

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Daniel Desmond Domenico

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

United States Circuit Judge for the Tenth Circuit

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: Alfred A. Arraj United States Courthouse
901 19th Street
Denver, CO 80294

Residence: Golden, Colorado

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

1972; Boulder, Colorado

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

1997 – 2000, University of Virginia School of Law; J.D. (Order of the Coif), 2000

1992 – 1995, Georgetown University; B.A. (*magna cum laude*), 1995

1991 – 1992, University of Colorado; 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.

2019 – Present
United States District Court, District of Colorado
Alfred A. Arraj United States Courthouse
901 19th Street
Denver, Colorado 80294
Chief Judge (March 2026 – present)
District Judge (May 2019 – present)

2022
University of Colorado School of Law
2450 Kittredge Loop Drive
Boulder, Colorado 80309
Adjunct Professor

2010 – 2019
University of Denver Sturm College of Law
2255 East Evans
Denver, Colorado 80210
Adjunct Professor

2015 – 2019
Kittredge LLC (no longer operational)
14143 Denver West Parkway, Suite 100
Golden, Colorado 80401
Principal

2006 – 2015
Colorado Department of Law
1300 Broadway
Denver, Colorado 80202
Solicitor General

2005 – 2006
U.S. Department of the Interior
1849 C Street, Northwest
Washington, District of Columbia 20240
Special Assistant to the Solicitor

2004
Thune for Senate (now Friends of John Thune)
Current address: Post Office Box 841
Sioux Falls, South Dakota 57101
Counsel

2003 – 2004
Hon. Timothy M. Tymkovich

U.S. Court of Appeals for the Tenth Circuit
Byron White Courthouse
1823 Stout Street
Denver, Colorado 80257
Law Clerk

2000 – 2003
Hogan & Hartson LLP (now Hogan Lovells)
1601 Wewatta Street, Suite 900
Denver, Colorado 80202
Associate

Summer 1999
Cooley Godward LLP (now Cooley LLP)
1144 15th Street, Suite 2300
Denver, Colorado 80202
Summer Associate

Summer 1998
Jolley Urga Wirth & Woodbury (no longer operational)
330 South Rampart Boulevard, Suite 380
Las Vegas, Nevada 89145
Summer Associate

1997
Welfare to Work Partnership (no longer operational)
1129 20th Street, NW, Suite 800
Washington, District of Columbia 20036
Research Associate

1995 – 1996
Dole for President (no longer operational)
Washington, District of Columbia
Intern, advance, assistant to polling director

1995
Office of Rep. Bill Baker (no longer in office)
Washington, District of Columbia
Intern

1995
Britches of Georgetowne (no longer operational)
Washington, District of Columbia
Clerk

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 registered for selective service upon turning 18.

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.

National Association of Attorneys General, Best Brief (2014)

Distinguished Practitioner in Residence, Natural Resources Program, University of Denver Sturm College of Law (2014)

National Law Journal, Appellate Lawyer of the Week (2011)

Virginia Law Review, Editor (1998 – 2000)

University of Virginia School of Law, Order of the Coif (2000)

University of Virginia North Grounds Softball League, Commissioner, Tournament Director (1999 – 2000)

Georgetown University, Dean's List, *magna cum laude*, state finalist, Rhodes Scholarship (1995)

University of Colorado, Honors Program, President's List (1991 – 1992)

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

American Association of Appellate Lawyers' Oral Argument Project (2015 – 2016)

American Bar Association (2003 – 2007, 2015)

Colorado Bar Association (2003 – 2007, 2015)

Colorado State University System, General Counsel Search Committee (2008)

Committee on Appellate Rules, Colorado Supreme Court (2016 – approximately 2019)

Committee on Financial Disclosure, United States Judicial Conference (2025 – present)

District of Colorado Disciplinary Panel (2026 – present)

District of Colorado Local Rules Committee (2024 – 2026)

District of Colorado Standing Committee on Pro Se Litigation (2020 – 2024)

Ethics Committee, Colorado Attorney General's Office, Chair (2012 – 2015)

Institute for the Advancement of the American Legal System, Civil Access Pilot Project,
Attorney General's Office Advisory Group (approximately 2010 – 2011)

Tenth Circuit Judicial Council (2024 – 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.

Colorado, 2000

There have been no lapses in membership, but I have been on inactive status since taking the bench in 2019.

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.

Supreme Court of the United States, 2006

United States Court of Appeals for the Fifth Circuit, 2011

United States Court of Appeals for the Eleventh Circuit, 2008

United States Court of Appeals for the D.C. Circuit, 2007

United States Court of Appeals for the Tenth Circuit, 2003

United States District Court for the District of Colorado, 2006

Since becoming a judge, I have not sought to renew my court admissions or keep them current.

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.

Denver Athletic Club (approximately 2010 – 2013)

Doyle Inn of Court (approximately 2021 – present)

Federalist Society (intermittent membership from 2000 – present)

5280/Cor2Cor Professional Alliance (2016 – 2018)

Horse Protection League (approximately 2021 – present)

National Association of Attorneys General (participated as solicitor general from 2006 – 2015)

Tenth Circuit Historical Society (2017 – present)

United States Chamber of Commerce State Litigation Advisory Committee (2016 – 2019)

Y.M.C.A. (approximately 2001 – 2005, 2006 – 2020)

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

To the best of my knowledge, none of the organizations listed above currently discriminates or formerly discriminated on the basis of race, sex, religion, or national origin, either through formal membership requirements or the practical implementation of membership policies

12. **Published Writings and Public Statements:**

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

Senate has the right to delay Supreme Court nomination process, Denv. Post, Feb. 19, 2016. Copy supplied.

Iran deal's defenders reveal weak view of U.S. leadership, Colorado Statesman, Sept. 25, 2015. Copy supplied.

The Constitutional Feedback Loop, 89 Denv. Univ. L. Rev. 161 (2012). Copy supplied.

Deference and Legislative Intent, Denver Univ. L. Rev. Online, Feb. 16, 2011. Copy supplied.

Note, *Mark Madness: How Brent Musburger and the Miracle Bra May Have Led to a More Equitable and Efficient Understanding of the Reverse Confusion Doctrine in Trademark Law*, 86 Va. L. Rev. 597 (April 2000). Copy supplied.

Letter to the editor, Boulder Daily Camera, 1992. Unable to locate (defending the right of University of Colorado football coach Bill McCartney's right to speak out on controversial topics).

Letter to the editor, Boulder Daily Camera, 1991, "Wishing won't bring peace." Copy supplied.

b. Supply 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.

District of Colorado Local Rules Committee, United States District Court for the District of Colorado, Local Rules of Practice, Redline (Dec. 2025). Copy Supplied.

Notes from Tenth Circuit meeting on oral argument initiative, June 16, 2016. Copy supplied.

American Academy of Appellate Lawyers, Oral Argument Task Force, *Oral Argument Task Force Report*, Oct. 2015. Copy supplied.

I typically served as the Attorney General's designee on Colorado's Title Setting Board during my tenure as Solicitor General from 2006 to 2015. An archived copy of the Title Setting Board's meetings can be found at https://www.coloradosos.gov/pubs/info_center/audioArchives.html. An archived copy of measures before the Title Setting Board during my tenure, organized by year, can be found at <https://www.sos.state.co.us/pubs/elections/Initiatives/titleBoard/index.html>.

c. Supply 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.

Letter from Colorado district judges to Administrative Office of the Courts (March 31, 2020). Copy supplied.

Letter from 200+ judges to Administrative Office of the Courts (March 18, 2020). Copy supplied.

Letter from Dan Domenico, Solicitor General, State of Colorado, to Hillary Hall, Clerk and Record, Boulder County, Colorado (June 27, 2014). Copy supplied.

Letter from John Suthers, Attorney General, State of Colorado, to Trey Rogers, Chief Legal Counsel, Office of Governor Ritter, Denver, Colorado (April 9, 2009). Copy supplied.

In 2007, I drafted a memorandum to the Attorney General that he released publicly explaining my opinion that a proposal to change the way property tax rates were calculated violated the Colorado Taxpayer Bill of Rights (April 27, 2007). Copy supplied.

In 2006, I testified before a committee of the Colorado General Assembly following the Colorado Supreme Court's decision in *Danielson v. Dennis*, 139 P.3d 688 (2006). I do not have a copy of that testimony.

d. Supply 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.

The following is my best attempt to compile a complete list of the speeches and talks I have given. I have compiled this list through an examination of my own records, speaking with other people, and internet searches. It may be the case that there are speeches or talks I am unable to recall. It is my usual practice not to prepare remarks or speak from notes. To the extent I have notes or outlines, they are supplied.

May 1, 2026: Speaker, "Law Day," U.S. District Court, Denver, Colorado. I gave welcoming remarks to students and educators at a Law Day event put on by our court. I do not have notes and no transcript or recording exists. The address of the court is 901 19th Street, Denver, Colorado 80294.

April 29, 2026: Panelist: "CLE: Colorado's Solicitors General Panel," Colorado Bar Association, Denver, Colorado. I was a panelist along with five other former Colorado solicitors general. The panel discussed how we were selected for the role, various cases and other activities we were involved in, tips and suggestions for practitioners, and the like. Press coverage and the media file is supplied.

February 27, 2026: Forum, "Thriving in Times of Change," Faculty of Federal

Advocates, Denver, Colorado. The format of this program was small table discussions, in which I participated. The main speaker offered topics on handling change and stress, and the groups then discussed them. I do not have a transcript or notes. The address of the Faculty Federal Advocates is 3700 Quebec Street Suite 100-389, Denver, Colorado 80207.

August 28, 2025: Moderator, "Panel on State Litigation Against the Federal Government," Tenth Circuit Bench Conference, Santa Fe, New Mexico. I moderated a panel with Attorney General Raul Torrez of New Mexico and Supreme Court Justice Bridget Hill of Wyoming on their experience as state attorneys general working with and against the federal government. I have no notes and do not believe the event was transcribed or recorded. The address of the Tenth Circuit is 1823 Stout Street, Denver, Colorado 80257.

June 23, 2025: Panelist, "Notre Dame Law School Religious Liberty Summit," Notre Dame Law School, Dublin, Ireland. I was on a panel of judges discussing issues surrounding the evolution of Religion Clause litigation. I do not believe there is a recording or transcript, and I did not have a written speech or notes. The address of Notre Dame Law School is 1100 Eck Hall of Law, Notre Dame, Indiana 46556.

