

Jason Krause, *Rockin' Out the E-Law: A Few Federal Judges Are Becoming Stars as They Create New E-Discovery Rules*, ABA JOURNAL, July 2008. Copy supplied.

Jason Krause, *E-Discovery Tips from the Bench*, LAW TECHNOLOGY NEWS, Jun 16, 2008. Copy supplied.

Brendan Kearney, *Discovery Rules, With a Dramatic Flair at Maryland State Bar Association's Annual Meeting*, MD. DAILY REC., June 12, 2008. Copy supplied.

Brendan Kearney, *How Maryland Law Firms Are Coping In the Era of E-Discovery*, MD. DAILY REC., Jan. 28, 2008. Copy supplied.

In 2007 or 2008, I gave an interview to a television station in Seoul, Korea on how the American legal system handles security and privacy issues related to the discovery of electronically stored information. I do not have any additional information on this interview, nor have I been able to obtain a clip or transcript of the interview.

Matthew Dolan, *Bromwell Given a New Lawyer: Court Appoints Free Counsel to Former State Senator Facing Federal Racketeering Charges*, BALT. SUN, Apr. 3, 2007, at 3B (quote reprinted in multiple outlets). Copy supplied.

Paul Mark Sandler, *The World of a U.S. Magistrate Judge: An Interview with Paul W. Grimm*, MD. DAILY REC., Jan. 26, 2007. Copy supplied.

Brent Jones, *Close to Accord, City Razes 1 Unit*, BALT. SUN, Oct. 27, 2006, at 3B. Copy supplied.

Ann W. Parks, *Group Takes Global Diplomacy to the Law-Firm Level in Baltimore*, MD. DAILY REC., Sept. 27, 2006. Copy supplied.

Caryn Tamber, *Experts Say Too Many Attorneys Are Unaware of "Data Integrity" Issue in Records Management*, MD. DAILY REC., Apr. 7, 2006 (reprinted in multiple outlets). Copy supplied.

Matthew Dolan, *Quiet Farm Jarred by Meth Charges*, BALT. SUN, July 21, 2005, at 1B. Copy supplied.

Tricia Bishop, *Tracking Down Digital Smoking Guns*, BALT. SUN, Dec. 5, 2004, at 1C (reprinted in multiple outlets). Copy supplied.

Peter Geier, *Members of Legal Community Take Time Out for Military Service*, MD. DAILY REC., Feb. 4, 2003. Copy supplied.

Seana Kelly-Coffin, *The Verdict Is In: Towson Courts Win*, TOWSON TIMES, Apr. 24, 2002. Copy supplied.

Recommendation for Recovering Fees, TESTIFYING EXPERT, Apr. 1996. Copy supplied.

Maryland District Court Considering Discovery Guidelines to Protect Treating Physicians, TESTIFYING EXPERT, July 1995. Copy supplied.

Alex Friend, *State Litigators Watching as Arbitration Zooms as Fastest Growing Legal Trend*, WARFIELD'S BUS. REC., Nov. 6, 1992, at 21. Copy supplied.

Michelle Singletary, *Arbitrator to Resolve Dispute over Repairs at Condominium*, BALT. SUN, Feb. 19, 1991. Copy supplied.

Meg Fletcher, *Courts Order Broke Insurers to Pay Feds First*, BUS. INS., Oct. 3, 1988, at 1. Copy supplied.

David Conn, *US Court Ruling Narrows Scope of McCarran Act*, J. COMMERCE, May 26, 1988, at 17A. Copy supplied.

Keith F. Girard & Molly Sinclair, *Executive Enjoyed Success as He Skidded Toward Failure*, WASH. POST, Feb. 9, 1986, at A1. Copy supplied.

The above list of interviews has been assembled from those records that I have retained and from public database and Internet searches. However, it is likely that I also gave interviews that I have been unable to recall or identify.

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.

United States Magistrate Judge (1997 – 2006), Chief United States Magistrate Judge (2006 – Present), United States District Court for the District of Maryland. These positions were appointed. The jurisdiction and powers of United States Magistrate Judges are set forth principally at 28 U.S.C. § 636 and Local Rule 301 of the U.S. District Court for the District of Maryland. As a Magistrate Judge, I am responsible for handling routine criminal matters (such as issuing search warrants, conducting preliminary criminal proceedings, and presiding over misdemeanor criminal cases). I am also responsible for handling civil cases, where I preside over bench and jury trials (with the consent of the parties), conduct settlement conferences, and resolve discovery disputes and other non-dispositive matters at the referral of United States District Judges.

