosecution of a robbery of a Federal Firearms License dealer in east Baltimore by an organization who subsequently sold the assault rifles and firearms on the streets of Baltimore. The case remains one of the most violent and destructive robberies of a FFL in the history of the Department of Justice as measured by firearms stolen, as the defendants locked one of the owners in a safe and left her to die. I led the investigation into the conspiracy, which led to arrests of all five defendants and the seizure of a majority of the firearms they took. I prosecuted and convicted five separate defendants under various robbery and firearm charges. All defendants were convicted and received sentences ranging from 12-20 years in prison.

Co-Counsel:

Patricia McLane
Assistant United States Attorney
36 S. Charles Street, Fourth Floor
Baltimore, Maryland 21201
(410) 209-4800

Opposing Counsel:

Richard Bardos
1 East Pratt Street, Suite 904
Baltimore, Maryland 21202
(443) 629-6504

4. United States v. Waymond Richard

Case No. RDB-18-339
United States District Court for the District of Maryland
The Honorable Richard D. Bennett
2018-2020

I represented the United States in the prosecution of a nineteen-defendant violent fentanyl trafficking organization in west Baltimore (Pratt & Calhoun) responsible for operating an open-air drug market and numerous killings and violent crimes.

The organization operated an extensive, long-running open air-drug market that serviced hundreds of customers per day, acquired millions in revenue during the lifespan of the organization, and were responsible for at least one drug overdose resulting in death. All nineteen defendants pled guilty. The most culpable members of the gang received sentences in excess of ten years' imprisonment.

Co-Counsel:

Michael Hanlon
Assistant United States Attorney
36 S. Charles Street, Fourth Floor
Baltimore, Maryland 21201
(410) 209-4800

Opposing Counsel:

Christopher John Purpura
Law Office of William Purpura
8 E. Mulberry St
Baltimore, MD 21202
(410) 727-8550

5. United States v. Susan Anderson

Case No. RDB-17-256
United States District Court for the District of Maryland
The Honorable Richard D. Bennett
2016-2018

I represented the United States in the prosecution of a murder-for-hire by an Elkton Maryland woman who contracted a Genovese Mafia associate to murder a family member. Many of the details of the investigation remain sealed, but the defendant was convicted and received a sentence of 84 months' imprisonment.

Opposing Counsel:

The Law Office of David Walsh-Little, LLC
1014 West 36th Street
Baltimore, MD 21211
(410) 205-9337

6. United States v. Irvin Vincent

Case No. JKB-14-479
United States District Court for the District of Maryland
The Honorable James K. Beddar
2014-2018

I represented the United States in the prosecution of the Black Guerilla Family—a west Baltimore street gang responsible for numerous acts of murder, robbery, and drug trafficking—serving as lead counsel on the appeal to the United States Court of Appeals for the Fourth Circuit: *United States v. Smith*, 919 F.3d 825 (4th Cir. 2019). In *Smith*, the defendants challenged the admission of expert testimony that deciphered recorded messages from the gang as well as the reasonableness of the life sentence of its leader Mark Bazemore. The Fourth Circuit panel agreed with our arguments and affirmed the ruling.

Co-Counsel:

James Wallner
Assistant United States Attorney
36 S. Charles Street, Fourth Floor
Baltimore, Maryland 21201
(410) 209-4800

Opposing Counsel:

Michael D Montemarano PA
3826 Paul Mill Rd Ste 204
Ellicott City, MD 21042
(410) 992-0067

7. United States v. John Ryan

Case No. ELH-17-329
United States District Court for the District of Maryland
The Honorable Ellen L. Hollander
2017-2019

I represented the United States in the prosecution of a healthcare fraud and prescription pill conspiracy involving opioids across numerous counties of Maryland and involving losses in excess of \$500,000. The defendants engaged in a sophisticated scam whereby they impersonated medical providers, fabricated opioid prescriptions, scammed pharmacy distributors, and also committed retail theft of opioid medications. The lead defendant, Myisha Johnson, orchestrated this scheme and enlisted family and friends as accomplices. All three defendants were convicted.

Opposing Counsel:

Joseph A Balter
Law Office of Joseph A. Balter, LLC
Mt. Washington Mill
1340 Smith Avenue, Ste 200
Baltimore, MD 21209

(410) 375-7082

8. United States v. Stanley Rogers

Case No. GLR-18-083

United States District Court for the District of Maryland

The Honorable George L. Russell III

2018-2019

I represented the United States in the prosecution of a cocaine trafficking conspiracy of the Sinaloa Cartel syndicate in Baltimore, Maryland. The lead defendant, Stanley Rogers, served as the principal cocaine distributor of the Sinaloa Cartel in the city of Baltimore for several years, leading a sophisticated distribution network that served narcotics throughout the city, and which was responsible for hundreds of kilograms of cocaine. All three defendants pled guilty and received substantial sentences of imprisonment.