March 4, 2025: Speaker, "The Role of the State Solicitor General," University of Virginia Federalist Society, Charlottesville, Virginia. I spoke about my experience going from law school to practice, to clerking, to being a state solicitor general, and ultimately to being a judge. I do not have notes and no recording or transcript was made. The address of the University of Virginia Federalist Society is 580 Massie Road, Charlottesville, Virginia, 22903.

November 21, 2024: Speaker, Naturalization Ceremony. United States District Court, Denver, Colorado. Draft remarks supplied.

September 9, 2022: Panelist, "Unwritten Rules of Federal Practice," Tenth Circuit Bench and Bar Conference, Colorado Springs, Colorado. I was on a panel discussing tips and "unwritten rules" for those litigating in federal district court. I do not have notes and do not believe any transcript or recording exists. The address of the Tenth Circuit is 1823 Stout Street, Denver, Colorado 80257.

September 23, 2022: Speaker, "Supreme Court Roundup," Federalist Society, Colorado Lawyers Chapter, Denver, Colorado. This was a panel discussion dedicated to reviewing the October 2021 Term of the Supreme Court, and previewing the 2022 Term. I do not believe there is a transcript and I do not have any notes. The address of the Federalist Society is 1776 I Street NW, Suite 300, Washington, District of Columbia 20006.

June 25, 2021: Panelist, "Federal Practice Update Federal Judges' Panel," Colorado Bar Association, Denver, Colorado. This was a panel discussion covering general practice tips for federal litigators. I do not have a transcript or notes. The address of the Colorado Bar Association is 1900 Grant Street, Ninth Floor, Denver, Colorado 80203.

January 30, 2020: Speaker, "Remarks from the Bench," Faculty of Federal Advocates, Denver, Colorado. I discussed effective advocacy in federal court, covering topics relevant to both civil and criminal cases, and the perspective of a new judge. I do not have a transcript or notes. The address of the Faculty of Federal Advocates is 3700 Quebec Street, Suite 100-389, Denver, Colorado 80207.

September 28, 2019: Speaker, "Investiture Ceremony," United States District Court for the District of Colorado, Denver, Colorado. Recording supplied.

August 30, 2019: Speaker, "Naturalization Ceremony," United States District Court, Denver, Colorado. Draft remarks supplied.

August 26, 2019: Speaker, "A Conversation with the Recently Confirmed Judge," Federalist Society, Denver, Colorado. I discussed my career and my perspective as a new judge. I do not believe there is a transcript and I do not have any notes. The address of the Federalist Society is 1776 I Street NW, Suite 300, Washington, District of Columbia 20006.

September 6, 2018: Moderator, "51 Imperfect Solutions: States and the Making of American Constitutional Law," Federalist Society, Colorado Lawyers Chapter, Denver, Colorado. This was a panel discussion with Justice Melissa Hart of the Colorado Supreme Court and Judge Jeffrey Sutton of the Sixth Circuit about Judge Sutton's book. I do not believe there is a transcript and I do not have any notes. The address of the Federalist Society is 1776 I Street NW, Suite 300, Washington, District of Columbia 20006.

March 28, 2017: Speaker, "Summary of the *Chevron* Doctrine," Colorado Bar Association, Denver, Colorado. I provided a summary of the *Chevron* Doctrine and an explanation of what changes government lawyers might expect should the Supreme Court begin to reevaluate that doctrine. I do not have a transcript or notes. The address of the Colorado Bar Association is 1900 Grant Street, Ninth Floor, Denver, Colorado 80203.

November 18, 2015: Speaker, "Ethical Considerations of High Profile Cases," Colorado Bar Association, CLE, Denver, Colorado. Outline supplied.

October 28, 2015: Panelist, "How Do We Recover from the Obama Regime?" American Conservative Union, Boulder, Colorado. I participated in a panel organized by the American Conservative Union around the presidential primary debate being held in Boulder, Colorado. My focus was the importance of the rule of law to the country's prosperity. I do not have a prepared text or outline. The address of the American Conservative Union is 1199 North Fairfax Street, Alexandria, Virginia 22314.

September 30, 2015: Speaker, "Investiture of Chief Judge Timothy M. Tymkovich to the Tenth Circuit Court of Appeals," Tenth Circuit Court of Appeals, Denver, Colorado. I gave a brief speech about Judge Tymkovich as he became the new Chief Judge of the

Tenth Circuit. Recording supplied.

June 24, 2015: Speaker, "Obamacare at the Supreme Court," Lincoln Club of Colorado, Denver, Colorado. I discussed *King v. Burwell*, which was then pending at the Supreme Court. Outline supplied.

July 18, 2014: Moderator, "Reviewing The Supreme Court's 2013/14 Term," Federalist Society, Colorado Lawyers Chapter, Denver, Colorado. I moderated a panel reviewing the 2013/14 Supreme Court term. I do not have a transcript or notes. The address of the Federalist Society is 1776 I Street NW, Suite 300, Washington, District of Columbia 20006.

2012 – 2014, Panelist, "Colorado Campaign for Inclusive Excellence," Center for Legal Inclusiveness, Denver, Colorado. I participated on panels on at least two occasions on the efforts to increase the attractiveness of the legal profession to women and members of minority groups. I have no notes or outlines. The address of the Center for Legal Inclusiveness is 633 17th Street, Suite 3000, Denver, Colorado 80202.

July 29, 2013: Speaker, "Introduction of Keynote Speaker," Western Conservative Summit, Denver, Colorado. I gave a brief introduction of Senator Ted Cruz. Video supplied.

January 24, 2013: Panelist, "Local Regulation of Oil & Gas Production," Carver Colloquium, Rocky Mountain Land Use Institute, University of Denver Strum College of Law, Denver, Colorado. Video supplied.

June 29, 2012: Panelist, "Health Care Litigation," Western Conservative Summit, Denver, Colorado. I also was on a panel at the 2012 summit discussing health care litigation. I do not have a transcript or recording. The address of the Centennial Institute, which runs the Western Conservative Summit, is 8787 West Alameda Avenue, Lakewood, Colorado 80226.

November 2012: Panelist, "Conflicts Between Federal, State, and Local Land Use Regulations," CLE Symposium, Colorado Bar Association, Denver, Colorado. I participated in a panel discussion of conflicts between federal, state, and local land use regulations. I do not have an outline or prepared text. The address of the Colorado Bar Association is 1900 Grant Street, Ninth Floor, Denver, Colorado 80203.

October 19, 2012: Panelist, "Ethical Considerations in Public Sector Law," Boulder County Bar Association, Boulder, Colorado. I was a member of a CLE panel discussing the unique ethical issues confronted by government lawyers. I have no notes or transcript. The address of the Boulder County Bar Association is 1200 Pearl Street, Suite 205, Boulder, Colorado 80302.

August 6, 2012: Panelist, "That's Unconstitutional!," 2012 Annual Conference & Expo, National Child Support Enforcement Association, Denver, Colorado. I was on a panel

discussing the application of constitutional Due Process and Equal Protection principles to child support enforcement efforts. I do not have notes or a transcript. The address of the National Child Support Enforcement Association is 7918 Jones Branch Drive, Suite 300, McLean, Virginia 22102.

February 27, 2012: Speaker, "Arguing in the Supreme Court," U.S. Supreme Court, Washington, D.C. I gave a talk to a group of Drexel University law students about arguing in the Supreme Court who were visiting the Court to watch the argument in *Wood v. Milyard*. I do not have notes or a transcript. The address of Drexel University Thomas R. Kline School of Law is 3320 Market Street, Philadelphia, Pennsylvania 19104.

October 14, 2011: Panelist, "Open Records Act Talk," Colorado Municipal League, Steamboat Springs, Colorado. I was on a panel discussing the application of the Colorado Open Records Act to government employees' privately-owned telephones and computers. Presentation provided.

April 29, 2011: Panelist, "Supreme Court in the Community Day," Ralston Valley High School, Arvada, Colorado. The Supreme Court held oral argument at a high school, and I answered questions afterwards along with the justices and other counsel. Press coverage supplied.

September 8, 2010: Speaker, "Constitutional Challenges to Federal Health Care Legislation and Prospects for Federalism," Federalist Society, Colorado Lawyers Chapter, Denver, Colorado. I spoke on the pending legal challenges to the Affordable Care Act, particularly explaining the theory of the states' case against the individual mandate, of which Colorado was a party. I do not have notes or a transcript. The address of the Federalist Society is 1776 I Street NW, Suite 300, Washington, District of Columbia 20006.

June 15, 2009: Panelist, "Ethics of litigating controversial cases," National Association of Attorneys General, Colorado Springs, Colorado. I led a panel discussion for the solicitors' group on the ethics of litigating controversial cases. I have no notes or transcript. The address of the National Association of Attorneys General is 2030 M Street, Northwest, Floor 8, Washington, District of Columbia 20036

September 17, 2008: Speaker, "Auraria Campus Constitution Day," Auraria Higher Education Center, Denver, Colorado. I spoke on the separation of powers as a participant in Constitution Day events. I do not recall the precise date, and do not have any outline or details of our remarks. The address of the Auraria Higher Education Center is 1068 Ninth Street Park, Denver, Colorado 80204.

December 7, 2007: Panelist, "Supreme Court in the Community Day," Denver North High School, Denver, Colorado. The Supreme Court held oral argument at a high school, and I answered questions afterwards along with the justices and other counsel. Press coverage supplied.

2006 – 2024: I have also been a guest speaker or lecturer at college and law school courses a number of times since 2006, including at the University of Colorado and University of Denver law schools, Colorado Christian University, and the University of Colorado at Colorado Springs. I do not have recordings, notes, or outlines for any of these talks.

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 copies of the clips or transcripts of these interviews where they are available to you.

Michael Karlik, *Judge Timothy Tymkovich to step aside, create Colorado-based vacancy on 10th Circuit*, Colorado Politics, Feb. 24, 2026. Copy supplied.

Craig Silverman Show, KNUS 710 AM, Mar. 18, 2017. Recording supplied.

Craig Silverman Show, KNUS 710 AM, Jan. 28, 2017. Recording supplied.