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

I do not have the records available to provide a precise estimate to this question. However, in the nearly 15 years that I have been a United States Magistrate Judge, I estimate that I have presided over approximately 50 civil trials, and approximately 150 criminal trials of varying lengths, all misdemeanors.

i. Of these, approximately what percent were:

jury trials	40%
bench trials	60%
civil proceedings:	35%
criminal proceedings:	65%

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

See attached list.

c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature 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 (3) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

1. *Bandurchin v. Staples*, PWG-06-0842 (2010). This was a wrongful discharge case that was tried before me and a jury. Plaintiff, an employee of Staples for several years, one day noticed two men shipping packages at Staples under circumstances that she thought were suspicious, such as the fact that one of the boxes had a Best Buy sticker on it. Suspecting that the merchandise may have been stolen, plaintiff reported her suspicions to her supervisors, a police officer, and Best Buy representatives. When Staples management learned that plaintiff had reported her suspicions to the police and Best Buy, they terminated her employment because they viewed what she had done as a violation of company policies to protect against disclosure of confidential customer information. Plaintiff claimed that Staples' termination of her employment was wrongful, implicating important public policy considerations. Following a three-day jury trial, a defense verdict was returned. No appeal was filed.

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Counsel for Defendant Staples:

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2. *Mecco, Inc. v. Capital Hardware Supply, Inc.*, PWG-05-0540 (2007) (unpublished memorandum opinion explaining my ruling from the bench that an interpleader defendant was entitled to interpleaded funds; copy supplied). This was an interpleader case that was tried before me without a jury. A mechanical contractor interpleaded funds owed to an insolvent sheet metal subcontractor. A bank and the Internal Revenue Service filed claims to the interpleaded funds. Following a bench trial, I ruled from the bench (followed by a written memorandum and order) that the bank, a secured creditor, had priority to the funds over the IRS. The IRS filed an appeal, which was later withdrawn.

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Counsel for Defendant Internal Revenue Service:

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Counsel for Defendant Colombo Bank:
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3. *Darden v. Housing Authority of Baltimore*, No. PWG-06-0216, 2006 WL 3231964 (D. Md. Nov. 7, 2006) (memorandum opinion granting plaintiff's motion for summary judgment). This was a Title VII action brought by a housing inspector against the Mayor and City Counsel of Baltimore, among others, alleging race-based discrimination in connection with a decision not to give plaintiff a promotion he had sought. In a written memorandum opinion and separate order, I granted summary judgment for the defendants. The plaintiff did not appeal.

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Counsel for Defendant Housing Authority of Baltimore City:
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4. *United States v. Horn*, 185 F. Supp. 2d 530 (D. Md. 2002) (opinion resolving evidentiary issue). The defendant, who was charged with driving while intoxicated on a federal military installation, challenged the admissibility of standard field sobriety tests, arguing that the tests violated Federal Rule of Evidence 702 and *Daubert v. Merrell Dow Pharmaceuticals*, 509 U.S. 579 (1993). Following a multiple-day *Daubert* hearing, defendant's motion to suppress evidence was granted in part and denied in part, and I issued a published opinion that comprehensively analyzed the evidentiary issues in the case.