Co-Counsel:

James Warwick

Assistant United States Attorney

36 S. Charles Street, Fourth Floor

Baltimore, Maryland 21201

(410) 209-4800

Opposing Counsel:

Christopher John Purpura

Law Office of William Purpura

8 E. Mulberry St

Baltimore, MD 21202

(410) 727-8550

9. United States v. Damion Jordan

Case No. JFM-16-499

United States District Court for the District of Maryland

The Honorable Frederick J. Motz

2016-2017

I represented the United States in the prosecution of a serial robbery conspiracy of retail stores resulting in an attack against a Baltimore County Police Station. The conspiracy consisted of two defendants who targeted videogame stores and other retail stores and used threats of violence to obtain U.S. currency. When faced with arrest, the defendants took law enforcement on a high-speed chase that ended violently with a crash against a Baltimore County Police station facility. Both defendants were convicted and received sentences in excess of ten years' imprisonment.

Co-Counsel:

Zachary Stendig
Assistant United States Attorney
11 Elmwood Avenue
Burlington, VT 05401
(802) 951-6725

Opposing Counsel:

Desiree Lassiter
Office of the Federal Public Defender
100 S Charles St Tower II 9th Fl
Baltimore, MD 21201
(410) 962-3962

10. United States v. Eric Rich

Case No. CCB-19-037
United States District Court for the District of Maryland
The Honorable Catherin C. Blake
2018-2020

I represented the United States in the prosecution of a Black Guerilla Family street gang responsible for selling heroin and crack cocaine in east Baltimore in the Latrobe Housing Project. After the lead target died due to a shooting by another gang member, the investigation was taken down due to safety concerns prior to further violence. The defendants were rumored to have been responsible for controlling the eastern side of the city for the gang, and had multiple arrests for violence before the investigation commenced. All nine defendants were convicted.

Co-Counsel:

Clint Fuchs
U.S. Marshal (then Assistant United States Attorney)
501 E Fayette Street
Baltimore, Maryland 21202
(410) 878-8900

Opposing Counsel:

Michael E. Lawlor
Brennan, McKenna & Lawlor, Chartered
6305 Ivy Lane, Suite 700
Greenbelt, MD 20770

16. **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.)

1. Detail to Department of Justice Leadership Offices (2019-2021)

During my tenure at the Department of Justice, I served as Senior Counsel to the U.S. Deputy Attorney General and Counselor to the U.S. Attorney General. In both roles, I was on detail from the United States Attorney's Offices for the District of Maryland the District of Eastern Pennsylvania and served as an advisor to the Attorney General and Deputy Attorney General on various matters pursued by the Department, helped the Department formulate and implement its programs and policies as assigned, and served as a liaison for numerous United States Attorney's Offices.

2. Lead Prosecutor on Federal Criminal Investigations (2015-2022)

As a federal prosecutor for several years at multiple United States Attorney's Offices, I led and supervised dozens of criminal investigations in which I managed investigative teams consisting of federal agents from the Federal Bureau of Investigation, Drug Enforcement Administration, Bureau of Alcohol, Tobacco, Firearms, and Explosives, and Homeland Security Investigations. The investigations involved strategizing how to build a federal prosecution, conducting extensive grand jury investigations, applying for and obtaining search warrants, interviewing witnesses, and many other investigative techniques. These investigations concerned numerous subject matters, including public corruption, racketeering, national security, narcotics trafficking, fraud, and import/export controls.

3. In-House Counsel: Amazon.com, Inc. (2022-2025)

As corporate counsel for Amazon, I defended the company against government investigations and enforcement actions from foreign, federal, and state regulators. This work involved structuring the compliance of multiple business lines, managing legal teams to gather facts, advocating the company's defenses directly to government attorneys, and negotiating settlements.

4. Deputy Chief of Appeals, United States Attorney's Office for the District of Maryland (2018-2019)

As Deputy Chief of Appeals, I supervised, managed, and reviewed criminal appeals for the United States Attorney's Office and also served informally as ex officio general counsel to the United States Attorney.

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

I have not taught any courses.

18. **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 have no arrangements in the future to be compensated for any financial or business interest.

19. **Outside Commitments During 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.

No.

20. **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).

Please see my SF-278 as provided by the Office of Government Ethics.

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

See attached Net Worth Statement.

22. **Potential Conflicts of Interest**:

- a. Identify the family members or other persons, parties, affiliations, pending and categories of litigation, financial arrangements or other factors 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.

During the nomination process, I consulted with the Department of Justice's ethics office and Designated Ethics Officer to identify any potential conflicts. If I am confirmed, I will continue to consult with that office and will recuse myself from any matter in which recusal is required.

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

If I am confirmed, any potential conflict of interest will be resolved in accordance with the terms of an ethics agreement that I have entered with the Department's designated agency ethics official. If confirmed, I will continue to consult with the Department of Justice's ethics office and will recuse myself from any matter in which recusal is required.

23. **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. If you are not an attorney, please use this opportunity to report significant charitable and volunteer work you may have done.

Because the great majority of my legal career was spent as a government attorney, my capacity to perform pro bono work was significantly limited by Department of Justice ethical rules. While a junior associate at Covington and Burling, I performed limited pro bono work representing indigent individuals desiring representation in family court.

AFFIDAVIT

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

5/19/25

(DATE)

David Metcalf / Davis 11. Harkins

(NAME)

Commonwealth of Pennsylvania - Notary Seal
Beth Ann Fuhrhop, Notary Public
Philadelphia County
My Commission Expires May 11, 2027
Commission Number 1290547

Beth Ann Fuhrhop

(NOTARY)