Kevin Simpson, *Tim Tymkovich: Coloradan through and through would give SCOTUS missing perspective*, Denver Post, Dec. 11, 2016. Copy supplied.

Hannah Garcia, *A General Contractor for Law*, Law Week Colorado, Dec. 9, 2015. Copy supplied.

Lynn Bartels, *Colorado GOP seeking right candidate to face Michael Bennet in 2016*, Denver Post, June 8, 2015. Copy supplied.

Press Release, *Attorney General's Office Seeks Expedious Resolution of Colorado's Same-Sex Marriage Issues*, Office of the Attorney General, State of Colorado, July 3, 2014. Copy supplied.

Tony Flesor, *Solicitor General Enjoys Unique Position*, Law Week Colorado, Nov. 11, 2013. Copy supplied.

Joe Hanel, *Sheriffs, state agree on magazine rules; Second Amendment issue is still contested*, Cortez J., July 11, 2013. Copy supplied.

Megan Schrader, *Hickenlooper, sheriffs compromise on gun law*, Colorado Springs Gazette, July 10, 2013. Copy supplied.

Vic Vela, *Deal reached on two gun issues*, Arvada Press, July 17, 2013. Copy supplied.

Jessica Gresko, *Supreme Court 101 in session at high court*, Assoc. Press, Feb. 28, 2012. Copy supplied.

Marcia Coyle, *Appellate Lawyer of the Week: Dan Domenico*, Nat'l Law J., Feb. 15,

2012. Copy supplied.

Kristen Wyatt, *Abortion opponents try new tactic in CO*, Assoc. Press, Jan. 5, 2012. Copy supplied.

John Ingold, *Hangup over Ritter's Cellphone Use Resolved*, Denver Post, June 21, 2011. Copy supplied.

Jessica Fender, *AG expounds on Mass. case, In marriage appeal, Suthers focuses on federal versus state powers*, Denver Post, Feb. 1, 2011. Copy supplied.

Joel Hanel, *Board delays tax initiative*, The Cortez Journal, Dec. 18, 2010. Copy supplied.

Vanessa Miller, *Appeals court rejects Boulder Valley charter challenge*, Boulder Daily Camera, Feb. 23, 2009. Copy supplied.

Press Release, *Attorney General Suthers Praises Court of Appeals Decision Upholding State Charter School Law*, Office of the Attorney General, State of Colorado, Feb. 21, 2009. Copy supplied.

Press Release, *Attorney General's Office Defends State Charter Schools*, Office of the Attorney General, State of Colorado, Oct. 31, 2008. Copy supplied.

Press Release, *No Colorado Commission on Higher Education Appeal of Court Decision for Colorado Christian University*, Office of the Attorney General, State of Colorado, Aug. 1, 2008. Copy supplied.

Press Release, *Attorney General Suthers Lauds Decision in School Finance Case*, Office of the Attorney General, State of Colorado, Jan. 24, 2008. Copy supplied.

Bettina Boxall & Julie Cart, *U.S. Loosens Its Policy on Building Roads in Parkland*, L.A. Times, Mar. 23, 2006. Copy supplied.

Liz Ruskin, *Road policy sparks outcry*, Anchorage Daily News, Mar. 23, 2006. Copy supplied.

Joe Baird, *Utah case now model for new BLM road policy*, Salt Lake Tribune, Mar. 22, 2006. Copy supplied.

T. Chapin Rose, *Youth at GOP convention brought their own*, Mattoon J. Gazette, Sep. 17, 1992. 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.

2019 – present
United States District Judge
Appointed
Article III jurisdiction

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

I have presided over approximately 24 cases that have gone to verdict or judgment. I presided over 26 trials in those cases. Of these trials, 18 were civil and 8 were criminal while 24 were jury trials and 2 were bench trials.

i. Of these cases, approximately what percent were:

jury trials:	95%
bench trials:	5%

ii. Of these cases, approximately what percent were:

civil proceedings:	70%
criminal proceedings:	30%

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

According to a search of the Court's electronic filing system, CM/ECF, since taking the bench I have issued approximately 22,000 orders. Please see the attached list of citations for the opinions I have authored available on Westlaw, on Lexis, and from a search of the Court's filing system.

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. *Denver Bible Church v. Azar*, 494 F. Supp. 3d 816 (D. Colo. 2020)

Two Colorado churches and their pastors sued federal and state government officials arguing COVID-19 restrictions violated their free exercise rights and other constitutional and statutory provisions. I granted in part the plaintiffs' motion for preliminary injunction. As the state rolled back many of its most severe restrictions, many of the plaintiffs' remaining claims were subsequently moot or dismissed for lack of standing.

Counsel for the Plaintiffs:

J. Brad Bergford
Illumine Legal LLC
8055 East Tufts Avenue, Suite 1350
Denver, Colorado 80237
(303) 228-2241

Rebecca R. Messall
Messall Law Firm, LLC
7887 East Belleview Avenue, Suite 1100
Englewood, Colorado 80111
(303) 228-1685

Counsel for the County Defendant:

Kaitlin I. Spittell
Hall & Evans LLC
1001 Seventeenth Street, Suite 300
Denver, Colorado 80202
(303) 628-3300

Matthew Joseph Hegarty
Hall & Evans LLC
1001 Seventeenth Street, Suite 300
Denver, Colorado 80202
(303) 628-3300

Counsel for State Defendants:

Friedrick C. Haines
Colorado Attorney General's Office
Ralph L. Carr Colorado Judicial Center
1300 Broadway
Denver, Colorado 80203
(720) 508-6000

Hon. Grant T. Sullivan (then Assistant Solicitor General)
Colorado Court of Appeals
1300 Broadway, Suite 1200
Denver, Colorado 80203
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Corelle M. Spettigue
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Colorado Attorney General's Office
Ralph L. Carr Colorado Judicial Center
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(720) 508-6000

W. Eric Kuhn
Colorado Attorney General's Office
Ralph L. Carr Colorado Judicial Center
1300 Broadway
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(720) 508-6143

Counsel for Federal Defendants:

Jason C. Lynch
U.S. Department of Justice
Civil Division
Corporate/Financial Litigation Section
1100 L Street, NW
Washington, District of Columbia 20005
(202) 514-1359

Kyle W. Brenton
U.S. Attorney's Office
District of Colorado
1801 California Street, Suite 1600
Denver, Colorado 80202
(303) 454-0126

2. *Bella Health & Wellness v. Weiser*, 699 F. Supp. 3d 1189 (D. Colo. 2023)

Medical providers brought an action for declaratory and injunctive relief against the Attorney General of Colorado, district attorneys, the Nursing Board, and the Medical Board, challenging the constitutionality, under the First Amendment, of a statute modifying the Colorado Consumer Protection Act so as to prohibit certain advertising relating to abortion services and making medication abortion reversal “unprofessional conduct” under medical licensing laws. I granted first a preliminary then a permanent injunction preventing the defendants from initiating disciplinary action against the plaintiffs for the provision of abortion pill reversal treatment.

Counsel for Plaintiffs:

Colten L. Stanberry
The Becket Fund for Religious Liberty
1919 Pennsylvania Avenue NW, Suite 400
Washington, District of Columbia 20006
(202) 955-0095

Kelly R. Oeltjenbruns
The Becket Fund for Religious Liberty
1919 Pennsylvania Avenue NW, Suite 400
Washington, District of Columbia 20006
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3. *USA v. McGuire et al.*, Case No. 1:21-cr-00246 (D. Colo.)

Four defendants were charged with Price Fixing/Bid Rigging related to broiler-chicken products in violation of the Sherman Antitrust Act. The government dismissed all charges against all four defendants.

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4. *USA v. Tew et al.*, Case No. 1:20-cr-00305-DDD (D. Colo.), *aff'd* 171 F.4th 1210 (10th Cir. 2026)

The government brought a 60-count indictment against three defendants generally alleging a conspiracy to defraud Mr. Tew's employer to fund Mrs. Tew's cryptocurrency trading and gambling. One defendant pled guilty, the remaining two went to trial and were found guilty by a jury of their peers. Both appealed and the Tenth Circuit affirmed both convictions.

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5. *Denver Public Schools v. Noem*, Case No. 1:25-cv-00474-DDD-KAS (D. Colo.)

Denver Public Schools sued the Department of Homeland Security, arguing that the administration illegally rescinded a policy against conducting immigration raids in sensitive locations, including near schools. I denied DPS's motion for a preliminary injunction. The parties jointly moved to dismiss the case, which I granted.

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6. *Darren Patterson Christian Acad. v. Roy*, 765 F. Supp. 3d 1194 (D. Colo. 2025)

Private Christian preschool which was a participant in Colorado's Universal Preschool Program brought official capacity claims against Executive Director of Colorado Department of Early Childhood and Director of Universal Preschool Program, alleging that anti-discrimination provisions contained in Program's enacting statutes, regulations, and related contracts, as well as the denial of school's request for exemption, violated school's First Amendment rights. I granted a permanent injunction for the plaintiffs. The case was appealed to the Tenth Circuit which has held it in abeyance pending the Supreme Court's issuance of a decision in *St. Mary Catholic Parish, Littleton, Colorado, v. Lisa Roy*, No. 25-581. The case remains pending.

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7. *Teva Pharms., USA, Inc. v. Weiser*, 709 F. Supp. 3d 1366 (D. Colo. 2023), *aff'd*, No. 24-1035, 2025 WL 2555552 (10th Cir. Sept. 5, 2025)

Manufacturer of epinephrine autoinjectors brought action against Colorado Attorney General and Colorado's board of pharmacy for injunctive and declaratory relief, alleging that state epinephrine affordability program, which was not yet active, would require manufacturer to provide autoinjectors to pharmacies at no cost in violation of Fifth Amendment's prohibition against takings of property without just compensation. I denied the plaintiff's motion for preliminary injunction and the defendants' motion to dismiss. After the defendants' unsuccessful appeal, the parties voluntarily dismissed the case.

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8. *Morphen v. Chaffee Cnty., Colorado*, Case No. 1:23-cv-01108-DDD-JPO, 2024 WL 5673501 (D. Colo. Sept. 24, 2024), *aff'd*, 172 F.4th 802 (10th Cir. 2026).