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5. *Piselli v. 75th Street Medical*, PWG-98-2416 (2000) (unpublished memorandum, unpublished order; copies supplied). Parents of a minor child brought a medical malpractice claim against a medical clinic for failing to diagnose properly a serious leg injury, resulting in permanent injuries. The case was unusual because there was a significant statute of limitations defense under a Maryland statute that imposed a shorter limitations period for claims by minors against medical providers than applied for claims by minors against other tortfeasors. I denied defense motions for summary judgment without prejudice, and the case proceeded to a five-day jury trial, during which defendants moved for judgment as a matter of law, which I granted in part and denied in part. The trial resulted in a verdict for the minor child and his parents against 75th Street Medical, but not against the individual defendant, Dr. Yarborough. However, I then entered judgment for both defendants on the basis that Md. Code Ann., Cts. & Jud. Proc. § 5-109 barred plaintiffs' claims. I denied plaintiffs' motion to alter or amend judgment, and they appealed. Defendants cross-appealed. The Fourth Circuit certified to the Maryland Court of Appeals "the question of whether, when a claim is brought by parents on behalf of a child who was injured before reaching age eleven, the three-year statute of limitations of section 5-109(a)(2) begins to accrue upon discovery of the injury by the child or upon discovery of the injury by the parents." *Piselli v. 75th St. Medical, P.A.*, 12 Fed. App'x 138, 140 (4th Cir. 2001). The Maryland Court of Appeals held that the statute was unconstitutional as a violation of the Maryland Declaration of Rights, *Piselli v. 75th St. Medical, P.A.*, 808 A.2d 508, 524 (Md. 2002), and therefore the minor's claim was timely, *id.* at 526. On that basis, the Fourth Circuit reversed my judgment and remanded the case to me for further proceedings in light of the decision of the Court of Appeals. *Piselli v. 75th St. Medical, P.A.*, 51 Fed. App'x 115 (4th Cir. 2002). Following a hearing, I denied defense motions for judgment as a matter of law and a new trial, and I upheld the jury verdict. 75th Street Medical appealed, but the Fourth Circuit dismissed the appeal.

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6. *Samuel v. Ford Motor Co.*, No. PWG-96-2155 (2000). Published Preliminary Rulings: *Samuel v. Ford Motor Co.*, 96 F. Supp. 2d 491 (D. Md. 2000) (memorandum & order granting defendant's motion in limine), *aff'd*, *Berger v. Ford Motor Co.*, 95 Fed. App'x 520 (4th Cir. 2004); *Samuel v. Ford Motor Co.*, 112 F. Supp. 2d 460 (D. Md. 2000) (memorandum & order denying plaintiff's motion for a new trial), *aff'd*, *Berger v. Ford Motor Co.*, 95 Fed. App'x 520 (4th Cir. 2004). This was a products liability suit against the manufacturer of the 1993 Ford Aerostar, a minivan. Plaintiffs, the driver and passengers of an Aerostar, were seriously injured when defendant Hamilton's vehicle struck the Aerostar and it rolled over; two other passengers were killed. Based on the Aerostar's alleged propensity to roll over, plaintiffs brought claims against defendant Ford Motor Co., including design defect and failure to warn, under strict liability and negligence theories, and breach of warranty. During a 23-day trial, I dismissed plaintiffs' failure to warn claims. At the close of trial, the jury returned a defense verdict on the remaining claims. The verdict was affirmed on appeal.

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7. *Torrence v. City of Annapolis*, MJG-97-497 (1999) (unpublished judgment). A city police officer brought a Title VII claim against the City alleging race-based employment discrimination, including constructive discharge. Judge Marvin J. Garbis granted defendant's motion to dismiss Counts VII - XI of the complaint and then referred the case to me for all proceedings. I granted defendant's motion for summary judgment as to Counts V and VI, but denied it as to the first four counts, which were tried before me and a jury. Following a five-day jury trial, a defense verdict was returned. No appeal was filed.

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8. *Jackson v. Morgan*, No. WMN-95-0271 (PWG) (1999), *rev'd*, 19 Fed. App'x 97 (4th Cir. 2001), *cert. denied*, 535 U.S. 970 (2002). (I wrote a

Memorandum Opinion in this case denying defendants' motion for judgment as a matter of law, but it was not retained in the case file, and I do not have a copy of it.) This was a 42 U.S.C. § 1983 civil rights suit brought by a formerly incarcerated inmate, alleging that staff at the correctional center where he was detained had used malicious excessive force against him in violation of his Eighth Amendment rights when they repeatedly sprayed him with pepper spray, struck him in the head when he was handcuffed, and placed him into an isolation cell. Following a six-day trial, the jury found for the plaintiff and awarded nominal compensatory damages, as well as punitive damages. The verdict was reversed on appeal, with the Fourth Circuit holding that the injuries sustained by the inmate from being placed into the isolation cell were *de minimus*. One judge dissented from the reversal.

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9. *Pounds v. Bd. of Trustees*, No. CCB-96-3977 (PWG) (1998), *aff'd*, 215 F.3d 1320 (Table), 2000 WL 655936 (4th Cir. 2000). This was an employment discrimination claim brought under Title VII, 42 U.S.C. § 2000(e), 42 U.S.C. § 1981, and 42 U.S.C. § 1983 by the Vice President and Dean of a community college against the President and Board of Trustees of the college, alleging that her employment was not renewed on account of her race. Following a nine-day jury trial, a defense verdict was returned, with the jury finding that the plaintiff was not performing her job at a satisfactory level when she was terminated. The verdict was affirmed on appeal.

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10. *Briggs v. Dalkon Shield Claimants Trust*, No. K-85-293 (PWG) (1997). *Briggs v. Dalkon Shield Claimants Trust*, 174 F.R.D. 369 (D. Md. 1997) (resolving preliminary non-dispositive issue regarding the defendant's "waiver of proof"). This was a case against the manufacturer of the Dalkon Shield intrauterine device filed by a woman who alleged injuries resulting from use of the product. The plaintiff asserted negligence, strict liability, and fraud and misrepresentation causes of action against the defendant, who denied the allegations and asserted a variety of affirmative defenses, including statute of limitations, assumption of the risk, proper design, and proper discharge of the duty to warn. Following a nine-day jury trial, a defense verdict was returned. No appeal was filed.

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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. *Victor Stanley, Inc. v. Creative Pipe, Inc.*, 269 F.R.D. 497 (D. Md. 2010).

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Counsel for Defendants Creative Pipe, Inc. and Pappas:
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2. *Mancia v. Mayflower Textile Servs. Co.*, 253 F.R.D. 354 (D. Md. 2008).

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3. *Lorraine v. Markel Am. Ins. Co.*, 241 F.R.D. 534 (D. Md. 2007).

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4. *Hopson v. Mayor & City Council of Baltimore*, 232 F.R.D. 228 (D. Md. 2005).

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5. *Thompson v. U.S. Dep't of Hous. & Urban Dev.*, 219 F.R.D. 93 (D. Md. 2003).

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6. *United States v. Horn*, 185 F. Supp. 2d 530 (D. Md. 2002).

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7. *Behler v. Hanlon*, 199 F.R.D. 553 (D. Md. 2001).

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8. *Samuel v. Ford Motor Co.*, 96 F. Supp. 2d 491 (D. Md. 2000).

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9. *Nutramax Labs. v. Twin Labs.*, 183 F.R.D. 458 (D. Md. 1998).

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10. *Malina v. Balt. Gas & Elec. Co.*, 18 F. Supp. 2d 596 (D. Md. 1998).

Counsel for Plaintiff Malina:
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Counsel for Defendant Balt. Gas & Elec. Co.:
Marc K. Sloane

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

Jackson v. Morgan, No. WMN-95-271, *rev'd*, 19 Fed. App'x 97 (4th Cir. 2001). This case involved a claim brought by a former state inmate raising § 1983 civil rights claims against prison officials for using excessive force in violation of his Eighth Amendment right to be free from cruel and unusual punishment. The case was tried to a jury, and I presided. The trial lasted six days, at the end of which the jury returned a verdict in favor of plaintiff and awarded both compensatory and punitive damages against defendants. The defendants appealed, and the Fourth Circuit, concluding that the plaintiff suffered only *de minimus* injuries, reversed. The United States Supreme Court denied certiorari. *Jackson v. Morgan*, 535 U.S. 970 (2002).

- 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.

Victor Stanley, Inc. v. Creative Pipe, Inc., 269 F.R.D. 497 (D. Md. 2010). This case was referred to me for discovery, and I addressed plaintiff's motion for sanctions for defendants' spoliation of evidence. I recommended that the Court enter a default judgment on the copyright infringement count, grant plaintiff's motion for injunctive relief on that count, and deny plaintiff's motion for default judgment without prejudice as to all other counts. Judge Garbis adopted my recommendations in full. Sept. 30, 2010 Order, ECF No. 381 (copy supplied). Additionally, I ordered defendant Pappas to pay monetary sanctions and stated that defendant's actions would be treated as contempt of Court, for which he would be imprisoned for a limited period of time, unless and until he paid the monetary sanctions. Defendants appealed the imprisonment order only, and "the Court d[id] not find it appropriate to Order Defendant Pappas incarcerated for a future possible failure to comply with his obligation to make payment of an amount to be determined in the course of further proceedings." Nov. 1, 2010 Order at 3-4, ECF No. 397 (copy supplied). Nonetheless, Judge Garbis cautioned that "if Defendant Pappas should fail to comply with a specific payment order, the Court may issue an order requiring him to show cause why he should not be held in civil contempt for failure to comply with that payment order," and that, "under appropriate circumstances, criminal contempt proceedings might be considered." *Id.* at 4.