The plaintiff was charged with the first-degree murder of his wife, but, on the eve of trial, he discovered prosecutors had withheld exculpatory information and the State dismissed all charges. The plaintiff sued the various government actors involved under 42 U.S.C. § 1983 and a parallel Colorado civil rights statute. I granted motions to dismiss all claims. The Tenth Circuit affirmed. (He has since been recharged.)

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9. *Basri v. Barr*, 469 F. Supp. 3d 1063 (D. Colo. 2020)

Immigration detainee at Immigration and Customs Enforcement (ICE) detention facility filed petition for writ of habeas corpus, alleging that the detention facility took inadequate steps to prevent the spread of COVID-19, and the only possible way to ameliorate the

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10. *Nat'l Ass'n of Indus. Bankers v. Weiser*, 737 F. Supp. 3d 1113 (D. Colo. 2024), *rev'd and remanded*, 159 F.4th 694 (10th Cir. 2025), *reh'g en banc granted, opinion vacated*, 171 F.4th 1203 (10th Cir. 2026)

Trade associations whose members included, or partnered with, state-chartered banks that engaged in consumer lending brought suit against officials of State of Colorado, alleging that the State exceeded its authority to opt-out of the Depository Institutions Deregulation and Monetary Control Act of 1980 (DIDA) and impose lower rate caps for loans “made in” the State. I granted the plaintiffs’ requested preliminary injunction. A Tenth Circuit panel reversed, but the opinion was vacated pending rehearing en banc. The case remains open.

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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. *Fitness Together Franchise, L.L.C. v. EM Fitness, L.L.C.*, Case No. 1:12-cv-02757-DDD-STV ECF No. 47, 2020 WL 6119470 (D. Colo. Oct. 16, 2020)

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2. *Denver Bible Church v. Azar*, 494 F. Supp. 3d 816 (D. Colo. 2020)

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3. *Bella Health & Wellness v. Weiser*, 699 F. Supp. 3d 1189 (D. Colo. 2023)

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4. *Darren Patterson Christian Acad. v. Roy*, 699 F. Supp. 3d 1163 (D. Colo. 2023). Case citations: *Darren Patterson Christian Acad. v. Roy*, 765 F. Supp. 3d 1194 (D. Colo. 2025)

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5. *Teva Pharms., USA, Inc. v. Weiser*, 709 F. Supp. 3d 1366 (D. Colo. 2023), *aff'd*, No. 24-1035, 2025 WL 2555552 (10th Cir. Sept. 5, 2025)

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6. *Buentello v. Boebert*, 545 F. Supp. 3d 912 (D. Colo. 2021)

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7. *Morphew v. Chaffee Cnty., Colorado*, Case No. 1:23-cv-01108-DDD-JPO ECF No. 161, 2024 WL 5673501 (D. Colo. Sept. 24, 2024), *aff'd*, 172 F.4th 802 (10th Cir. 2026)

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8. *Basri v. Barr*, 469 F. Supp. 3d 1063 (D. Colo. 2020)

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9. *Nat'l Ass'n of Indus. Bankers v. Weiser*, 737 F. Supp. 3d 1113 (D. Colo. 2024), *rev'd and remanded*, 159 F.4th 694 (10th Cir. 2025), *reh'g en banc granted, opinion vacated*, 171 F.4th 1203 (10th Cir. 2026)

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10. *Singh v. Blanche*, Case No. Case No. 1:26-cv-00421-DDD-KAS, slip op. (D. Colo. Apr.15, 2026), ECF No. 12.

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

Certiorari has not been granted in any case I have handled. It has been requested in the following cases:

USA v. Smalley, 1:19-cr-00409-DDD, *cert. denied*, 143 S. Ct. 1096 (2023)

MacIntyre v. JP Morgan Chase Bank, N.A., 1:19-cv-00172-DDD-NYW, *cert. denied*, 141 S. Ct. 2660 (2021)

Lingenfelter v. Kaiser Foundation Health Plan of Colorado, 1:19-cv-01040-DDD-NRN, *cert. denied*, 142 S. Ct. 2715 (2022)

Gabriel v. El Paso Combined Courts., 1:19-cv-02248-DDD-KMT, *cert. denied*, 143 S. Ct. 205 (2022)

USA v. Kesten, 1:20-cr-00291-DDD, *cert. denied*, 143 S. Ct. 1767 (2023)

Martinez v. Allstate Insurance Company, 1:20-cv-00659-DDD-NRN

Grace Bible Fellowship v. Polis, 1:20-cv-02362-DDD-NRN, *cert. denied*, 142 S. Ct. 2753 (2022), *cert. denied*, 145 S. Ct. 379 (2024).

USA v. Cline, 1:21-cr-00339-DDD, *cert. denied*, 224 L. Ed. 2d 13 (2026)

Love v. Grashorn, 1:21-cv-02502-DDD-NRN, *cert. denied*, 223 L. Ed. 2d 506 (2026)

USA v. Lesh, 1:22-cr-00033-DDD-GPG, *cert. denied*, 145 S. Ct. 2791 (2025)

Watson v. Fairbairn et al., 1:22-cv-02695-DDD, *cert. denied sub nom, Watson v. Bergman*, 145 S. Ct. 1131, *reh'g denied*, 145 S. Ct. 2695 (2025)

USA v. Lee, 1:23-cr-00308-DDD-2, *cert. denied*, 223 L. Ed. 2d 564 (2026)

Jones v. Fairbairn, 1:23-cv-02189-DDD, *petition for cert. filed sub nom, Jones v. Bergman*, 25-7378 (May 14, 2026)

Valentine v. Verizon Wireless, LLC, 1:23-cv-02698-DDD-KAS, *cert. denied*, 223 L. Ed. 2d 526 (2026)

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.

United States v. Garcia, Case No. 1:25-cr-00163-DDD-11, slip op. (D. Colo. Sept. 9, 2025), ECF No. 77, *rev'd*, No. 25-1370, 2025 WL 3521614 (10th Cir. Dec. 5, 2025)

The Tenth Circuit held that a suspected drug trafficker present on a green card should be released pending trial. It overturned the detention order on factual grounds.

Nat'l Ass'n of Indus. Bankers v. Weiser, 737 F. Supp. 3d 1113 (D. Colo. 2024), *rev'd*, 159 F.4th 694 (10th Cir. 2025), *vacated and reh'g granted*, 171 F.4th 1203 (10th Cir. 2026)

Banks sued the Colorado Attorney General arguing that Colorado's interest-rate caps did not apply to loans made by out-of-state banks to Colorado borrowers. I granted the preliminary injunction, holding that Colorado's opt out for "loans made in such State" encompassed only loans made by state banks located in Colorado. A Tenth Circuit panel reversed holding that a loan is made in the opt-out state if either the borrower or the lender is located in that state. The Tenth Circuit, en banc, vacated its opinion pending rehearing en banc.

United States v. Clark, Case No. 1:23-cr-00502-DDD, slip op. (D. Colo. May. 20, 2024), ECF No. 29, *vacated*, No. 24-1215, 2025 WL 2179637 (10th Cir. Aug. 1, 2025)

At sentencing, I applied a special condition of supervised release, a requirement to participate in a sex-offense-specific evaluation and/or treatment program based, in part, on allegations from an arrest warrant of a prior sex offense. The Tenth Circuit vacated the sentence. The panel held that, because the defendant objected to the veracity of the claims in the warrant, I should have made a finding on the veracity of those claims and could not rely alone on the fact of the allegations.

United States v. Cline, Case No. 1:21-cr-00339-DDD, slip op. (D. Colo. Mar. 13, 2024), ECF No. 231, *aff'd in part and vacated in part*, 148 F.4th 1162 (10th Cir. 2025)

The defendant was convicted of wire fraud. The government sought forfeiture of \$179,314.56, the sum of all 59 fraudulent payments. I limited the amount to only the transfers charged in the indictment, \$20,268.35. The Tenth Circuit reversed, holding that the facts underlying forfeiture need not be found by a jury and that forfeiture turns on the whole scheme, not just what is indicted.

WildEarth Guardians v. U.S. Forest Serv., Case No. 19-cv-00208-DDD ECF No. 56, 2024 WL 1959672 (D. Colo. Mar. 7, 2024), *rev'd*, 137 F.4th 1068 (10th Cir. 2025)

The petitioners challenged new grazing allotments for sheep. I held that the agency did not violate NEPA. The Tenth Circuit reversed, holding that the agency acted arbitrarily and capriciously when it relied on local factors to change its risk of contact model that measured disease transmission risk. Based on that error, the circuit concluded the agency failed to take a hard look at the threats to bighorn sheep.

Catalano v. Allstate Indem. Co., Case No. 1:23-cv-1465-DDD-MEH, 2024 WL 1156952 (D. Colo. Feb. 2, 2024), *rev'd*, No. 24-1126, 2025 WL 1135988 (10th Cir. Apr. 17, 2025)

In an insurance dispute, I held that a floor collapse was not sudden because experts who inspected the damage identified the cause as either the wear and tear of time, or the vibrations caused by the nearby construction which had been ongoing for months. The Tenth Circuit reversed, finding that sudden can mean both temporally abrupt and unexpected. Based on that definition, the panel held that a reasonable jury could find the floor damage was sudden.

Scheer v. Sisters of Charity of Leavenworth Health Sys., Inc., Case No. 1:20-cv-03793-DDD-MEH, 2024 WL 566012 (D. Colo. Jan. 25, 2024), *vacated*, 144 F.4th 1212 (10th Cir. 2025)

I granted summary judgment in an employment discrimination case, correctly applying circuit precedent. The Tenth Circuit vacated and remanded in light of *Muldrow v. City of St. Louis*, 601 U.S. 346 (2024).

United States v. Lesh, Case No. 1:22-cr-00033-DDD-GPG, slip op. (D. Colo. Mar. 10, 2023), ECF No. 140, *aff'd in part and rev'd in part*, 107 F.4th 1239 (10th Cir. 2024)

I affirmed the conviction of an influencer for unauthorized work activity on public lands. The Tenth Circuit vacated his conviction, holding that the regulation was void for vagueness as applied to the defendant's conduct.