Kennedy v. Villa St. Catherine's, Inc., 709 F. Supp. 2d 404 (D. Md. 2010), *rev'd in part sub nom. Kennedy v. St. Joseph's Ministries, Inc.*, 657 F.3d 189 (4th Cir. 2011). This case involved an employee's claims for religious harassment, retaliatory discharge, and discriminatory discharge. Defendant moved for summary judgment, and I granted defendant's motion as to the count for discriminatory discharge, but denied it as to the counts for religious harassment and retaliatory discharge. I concluded that it was permissible for defendant, as a religious institution, to terminate plaintiff's employment based on her religion, as plaintiff alleged in her discriminatory discharge claim. On the other claims, I reasoned that the statutory exception that permitted religious institutions to discriminate only permitted discrimination in employment decisions and did not permit harassment, which did not qualify as an employment decision. Therefore, I concluded that plaintiff had stated claims for religious harassment and retaliatory discharge, without deciding whether, on the facts of the case, either religious harassment or retaliatory discharge had occurred. I certified this issue for interlocutory appeal, and defendant appealed. The Fourth Circuit considered whether I had erred in denying summary judgment as to the religious harassment and retaliatory discharge claims, and it reversed. It reasoned that the term "employment" in the applicable statute encompassed more than "hiring and firing decisions." *Kennedy*, 657 F.3d at 193. Judge King dissented on the ground that the appeal was improvidently granted.

Laborers' Dist. Council Pension Fund v. E.G.S., Inc., No. WDQ-09-3174, 2010 WL 1568595 (D. Md. Apr. 16, 2010). I recommended that the Court grant plaintiffs' motion for default judgment, award damages, grant injunctive relief, and grant plaintiffs attorney's fees, but in a lesser amount than requested. *Id.* at *6. With regard to attorney's fees, I reasoned that the requested amount unreasonably exceeded the Court's Rules and Guidelines for Determining Attorneys' Fees in Certain Cases. *Id.* Judge Quarles adopted all of my Report and Recommendation, with the exception of the amount of the award of attorney's fees. April 22, 2010 Order 3, ECF No. 16 (copy supplied). Judge Quarles noted that in their objection to my Report and Recommendation, unlike in their motion for default judgment, plaintiffs had cited to two cases in which the Court awarded fees to the same attorney based on rates of \$320 and \$295 per hour, respectively. *Id.* at 2. On that basis, Judge Quarles found that the \$300 per hour rate was reasonable. *Id.*

Nicholson v. Astrue, WDQ-06-1948. I recommended that the Court grant the Commissioner's motion to dismiss for lack of subject matter jurisdiction, reasoning that, because there had not been a hearing before an Administrative Law Judge or a "final decision," and because "the Claimant ha[d] not established the existence of a colorable constitutional claim," the Claimant had not exhausted her administrative remedies or "identified a basis for this Court to have subject matter jurisdiction to hear her appeal." March 6, 2007 Report & Recommendation 4-6, ECF No. 18 (copy supplied). The Claimant filed an objection to the Report and Recommendation, arguing that the Administrative Law Judge's "dismissal

was without intervening notice to the [Claimant] and thus violated her right to due process.” April 2, 2007 Order 4, ECF No. 24 (copy supplied). Judge Quarles agreed that “there was no final decision after a hearing” and that Claimant did not present me with a valid argument for an exception to the requirement of a final decision following a hearing. *Id.* at 6. He explained that “based only on the counter-arguments presented by the [Claimant] prior to the Report, the magistrate judge’s conclusion that the [Claimant’s] claims fail to qualify for an exception to the exhaustion requirements of 42 U.S.C. § 405(g), and the Court thus lacks jurisdiction to review the Agency’s decision, would be correct.” *Id.* at 7. However, the Claimant raised “a colorable constitutional challenge” in her objection, namely that her due process rights were violated. *Id.* On that ground, Judge Quarles sustained Claimant’s objection to my Report and Recommendation and denied dismissal. *Id.* at 9.

Jackson v. Morgan, No. WMN-95-271, *rev’d*, 19 Fed. App’x 97 (4th Cir. 2001). (I wrote a Memorandum Opinion in this case denying defendants’ motion for judgment as a matter of law, but it was not retained in the case file, and I do not have a copy of it.) This case involved a claim brought by a former state inmate raising § 1983 civil rights claims against prison officials for using excessive force in violation of his Eighth Amendment right to be free from cruel and unusual punishment. The case was tried to a jury, and I presided. The trial lasted six days, at the end of which the jury returned a verdict in favor of plaintiff and awarded both compensatory and punitive damages against defendants. The defendants appealed, and the Fourth Circuit, concluding that the plaintiff suffered only *de minimus* injuries, reversed. The United States Supreme Court denied certiorari. *Jackson v. Morgan*, 535 U.S. 970 (2002).

Piselli v. 75th Street Medical, PWG-98-2416, *rev’d*, *Piselli v. 75th St. Medical, P.A.*, 12 Fed. App’x 138, 140 (4th Cir. 2001). Parents of a minor child brought a medical malpractice claim against a medical clinic for failing to diagnose properly a serious leg injury, resulting in permanent injuries. The case was unusual because there was a significant statute of limitations defense under a Maryland statute that imposed a shorter limitations period for claims by minors against medical providers than applied for claims by minors against other tortfeasors. I denied defense motions for summary judgment without prejudice, and the case proceeded to a five-day jury trial, during which defendants moved for judgment as a matter of law, which I granted in part and denied in part. The trial resulted in a verdict for the minor child and his parents against 75th Street Medical, but not against the individual defendant, Dr. Yarborough. However, I then entered judgment for both defendants on the basis that Md. Code Ann., Cts. & Jud. Proc. § 5-109 barred plaintiffs’ claims. (Opinion supplied in response to question 13(c).) I denied plaintiffs’ motion to alter or amend judgment, and they appealed. Defendants cross-appealed. The Fourth Circuit certified a question to the Maryland Court of Appeals: “whether, when a claim is brought by parents on behalf of a child who was injured before reaching age eleven, the three-year statute of limitations of section 5-109(a)(2) begins to accrue upon discovery of the

injury by the child or upon discovery of the injury by the parents.” *Piselli*, 12 Fed. App’x at 140. The Maryland Court of Appeals held that the statute was unconstitutional as a violation of the Maryland Declaration of Rights, *Piselli v. 75th St. Medical, P.A.*, 808 A.2d 508, 524 (Md. 2002), and therefore the minor’s claim was timely, *id.* at 526. On that basis, the Fourth Circuit reversed my judgment and remanded the case to me for further proceedings in light of the decision of the Court of Appeals. *Piselli v. 75th St. Medical, P.A.*, 51 Fed. App’x 115 (4th Cir. 2002). Following a hearing, I denied defense motions for judgment as a matter of law and a new trial, and I upheld the jury verdict. 75th Street Medical appealed, but the Fourth Circuit dismissed the appeal.

- 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.

For routine matters, such as rulings on discovery disputes, resolution of summary judgment motions in social security appeals, and other non-dispositive matters, the U.S. District Court for the District of Maryland has a policy of issuing “letter orders,” rather than formal opinions and orders. Letter orders contain substantive rulings and citations to authority, but are informal and unpublished. In addition, Magistrate Judges regularly provide Reports and Recommendations to District Judges. Reports and Recommendations are more formal than letter orders, but typically are not published. (Some may appear on Westlaw or Lexis.) Many opinions are not marked for publication, but may be reviewed by the public on the Court’s Case Management/Electronic Case Filing (“CM/ECF”) System. Indeed, all Court orders and opinions since early March 2003 are available to the public on the CM/ECF system.

I would estimate that roughly 75 to 85% of the opinions that I produce are unpublished. My decision to publish is reserved for opinions that I believe provide some guidance in the development of the law that will be of assistance to counsel or other courts, and which did not exist before I authored the opinion.

- 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.

Bosse v. Baltimore Cnty., 692 F. Supp. 2d 574 (D. Md. 2010).

Jackson v. Morgan, No. WMN-95-0271 (PWG), *rev’d*, 19 Fed. App’x 97 (4th Cir. 2001), *cert. denied*, 535 U.S. 970 (2002). (I wrote a Memorandum Opinion in this case denying defendants’ motion for judgment as a matter of law, but it was not retained in the case file, and I do not have a copy of it.)

United States v. James, 128 F. Supp. 2d 291 (D. Md. 2001).

Luxford v. Dalkon Shield Claimants Trust, 978 F. Supp. 221 (D. Md. 1997).