Whitson ex rel. Biggs v. Hanna, No. 1:18-cv-02076-DDD-SKC, 2023 WL 2570224 (D. Colo. Mar. 6, 2023), *rev'd sub nom. Whitson ex rel. Biggs v. Bd. of Cnty. Comm'rs*, 106 F.4th 1063 (10th Cir. 2024)

I dismissed municipal liability claims against Sedgwick County because the Sheriff did not act as a final policymaker in his decision to sexually abuse Ms. Biggs. Instead, I held that he advanced a purely personal agenda in committing the sexual assault. The Tenth Circuit reversed, finding that the Sheriff was the final policymaker for the municipal defendants with respect to the care of county prisoners, including their transportation, even when acting outside his legal authority.

United States v. Tew, Case No. 1:20-cr-00305-DDD-2, slip op. (D. Colo. Oct. 27, 2022), ECF No. 262, *aff'd*, 171 F.4th 1210 (10th Cir. 2026)

I denied the defendant's suppression motion, ruling that the search warrant was sufficiently particular and that the good faith exception applied. The Tenth Circuit reversed, finding that the search warrant was insufficiently particularized in violation of the Fourth Amendment. But the court also held in the circumstances of this case, the good faith exception to the warrant requirement applied.

Doe ex rel. Doe v. Rocky Mountain Classical Acad., Case No. 1:19-cv-03530-DDD-NYW ECF No. 58, 2022 WL 16556255 (D. Colo. Sept. 30, 2022), *aff'd in part and rev'd in part*, 99 F.4th 1256 (10th Cir. 2024)

The plaintiff brought a Title IX challenge to a school dress code that allowed female students to wear earrings, but not male students. I applied the comparable burdens test from Title VII caselaw. The Tenth Circuit reversed, applying intermediate scrutiny.

Chung v. Lamb, Case No. 1:14-cv-03244-DDD-KLM ECF No. 360, 2022 WL 3908888 (D. Colo. July 29, 2022), *aff'd in part and remanded in part*, 73 F.4th 824 (10th Cir. 2023)

I granted in part a renewed motion for attorney fees under 28 U.S.C. § 1927. The Tenth Circuit affirmed all of the fee award except \$1,142.21 awarded for attorney time spent responding to a non-sanctionable objection to certain affirmative defenses.

United States v. Eddington, Case No. 1:20-cr-00278-DDD-3, slip op. (D. Colo. Mar. 11, 2022), ECF No. 245, *vacated and remanded*, 65 F.4th 1231 (10th Cir. 2023)

At sentencing, I applied a four-level enhancement for use of a firearm in connection with another felony offense (second-degree assault). The Tenth Circuit held that the Defendant was acting in self defense and so the enhancement for second-degree assault could not apply.

Eckard v. State Farm Mut. Auto. Ins. Co., Case No. 1:20-cv-00274-DDD-SKC ECF No. 30, 2021 WL 2724439 (D. Colo. June 30, 2021), *rev'd*, 25 F.4th 1275 (10th Cir. 2022)

I granted summary judgment in favor of the insurance company, ruling that the plaintiff's claims were time barred because the statutory time limitations began when she "received

payment of the settlement.” I ruled the time begin when she received the settlement check. The Tenth Circuit reversed, holding that she “received payment of the settlement” when she accepted the settlement and endorsed the check.

Est. of Beauford v. Correct Care Sols., LLC, Case No. 1:16-cv-00851-DDD-GPG ECF No. 242, 2021 WL 50873 (D. Colo. Jan. 5, 2021), *aff'd in part and rev'd in part sub nom. Est. of Beauford v. Mesa Cnty.*, 35 F.4th 1248 (10th Cir. 2022)

I granted qualified immunity to a sheriff’s deputy and granted summary judgement, denying the *Monell* claim against Mesa County. The Tenth Circuit found there was a dispute of material fact whether the deputy believed the prisoner was breathing when he delayed calling for medical assistance. Based on that disputed fact, the circuit reversed the grant of qualified immunity and reinstated the *Monell* claim.

Chung v. Lamb, Case No. 1:14-cv-03244-DDD-KLM, slip op. (D. Colo. Jul. 8, 2020), ECF No. 344, *aff'd in part and vacated*, No. 20-1278, 2021 WL 4852417 (10th Cir. Oct. 19, 2021)

Post-judgment order granting in part motion for attorney fees under 28 U.S.C. § 1927. The Tenth Circuit affirmed my finding that the attorney’s conduct was sanctionable, found I applied the wrong standard to determine the amount of sanctions, and vacated the sanctions order and remanded for further proceedings.

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.

According to a search of the Court’s electronic filing system, CM/ECF, I have issued approximately 22,000 orders, including approximately 1,000 opinions that set forth a reasoned basis for the decision. Most of those 22,000 orders are routine, including standard orders and text-only orders; approximately 99.8% of those are unpublished. Approximately 95% of the 800 reasoned opinions are unpublished. All my orders and opinions are stored in CM/ECF and available through PACER.

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.

Doe by & through Doe v. Mesa Cnty. Valley Sch. Dist., No. 1:23-cv-01858-DDD-TPO, 2026 WL 820358 (D. Colo. Mar. 25, 2026)—Doc. 48

Center for Biological Diversity v. Berger, 1:24-cv-01608-DDD-NRN (D. Colo. Mar. 23, 2026)

Goodban v. Daly, No. 1:24-cv-01255-DDD-RTG, 2026 WL 538060 (D. Colo. Feb. 4, 2026)

Barbour v. City and County of Denver, No. 1:21-cv-02477-DDD-KAS (D. Colo. June 24, 2025)—Doc 113

Root v. Comstock, No. 1:24-cv-01293-DDD-TPO, 2025 WL 957809 (D. Colo. Mar. 3, 2025), *aff'd*, No. 25-1123, 2026 WL 100785 (10th Cir. Jan. 14, 2026)

Jensen v. City and County of Denver, No. 1:23-CV-01783-DDD-SBP, 2025 WL 4356897 (D. Colo. Mar. 24, 2025)

Est. of Deweese v. Hancock, No. 1:24-cv-00960-DDD-NRN, 2025 WL 1166556 (D. Colo. Mar. 21, 2025)—Doc 47

Air Transp. Ass'n of Am., Inc. v. Moss, No. 1:23-CV-2421-DDD-KAS, 2024 WL 4369137 (D. Colo. Sept. 30, 2024)

Naranjo v. Wellpath, LLC et al., No. 23-cv-01211-DDD-MDB (D. Colo. March 17, 2024)—Doc 78.

Est. of Thakuri v. City of Westminster, No. 1:19-cv-02412-DDD-KAS, 2024 WL 1152565 (D. Colo. Mar. 14, 2024)—Doc 83

Church of Rock, Inc. v. Town of Castle Rock, Colorado, 787 F. Supp. 3d 1187 (D. Colo. July 19, 2024)

Midgett v. Denver C.A.R.E.S., Case No. 1:19-cv-01941-DDD-NRN, (D. Colo. Sept. 28, 2023)—Doc 64

Rowland v. Matevousian, No. 1:22-cv-00388-DDD-SKC, 2023 WL 11980334 (D. Colo. Sept. 26, 2023)—Doc 64

Brandt v. Spaits, No. 1:20-CV-01900-DDD-MEH, 2023 WL 3794791 (D. Colo. Mar. 13, 2023)

Est. of Beauford v. Correct Care Sols., LLC, No. 1:16-cv-00851-DDD-GPG, *rev'd and remanded sub nom. Est. of Beauford v. Mesa Cnty., Colorado*, 35 F.4th 1248 (10th Cir. 2022)—Doc 242

Rucker v. City of Aurora, No. 1:20-cv-02027-DDD-MEH (D. Colo. July 29, 2022)—Doc 86

Navarro v. Cherry Creek Sch. Dist. No. 5, No. 1:21-CV-02621-DDD, 2021 WL 8993815 (D. Colo. Oct. 7, 2021)

Whitson v. Bd. of Cnty. Commissioners of Cnty. of Sedgwick, No. 18-cv-02076-DDD-SKC, 2020 WL 13660757 (D. Colo. Apr. 17, 2020), *rev'd and remanded*, 106 F.4th 1063 (10th Cir. 2024)

Est. of Castaway by & through Castaway v. Traudt, No. 1:16-cv-01763-DDD-MEH, 2019 WL 6700512 (D. Colo. Dec. 9, 2019)—Doc 93

Garrett v. Bd. of Cnty. Commissioners of Cnty. of Fremont, No. 1:18-cv-02968-DDD-STV, 2019 WL 3997085 (D. Colo. Aug. 23, 2019)—Doc 99

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

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

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

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

The District of Colorado does not employ an automatic recusal system, but the Clerk's office does maintain a list of potential conflicts supplied by each judge. I receive a weekly automated report of any cases involving individuals or entities on that list, which I then review to determine if recusal is necessary. I also keep potential conflicts in mind when reviewing pleadings and filings to see if an issue arises during the course of a case. If so, I enter an order of recusal.