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

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

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

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

As a sitting United States Magistrate Judge, I am required to keep an updated conflicts of interest list, which is filed with the Clerk's Office of the U.S. District Court for the District of Maryland and used by the Clerk's Office to screen any cases assigned to me to insure that there is no conflict. When I receive a case, my staff double-checks the conflicts list against the docket sheet to confirm that no conflict exists. This procedure avoids more frequent recusal issues. If a recusal issue arises, I assess the propriety of recusal as follows: First, I analyze the basis of the request for recusal. Second, I conduct legal research and review the legal standards governing the recusal request. Third, I perform a peer review, double checking my recusal determination with another officer of the Court. I describe the procedure I follow upon requests for recusal in detail in *Ausherman v. Bank of Am. Corp.*, 216 F. Supp. 2d 530 (D. Md. 2002).

The following is a list of the three cases in which a litigant or party has requested that I recuse myself due to an asserted conflict of interest. To the best of my knowledge, I have not recused myself *sua sponte* from any cases assigned to me.

McGill v. Balt. City Bd. of Sch. Comm'rs, JFM-09-2506. In an employment discrimination case that was assigned to me for all proceedings with the consent of the parties, the *pro se* plaintiff sought my recusal, alleging that the fact that

certain rulings I had made were adverse to her demonstrated that I was biased in favor of the defendant. Judge Hollander, who referred the case to me, determined that I was not biased and there was no basis for my disqualification, noting that even the plaintiff acknowledged the efforts I had made to assist her in navigating the federal court system. However, out of an abundance of caution and concern for whether the plaintiff's consent to a magistrate judge was fully knowing and voluntary, Judge Hollander terminated the referral to me.

Mezu v. Morgan State Univ., WMN-09-2855. An FLMA case currently is assigned to me to resolve discovery disputes. During discovery, defendant issued a subpoena to a health care provider for the medical records of the plaintiff's daughter in an effort to obtain documents that defendant contends will support its defense that plaintiff was not entitled to FLMA leave. Plaintiff's daughter, who is not a party to the case, filed a motion to quash the subpoena, acting as her own attorney. After briefing was completed, I issued a detailed order, denying the motion to quash and providing a thorough explanation for my ruling. The daughter filed objections to my discovery ruling to the district judge assigned to the case. In those objections, she contended that my rulings against her in the motion to quash demonstrated bias and that I should have recused myself. In a recent letter order, the district judge overruled the objections filed by Plaintiff's daughter and stated that I displayed no bias in the case.

Ausherman v. Bank of Am. Corp., 216 F. Supp. 2d 530 (D. Md. 2002). This case was assigned to me to handle all discovery matters. The case involved a law suit against the Bank of America, alleging Fair Credit Reporting Act violations. Plaintiff sought my recusal because the Bank of America held the mortgage on my principal residence. I conducted legal research to determine whether recusal was warranted, obtained an informal opinion from the Chair of the Judicial Conference Committee on Codes of Conduct for United States Judges, which confirmed there was no legitimate basis for recusal, and denied the motion accordingly. The appropriateness of my denial of the motion to recuse myself was affirmed on appeal by the Fourth Circuit Court of Appeals, *Ausherman v. Bank of Am. Corp.*, 352 F.3d 896, 899 n.2 (4th Cir. 2003).

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.

1987 – 1989

Commissioner, Maryland Home Improvement Commission
Appointed by former Maryland Governor Harry Hughes

- 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.

When Richard D. Bennett ran for attorney general of Maryland against Joseph Curran (in the early 1990s), the managing partner of my law firm was involved in managing his campaign. I informally met on several occasions with lawyers working on Mr. Bennett's campaign to help provide background information on the functions of the Attorney General's Office, and to help identify issues. I have not otherwise held a position or played a role in a political campaign. Nor have I held office in, or rendered services to, any political party or election committee.

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

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

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

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

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

I have not practiced law alone.