In the following cases I recused *sua sponte* because of a financial interest my family held in one of the parties:

Hays v. Pfizer Inc., 1:20-cv-01948
Janezich v. Walmart, Inc., 1:21-cv-01808
Reese v. Wal-Mart Stores, Inc., 1:22-cv-00672
Friberg v. Citibank, N.A., 1:22-cv-02655
Nielsen v. Walmart, Inc., 1:23-cv-00058
Acosta v. Walmart, Inc., 1:23-cv-01759
Caruso v. Costco Wholesale Corporation, 1:23-cv-01976
Nichols v. AT&T Inc., 1:24-cv-00802
Candelaria v. Costco Wholesale Corporation, 1:24-cv-02538
Miller v. Walmart, Inc., 1:25-cv-01331
Jenkins v. DaVita, Inc., 1:25-cv-01358

Note: Order included recusal from consolidated member cases (1:25-cv-01362, 1:25-cv-01488, 1:25-cv-01607, 1:25-cv-01687, 1:25-cv-02458, 1:25-cv-02513, 1:25-cv-02540-, 1:25-cv-02622, 1:25-cv-02629, and 1:25-cv-02633)

Thompson v. Home Depot USA Inc., 1:25-cv-02012
AT&T Enterprises, LLC v. Wagner Construction, Inc., 1:25-cv-02690
Allen v. Walmart Inc., 1:25-cv-02702
Bing v. Apple, Inc. Order, 1:26-cv-00101
Encinias v. Walmart Inc., 1:26-cv-00400
Hernandez v. Town of Lakeside, Colorado, 1:25-cv-03398
Odette v. Experian Information Solutions, Inc., 1:25-cv-02600
Franklin v. Experian Information Solutions, Inc., 1:25-cv-03250
Davis v. Nationwide Mutual Insurance Company, 1:25-cv-00941
Ketter v. American National Red Cross Association, 1:24-cv-00685
Rosales v. Freeman, 1:23-cv-01357
Fairweather v. Eisai, Inc., 1:21-cv-01811
EEOC v. Carefree/Scott Fetzer Company, 1:19-cv-02530
Noel v. Array Biopharma Inc., 1:19-cv-01925
Mclaughlin v. Geico Marine Insurance Company, 1:26-cv-00357

I recused *sua sponte* in the following cases because I had worked on the same or a substantially related issue prior to becoming a judge:

Board of County Commissioners of Boulder v. Suncor Energy (U.S.A.) Inc., 1:18-cv-01672
Colorado Union of Taxpayers, Inc v. Griswold, 1:20-cv-02766
Center for Biological Diversity v. U.S. Department of the Interior, 1:20-cv-03580
Center for Biological Diversity v. U.S. Department of the Interior, 1:20-cv-03580
Bruce v. City of Colorado Springs, 1:21-cv-02427
Manning v. Boustred, 1:19-cv-02108
Burger v. El Paso School District #11, 1:16-cv-02036
Marks v. Colorado Department of Corrections, 1:14-cv-01577

I recused *sua sponte* from the following cases because they involved my wife's clients or the same or substantially related issues to those she was involved in:

Advance Colorado et al. v. Griswold, 1:23-cv-01999
Archer v. Griswold, 1:22-cv-02304
Sirio v. Polis, 1:25-cv-02790

I recused *sua sponte* in the following cases because a family member had a relationship with one of the parties or their counsel or could have potentially had an interest in the outcome of the case:

Tucker v. Faith Bible Chapel International, 1:19-cv-01652
Cranor v. State Farm Mutual Automobile Insurance Company, 1:23-cv-02113
Chancellor v. State Farm Mutual Automobile Insurance Company, 1:23-cv-02115
McMahon v. Breckenridge Grand Vacations, LLC, 1:20-cv-00754
Hartsfield v. Frontier Airlines, Inc., 1:23-cv-02093
Whittaker v. Roblox Corporation, 1:25-cv-02967
Cross v. United Airlines, Inc. dba United Airlines., 1:25-cv-00439
Cooley v. Ahmad, 1:25-cv-01898
Solis v. Ahmad, 1:25-cv-01887
Davis v. Nationwide Mutual Insurance Company, 1:25-cv-00941
Foston v. United Debt Settlement LLC, 1:24-cv-01709
Messick v. State Farm Mutual Automobile Insurance Company, 1:24-cv-01583
Smith v. Academy School District 20, 1:24-cv-00717
Blum v. Sams West Inc., 1:24-cv-00337
Weaver v. Realpage, Inc., 1:22-cv-03224
Casady v. Cherry Creek School District Board of Education., 1:21-cv-02542
Viscarelli v. Simone, 1:20-cv-01859

I recused *sua sponte* in these cases because of my relationship with counsel, a party, potential witness, or with a high-level official of a party or witness:

Campos v. University of Colorado, 1:23-cv-01615
Armstrong v. Colorado Seminary, 1:19-cv-00710
Weise v. Colorado Springs, Colorado, 1:17-cv-02696
Roe v. University of Colorado, 1:24-cv-02576
Estate of Jeffrey Melvin v. City of Colorado Springs, Colorado, 1:20-cv-00991
Adkins v. City of Colorado Springs, 1:20-cv-01022
Milestone Academy v. Douglas County School District, 1:20-cv-02927
Tivis v. City of Colorado Springs, 1:19-cv-00867
Chang v. Outer Range, Inc., 1:24-cv-00397
Elder v. City of Pueblo, 1:22-cv-00460
Knox v. Bishop-Dalton, 1:19-cv-02923
Sternal v. Sun Trust Mortgage, Inc., 1:19-cv-01454
Wilson v. Pauling, 1:19-cv-01224
Slater Park Land and Livestock, LLC v. U.S. Army Corps of Engineers, 1:19-cv-00644
USA v. Real Property located at 640 Leo Lane, Thornton, Colorado, 1:18-cv-02734
Lehman v. McKinnon, 1:18-cv-00952

I recused *sua sponte* in these cases because they sought immediate relief while I was awaiting advice from the ethics office about whether I should handle similar matters:

Dishon v. Trump, 1:25-cv-03640
Correa v. Baltazar, 1:25-cv-03741
Tumax Caniz v. Warden, 1:25-cv-03969
Garcia Guzman v. Guadian, 1:25-cv-04002
Rodriguez-Talados v. Noem, 1:26-cv-00113
Aranda Garcia v. Bondi, 1:26-cv-00184
Martinez Cruz v. Noem, 1:26-cv-00312
Lara Mejia v. Baltazar, 1:26-cv-00385
Vega Caceres v. Baltazar, 1:26-cv-00763

I initially declined to recuse in these cases, but when the complaint's allegations were broadened to include a number of individuals I had worked with, I did recuse:

SEALED, 1:25-cv-00190
Gregory v. Colorado Judicial Discipline Rulemaking Committee, 1:25-cv-03361

I agreed to recuse in this case when asked because one party was represented by a recently departed law clerk:

Harvest Worship Center v. Resound Church, 1:22-cv-02285

In the following cases, a party asked me to recuse, but I declined because the request was based on disagreements with my rulings rather than any actual or reasonably perceived bias:

Melnick v. Gamblin, 1:20-cv-02284
Villecco v. Barela, 1:21-cv-02176
Melnick v. Marlow, 1:21-cv-03316
USA v. Villafuerte, 1:22-cr-00222
Saxena v. Law Offices of Tray Stephany, 1:22-cv-00212
Saxena v. Kunze, 1:22-cv-00573
Saxena v. Corinth, 1:22-cv-01733
Villecco v. Barela, 1:22-cv-02403
Serna v. Board of County Commissioners of the County of El Paso, 1:22-cv-02998
Saxena v. Hall, 1:22-cv-03060
Saxena v. Jackson, 1:23-cv-00213
Serna v. City of Colorado Springs, 1:23-cv-00728
Villecco v. Spesshardt, 1:23-cv-01265
Villecco v. Spesshardt, 1:23-cv-02029
Valentine v. Commissioner, Social Security Administration, 1:24-cv-00057
Villecco v. Spesshardt, 1:24-cv-02154
Villecco v. Haavind, 1:24-cv-02483
Villecco v. Haavind, 1:24-cv-02702

Villecco v. Kennedy, 1:25-cv-00072
Villecco v. Kennedy, 1:25-cv-00238
Villecco v. Barela, 1:25-cv-00675
Villecco v. Barela, 1:25-cv-00738
Villecco v. Barela, 1:25-cv-00770
Mosher v. Federal Bureau of Prisons, 1:26-cv-00075

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.

Solicitor General of Colorado (2006 – 2015); appointed by Attorney General John Suthers in 2006.

Special Assistant to the Solicitor, Department of the Interior (2005 – 2006); appointed by Secretary Gale Norton in 2005.

I have not run for public office or had any unsuccessful nomination for office.

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

Intern/Assistant, Dole for President, Dole/Kemp '96, Iowa/Washington, D.C. (1995 – 1996).

Counsel, Thune for Senate, South Dakota (2004).

I provided legal advice to assist a local school board candidate, Katie Heard-Price, get access to the ballot in 2015.

As an associate at Hogan & Hartson, I assisted the Beauprez for Congress campaign and the Colorado Republican Party with recount activities in 2002.

In 2006 and 2010, I volunteered a few hours of time to provide advice to Attorney General Suthers's campaign, and did the same in 2014 for Attorney General Cynthia Coffman's campaign.

On a number of occasions, my wife and I have been listed on fundraising event "host committees." I also have discussed the campaigns my wife has worked on over the years with her, though I had no formal role other than as described above.

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 2003 to 2004, I served as a law clerk to the Honorable Timothy M. Tymkovich, Circuit Judge of the United States Court of Appeals for the Tenth Circuit.

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

2015 – 2019
Kittredge LLC
14143 Denver West Parkway, Suite 100
Golden, Colorado 80401

- 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;

2019 – present
United States District Court, District of Colorado
Alfred A. Arraj United States Courthouse
901 19th Street
Denver, Colorado 80294
District Judge

2022
University of Colorado School of Law
2450 Kittredge Loop Drive
Boulder, Colorado 80309
Adjunct Professor

2010 – 2019
University of Denver Sturm College of Law
2255 East Evans
Denver, Colorado 80210
Adjunct Professor

2006 – 2015
Colorado Department of Law
1300 Broadway

Denver, Colorado 80202
Solicitor General

2005 – 2006
U.S. Department of the Interior
1849 C Street, NW
Washington, District of Columbia 20240
Special Assistant to the Solicitor

2004
Thune for Senate
101 North Phillips Avenue, Suite 402
Sioux Falls, South Dakota 57104
Counsel

2000 – 2003
Hogan & Hartson LLP (now Hogan Lovells).
1601 Wewatta Street, Suite Suite 900
Denver, Colorado 80202
Associate

- 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.

After law school and passing the bar in 2000, I worked as an associate at Hogan & Hartson, now Hogan Lovells. As a junior lawyer I participated in a wide variety of legal work, ranging from venture capital financing and corporate formation to due diligence for mergers and acquisitions to reviewing pleadings and document review for major litigation and researching and drafting portions of briefs. I worked out of offices in Denver and Boulder, but also spent significant amounts of time on due diligence and document review projects in New York, Washington, D.C., and California.

In 2003, I became a clerk to Judge Tymkovich when he took his seat on the Tenth Circuit. In addition to traditional clerk duties, I had the honor of helping Judge Tymkovich transition to the bench.

After my clerkship ended in 2004, I worked briefly for now-U.S. Senator John Thune's campaign in South Dakota. This work consisted of working with local and national counsel on compliance matters, election day preparation, and litigation.

Between 2005 and 2006, I helped advise the Secretary of the Interior and other department officials on a wide range of legal matters as Special Assistant to the Solicitor at the Department of the Interior. These included federal lands questions for the Bureau of Land Management, Endangered Species Act matters, oil and gas, water law and policy, national monuments and Indian affairs. I also worked with the Department of Justice on various matters in litigation.

In 2006, I returned to Colorado to become Solicitor General, where I oversaw major litigation for the state, its officers, and its agencies. Issues included constitutional law, separation of powers, federalism, individual rights, criminal law and procedure, tax, natural resources, and others. I argued multiple cases including in the U.S. Supreme Court, Tenth Circuit, Colorado Supreme Court, and trial courts. I also reviewed regulations for legal compliance, advised the Attorney General, Governor, Secretary of State, and Treasurer and other state officials on legal and constitutional questions. I also served as the Attorney General's designee to the Colorado Title Setting Board, which reviews proposed citizen initiatives and drafts the language describing the initiatives appearing on official ballots.

After leaving the Attorney General's office in 2015, I founded Kittredge LLC. My practice was approximately two-thirds litigating, including both appellate and trial work, and one-third providing general advice on regulatory issues or other areas such as the initiative and political processor election law.

Since 2019, I have been a federal district judge.

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

As an associate at Hogan & Hartson, between 2000 and 2003, I worked with a wide variety of clients, including start-up firms, private equity investors, and large businesses, such as IBM. I did not specialize at that time.

As a clerk I worked on the full range of issues as they came before the court of appeals.

In 2004, as counsel to the Thune campaign, I specialized in election law and related issues.

At the Interior Department in 2005 and 2006, I worked on a wide range of matters, particularly administrative law and public lands and environmental

questions.

From 2006 to 2015, while serving as Solicitor General of Colorado, I worked for state agencies and officials on different matters, including litigation, regulatory review, administrative law, public private partnerships, state-federal relations, and multi-state litigation.

From 2015 to 2019, my clients included small businesses, entrepreneurs, school districts, and non-profit associations. I did not have a subject-matter specialty, though I focused on major litigation and appeals, as well as helping clients navigate the intersection of law, public policy, and business.

Since 2019, I have been a judge and do not have clients or a specialization.

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.

From 2000 to 2003, approximately 30 percent of my practice involved litigation, with no appearances in court. In 2004, at Thune for Senate, approximately one-third of my work involved litigation, none of it requiring my appearance in court, although I did advise others who were in court on at least two matters that I recall. Between 2005 and 2006, approximately 30 to 40 percent of my work involved working on litigation for various Interior Department entities, though I did not appear. As solicitor general between 2006 and 2015, approximately 70 percent of my work was litigation and I appeared in court fairly frequently. From 2015 to 2019, approximately two-thirds of my work was in litigation. Since becoming a judge, my caseload is entirely litigation.

i. Indicate the percentage of your practice in:

- | | | |
|----|--------------------------|-----|
| 1. | federal courts: | 75% |
| 2. | state courts of record: | 25% |
| 3. | other courts: | 0% |
| 4. | administrative agencies: | 0% |

ii. Indicate the percentage of your practice in:

- | | | |
|----|-----------------------|-----|
| 1. | civil proceedings: | 75% |
| 2. | criminal proceedings: | 25% |

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.

In practice, I supervised and managed scores of cases that went to final decision. I served as chief counsel in dozens of cases, generally at the appeal stage, and never as sole

counsel.

- i. What percentage of these trials were:
 1. jury: 0%
 2. non-jury: 100%

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

I twice presented oral argument to the Supreme Court of the United States:

Wood v. Milyard, No. 10-9995. Briefs and transcript supplied.
Direct Marketing Association v. Brohl, No. 13-1032. Briefs and transcript supplied.

I also served as co-counsel in the following cases that proceeded to argument:

Kansas v. Colorado, No. 105, Original (2008). Filings supplied.
Kansas v. Nebraska & Colorado, No. 126, Original (2014). Filings supplied.
Texas v. New Mexico, No. 220141 (2013). Briefs supplied.
Andrew F. v. Douglas County School District RE-1, No. 15-827. Brief supplied.

I was counsel of record for Colorado in the following case until I left office in early 2015:

Oklahoma & Nebraska v. Colorado, No. 220144, Original (2014).

I filed a petition for a writ of certiorari that led to the Court granting, vacating, and remanding a Tenth Circuit decision in the following case:

Hickenlooper v. Kerr, No. 14-460. Briefs supplied.

I filed a petition for a writ of certiorari that was denied in the following case:

Align Corp. Ltd. v. Boustred, No. 17-1227. Briefs supplied.

I was counsel of record in the following cases in which we filed either a waiver or a brief in opposition to a petition for a writ of certiorari, and the Court did not take up the case:

Tarrant Regional Water District v. Herrmann, No. 11-889. Brief supplied.
Pickering v. Colorado, No. 11-870. Brief supplied.
Scott v. Ulrich, No. 10-6017.
Youngs v. Industrial Claim Appeals Office, No. 10-273
Aviado v. Industrial Claim Appeals Office, No. 10-54
Curious Theatre Co. v. Colorado Department of Public Health and Environment, No. 09-1118
Al-Turki v. Colorado, No. 09-700. Brief supplied.

McKinney v. Board of Medical Examiners of Colorado, No. 09-698
Independence Institute v. Buescher, No. 09-265. Brief supplied.
Penk v. Coffman, No. 08-10899.
Fabiano v. Wilmes, No. 06-1043.
Mandy R. v. Ritter, No. 06-1002. Brief supplied.
Allen v. Reed, No. 05-9470. Brief supplied.
McLane Western, Inc. v. Colorado Department of Revenue, No. 05-1294. Brief supplied.

I was counsel of record to amicus in the following cases:

Smith v. Bishop, No. 14-136 (representing *amici* Colorado, *et al.*). Brief supplied.
Herbert v. Kitchen, No. 14-124 (representing *amici* Colorado, *et al.*). Brief supplied.
Alaska v. Jewell, No. 13-562 (representing *amici* Colorado, *et al.*). Brief supplied.
Friends of the Everglades v. South Florida Water Management District, Nos. 10-196, 10-252 (representing *amici* Colorado, *et al.*). Brief supplied.
Pottawattamie County, Iowa v. McGhee, No. 08-1065 (representing *amici* Colorado, *et al.*). Brief supplied.
Jones v. Jennings, No. 07-654 (representing *amici* Colorado, *et al.*). Brief supplied.
City of New York, New York v. Catskill Mountains Chapter of Trout Unlimited, Ltd., No. 06-729 (representing *amici* Colorado, *et al.*). Brief supplied.
Reichle v. Howards, No. 11-262 (representing *amici* Colorado, *et al.*). Brief supplied.
Washington v. Washington Education Association, No. 05-1657 (representing *amici* Colorado, *et al.*). Brief supplied.

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. *Direct Marketing Ass'n v. Brohl*, 575 U.S. 1 (2015) (Representation: 2010 – 2015)

The Direct Marketing Association, a trade group of internet and mail retailers, brought a variety of constitutional claims against a Colorado law that requires retailers that do not collect sales taxes to inform their customers of the state's requirement that customers pay the tax and to provide the state and the customer with certain tax-related information. As it reached the Supreme Court, the issue was limited to whether such a suit could be

brought in federal court or was barred by the Tax Injunction Act. I represented the defendant, Barbara Brohl, the executive director of Colorado's Department of Revenue. I was part of the team that litigated the case from its inception until I left office in 2015, and presented argument to the Supreme Court on December 8, 2014. The Court held that the Tax Injunction Act did not bar the suit.

Co-counsel to Barbara Brohl:

Melanie Snyder (then Deputy Attorney General)
General Counsel, Regional Transportation District
1660 Blake Street
Denver, Colorado 80202
(303) 299-6000

Claudia Brett Goldin (then First Assistant Attorney General)
Catholic Charities
228 North Cascade Avenue
Colorado Springs, Colorado 80903
(719) 636-2345

Hon. Grant Sullivan, (then Assistant Solicitor General)
Colorado Court of Appeals
1300 Broadway, Suite 1200
Denver, Colorado 80203
(720) 625-5000

Stephanie Scoville, Assistant Attorney General
Office of the Attorney General
1300 Broadway, Seventh Floor
Denver, Colorado 80203
(720) 508-6000

Michael Francisco (then Assistant Solicitor General)
First & Fourteenth PLLC
2 North Cascade Avenue, Suite 1430
Colorado Springs, Colorado 80903
(303) 325-7843

Counsel to Direct Marketing Association:

George Isaacson
Brann & Isaacson
184 Main Street, Post Office Box 3070
Lewiston, Maine 04243
(207) 786-3566

2. *Wood v. Milyard*, 132 S. Ct. 1826 (2012) (Representation: 2011 – 2012)

I represented Warden Milyard, Respondent in this habeas action, solely before the Supreme Court in 2011-2012. The Petitioner challenged his state court murder conviction on various constitutional grounds, as the case reached the Supreme Court, the issues were limited to whether a federal court had authority to dismiss the case because it was not timely filed, even if the state had not argued it was untimely. The Court held that federal courts do have that authority in exceptional circumstances, but that where, as here, the state had affirmatively declined to argue that the case should be dismissed for this reason, the case should not have been dismissed. The case was argued February 12, 2012.

Co-Counsel to Respondent Milyard:

John Fuerst, First Assistant Attorney General
392 Granite Falls Way
Grand Junction, Colorado 81507
(720) 890-7660

John Seidel, Senior Assistant Attorney General
Office of the Attorney General
1300 Broadway
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3. *Hickenlooper v. Kerr*, No. 135 S. Ct. 2927 (2015); *Kerr v. Hickenlooper*, 744 F.3d 1156 (10th Cir. 2014) (Hons. Briscoe, Lucero, Seymour) (Representation: 2011 – 2015)

The plaintiffs in this case alleged that Colorado's Taxpayer's Bill of Rights, a state constitutional provision that, among other things, requires voters to approve any tax increase, violates the Article IV, section 4, of the U.S. Constitution, which obligates the United States to guaranty to every state a republican form of government. I represented the defendant, Governor John Hickenlooper, and supervised the litigation from its

inception until I left office in 2015, including arguing the case before the Tenth Circuit and filing a petition for certiorari in the U.S. Supreme Court in 2014. The Tenth Circuit held that the suit could proceed. The Supreme Court, shortly after I left office, granted our petition, vacated the Tenth Circuit's opinion, and remanded the case for further reconsideration. (The lower courts have subsequently dismissed the case, although I have not been involved since 2015.)

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4. *Lobato v. Colorado*, 218 P.3d 358 (Colo. 2009); 304 P.3d 1132 (Colo. 2013)
(Representation: 2008 – 2013)

The plaintiffs brought this case alleging that Colorado's education system, particularly its funding, violated the state constitution's provision mandating that the legislature create a thorough and uniform system of free public schools throughout the state. I supervised the litigation from approximately 2008 until its resolution in 2013, including arguing the initial case before the Colorado Supreme Court in 2008.

Co-Counsel to State Defendants:

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5. *Justus v. Colorado*, 336 P.3d 202 (Colo. 2014) (Representation: 2013 – 2014)

This case was brought by members of Colorado's public employee retirement system, PERA, challenging statutory changes to cost of living increases they contended they were entitled to receive. I represented the state defendants, and argued the case in the Colorado Supreme Court in June 2014. The court agreed with our position and upheld the changes to the formula.

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6. *Colorado Christian University v. Weaver*, 534 F.3d 1245 (10th Cir. 2008) (Hons. McConnell, Seymour, Holmes) (Representation: 2007 – 2008)

I handled this case for the state defendants after the district court's decision from approximately 2007 until the case was resolved, including arguing before the Tenth Circuit. The case was a First Amendment challenge to a Colorado statute that prevented the use of state funds (including scholarships) by students attending "pervasively sectarian" institutions. The Tenth Circuit ruled the statute was unconstitutional. The state eventually amended the statute to comply with the ruling.

Co-counsel to state defendants:

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7. *Colorado Outfitters Ass'n v. Hickenlooper*, No. 13-cv-1300 (D. Colo.) (J. Krieger)
(Representation: 2013 – 2015)

While solicitor general, I supervised the litigation of this Second Amendment challenge to Colorado laws limiting the number of rounds permitted in gun magazines and mandating expanded background checks for gun purchases. I represented the state defendants from the filing of the case in 2013 until I left office in 2015, particularly during the initial phases of the case, including the preliminary injunction hearing in July 2010.

Co-Counsel to State Defendants:

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8. *Denver Post Corp. v. Ritter*, 255 P.3d 1083 (Colo. 2011) (Representation: 2010 – 2011)

I supervised this litigation as solicitor general, and argued the case before the Colorado Supreme Court in April 2011. I represented Governor Bill Ritter, Jr., who was sued by the Denver Post and a reporter for refusing to turn over his personal cell phone bills under the Colorado Open Records Act. We argued that since the bills were paid by the governor and were not used by the state for any official purpose, they were not subject to the Act. The Supreme Court ultimately agreed with our position.

Co-Counsel to Governor Ritter:

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Counsel to Plaintiffs Denver Post Corp. et al.:

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9. *Auraria Student Housing at the Regency LLC v. Campus Village Apartments, LLC*, 843 F.3d 1225 (10th Cir. 2016) (Hons. Kelly, McKay, McHugh) (Representation: 2015 – 2016)

I represented the defendant in this case on appeal to the Tenth Circuit, from approximately May 2015 until the case was resolved in January 2016. The plaintiff in this case operates an apartment complex that markets itself to students at the Denver Auraria higher education complex. My client, Campus Village Apartments, was an entity created by the University of Colorado Real Estate Foundation to develop and operate a dormitory adjacent to that campus. The plaintiff sued under the Sherman Act, alleging that my client

and the University of Colorado had engaged in a “conspiracy to monopolize” under the Act by requiring certain first-year students to live in Campus Village. The plaintiff had prevailed at trial, but the Tenth Circuit agreed with our argument that the Sherman Act did not support the theory on which the claims were based, and vacated the judgment.

Co-Counsel to Campus Village Apartments, LLC:

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Michael Francisco (then Assistant Solicitor General)
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Counsel to Auraria Student Housing at the Regency:

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10. *Hill v. Williams*, Nos. 16-cv-2627, 16-cv-2649 (D. Colo.) (J. Arguello) (Representation: 2016)

This was a First Amendment challenge to a provision of Colorado law that made it a crime for a voter to show his or her marked ballot to any other person. I was co-counsel to the plaintiffs, citizens who wished to display their ballots on social media or otherwise. We obtained a preliminary injunction in district court. The Colorado legislature has subsequently amended the law to remove the enjoined statutory provision.

Co-Counsel to Plaintiffs Hill, et al.:

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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.)

Since 2019, I have been a federal district court judge, and I have served as chief judge since March 2026.

As solicitor general for approximately nine years, I was involved in a wide range of legal activities beyond the litigation matters listed above, generally in a supervisory role. Other litigation included arguing or supervising cases involving natural resources, such as state and local authority over the oil and gas permitting process, state versus local regulatory authority, governmental and qualified immunity, taxation of equipment used in electrical generation, school choice and charter schools, campaign finance, and the litigation over Colorado's definition of marriage. I also worked with Attorney General Suthers on the multi-state challenge to the portion of the Affordable Care Act, and on various other multi-state efforts through the National Association of Attorneys General, including reviewing amicus briefs and challenges to class action settlements.

I also was the Attorney General's designee on the state's Title Setting Board during my time as

solicitor general. That board hears proposals from citizens for initiatives to be placed on the state ballot each election, ensures the proposals meet the single subject requirement, and drafts the language that appears on the ballot. I was also delegated by the Attorney General's authority under Colorado's Administrative Procedure Act to provide the office's opinion as to the legality of any proposed rule or regulation. This enabled our office to help offer guidance to agencies. I also chaired the Department's Ethics Committee.

In private practice, among other clients, I have represented public school districts in a variety of matters. Among my clients was the Douglas County School District, which hired me to provide counsel while it was without an in-house general counsel. I also served as co-counsel to the district with lead counsel Neal Katyal during the Supreme Court proceedings in *Andrew F. v. Douglas County School District RE-1*, 580 U.S. 386 (2017).

While at the Interior Department, I worked on a wide range of issues, as reflects that department's purview, including public lands matters, the Endangered Species Act, and oil and gas leasing and royalty matters.

I have not participated in lobbying activities, other than in my official role as Solicitor General. In that role I testified on at least one occasion that I recall at the Colorado Legislature and attended hearings a number of other times with the Attorney General. I also frequently worked with other attorneys in the office to review potentially problematic bills or legislative proposals and when necessary to advise members of both the executive and legislative branches about constitutional or legal concerns caused by proposed legislation, and to offer suggested solutions.

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 copies to the committee.

In 2022, I taught Federal Courts at the University of Colorado School of Law. This is an advanced course that addresses issues such as federal jurisdiction, Article III vs. Article I courts, state-federal comity, standing, abstention, justiciability, and other matters relating to how and when federal courts can and do resolve cases or controversies. Syllabus supplied.

I have taught Advanced Constitutional Law at the University of Denver Sturm College of Law a number of times in the past, and expect to do so again in the future. This is a survey course covering individual constitutional rights—particularly the First, Second, Fifth, and Fourteenth Amendments. Syllabi supplied.

In the spring of 2014, I was the Distinguished Practitioner in Residence in the Natural Resources program at the University of Denver Sturm College of Law. In that role I led a seminar for law students focusing on natural resources law. The course emphasized the practical skills needed to succeed in the field, and brought in leading practitioners, advocates, clients, and policy makers to speak to the students. Syllabus supplied.

20. **Deferred Income/ Future Benefits:** List the sources, amounts and dates of all

anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

None.

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

I would be interested in teaching again, if time permits.

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

See attached Financial Disclosure Report.

23. **Statement of Net Worth:** Please complete the 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.

If confirmed, I will recuse in cases where I have had a role in representing or providing counsel to any of the parties, or where I preside or have presided as a district judge. If a potential conflict arose, either real or perceived, I would assess each potential conflict on a case-by-case basis, seeking input of the parties and counsel and would recuse where warranted. I will adhere to the Code of Conduct for United States Judges and would seek guidance in doing so.

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

If confirmed, I will continue to address any real or potential conflicts by adhering to 28 U.S.C. § 455, Canon 3 of the Code of Conduct for United States Judges, and any and all

other laws, rules, and practices governing 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.

Between 2000 and 2003, I participated in a number of pro bono legal projects, including assisting a disabled woman navigate the Social Security Insurance system and providing legal counsel to Habitat for Humanity for the development of a multi-unit housing project. I estimate that I spent 100 hours per year on these projects. As a government attorney, from 2003 to 2015, I had limited opportunities for other pro bono legal services. I did, however, do as much educational work as I could, including teaching courses, guest lectures, Constitution Day events, moot courts and mock trials, and the like. I also participated at times in a mentoring program for young lawyers and students.

After leaving state service and prior to becoming a judge, I provided discounted and free legal service to non-profit entities, including school districts. I also advised my wife, who serves as a member of the board of directors of Forward Steps, a group that serves foster children who are "aging out" of the system after age 18, without being adopted into a permanent family. I provided pro bono legal services to the American Institute for Avalanche Safety regarding pending litigation, and to a group of citizens seeking to increase access to quality education for poor and minority students. I have provided advice on an informal basis to individuals regarding foster care and adoption, disability protections, public accommodations laws, immigration law, governmental immunity, and the interaction of state and federal criminal law. I estimate that these efforts totaled approximately 190 hours.

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.

There is no selection commission for this position. In early March of this year, I was contacted by the White House Counsel's Office to arrange an interview for this position. I then had limited email and phone correspondence with officials in that office to arrange the logistics and timing of the interview, and I emailed them a resume and list of significant cases. I interviewed with a number of people from the Counsel's Office on March 23, 2026. I then sent thank you notes electronically and by physical mail. On May

8, 2026, I received a call from the President informing me I would be nominated. I subsequently received calls from Counsel's Office and Justice Department staff to discuss next steps. My official nomination was announced May 11 and submitted to the Senate on May 12. I have since been in communication with individuals in the Department of Justice regarding the nomination process, including this questionnaire and other information required to be provided.

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.

AFFIDAVIT

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

May 23, 2026
(DATE)

[Signature]
(NAME)



[Signature]
(NOTARY)