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

1976 – 1977

U.S. Army Judge Advocate General's Corps
Aberdeen Proving Ground, Maryland
Captain

1977 – 1979

U.S. Army Judge Advocate General's Corps
Office of the Judge Advocate General, Administrative Law Division
The Pentagon, Army Navy Drive & Fern Street
Washington, DC 22031
Attorney Advisor

1979 – 1980

Daniels & Grimm, Attorneys at Law

305 West Chesapeake Avenue
Towson, Maryland 21204
Partner

1980 – 1981
Assistant State's Attorney, Baltimore County, Maryland
Baltimore County Courthouse
400 Washington Avenue
Towson, Maryland 21204
Prosecutor

1981 – 1984
Assistant Attorney General, State of Maryland
Department of Licensing and Regulation
501 Saint Paul Place
Baltimore, Maryland 21202
Chief of Litigation and Administration

Note: There was a very brief period of time from November 3 to November 11, 1983 that I left the Attorney General's Office and went to work as a litigation associate at the Baltimore Law Firm of Anderson, Coe and King, but I left after one week to return to the Attorney General's Office. Because I was at the firm for such a short period of time, I declined to accept any pay.

1984 – 1985
Niles, Barton & Wilmer
929 North Howard Street
Baltimore, Maryland 21201
Associate

1985 – 1987
Niles, Barton & Wilmer
929 North Howard Street
Baltimore, Maryland 21201
Partner

1987 – 1991
Jordan, Coyne, Savits & Lopata
201 East Baltimore Street
Baltimore, Maryland 21202
Managing Partner, Baltimore Branch

1991 – 1997
Niles, Barton & Wilmer
111 South Calvert Street

Baltimore, Maryland 21202
Partner, Chief of the Litigation Department

- 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.

In private practice prior to my appointment as a U.S. Magistrate Judge, I handled approximately five arbitrations or mediations, either through the American Arbitration Association or the MSBA Lawyer Dispute Resolution Program. Of the five arbitrations or mediations that I conducted, I remember two with any detail. First, I handled one private mediation involving the dissolution of a two-person law firm, resolving how the dissolving firm's assets and clients were to be divided among the two separating partners. Second, I handled a private arbitration involving a homeowner's complaint that a contractor hired to do extensive renovations to his home had failed to do a workman-like job.

b. Describe:

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

In the early years of my career (1976 – 1979), I served in the U.S. Army Judge Advocate General's Corps, first as a Captain at Aberdeen Proving Ground, where I prosecuted and defended courts martial, acted as counsel in administrative boards, and represented soldiers in legal assistance matters involving commercial law, domestic relations law, tax law, and civil law, and later, as an attorney advisor in the Administrative Law Division of the Office of the Judge Advocate General, where I advised various agencies within the Department of the Army and the Department of Defense, primarily on administrative law issues associated with officer personnel law. After resigning my active duty commission in the Army, I entered a two-lawyer general practice in Towson, Maryland (Daniels & Grimm, Attorneys at Law), with Lawrence R. Daniels (now a retired Circuit Court Judge, Baltimore County, Maryland). Our firm did civil litigation, criminal law, administrative law, estates and trust work, and domestic relations work, primarily in the Circuit and District Courts of Maryland in the Baltimore region. From 1980 to 1981, I worked as a prosecutor in the Baltimore County State's Attorney's Office, where I handled both misdemeanor and felony cases. From 1981 to 1984, I worked as an Assistant State's Attorney, assigned as Chief of Litigation and Administration for the Department of Licensing Regulation. I was responsible for creating, training, and supervising a team of lawyers to prosecute contested cases in administrative agencies such as the Home Improvement Commission, the Real Estate Commission, the State

Banking Commission, the Insurance Commission, the Maryland Occupational Safety and Health Administration, the Department of Labor, and numerous other agencies. I also handled my own caseload of administrative cases, prosecuted and defended cases in Maryland Circuit Court and the United States District Court for the District of Maryland, and argued appeals on behalf of the State of Maryland before the Maryland Court of Appeals and the Maryland Court of Special Appeals.

When I entered private practice, my practice evolved to include commercial litigation, representing both plaintiffs and defendants, in a broad array of commercial areas, at both the trial and appellate level, in both state and federal court. From 1984 to 1987, I was an associate, and then partner, at Niles, Barton & Wilmer in Baltimore, where my practice was exclusively litigation related. At Niles, Barton & Wilmer, I handled products liability cases, fidelity and surety cases, general tort cases, professional (lawyer, accountant, director and officer, design professional) malpractice cases, and construction cases. During this time, I was retained to act as outside counsel for the Maryland Insurance Commissioner, acting in his capacity as Receiver for a national fidelity and surety insurer that was domiciled in Maryland, the Eastern Indemnity Insurance Company, and had been placed into receivership. As the Commissioner/Receiver's counsel, I was responsible for defending claims against the insolvent company throughout the United States in both state and federal courts, as well as prosecuting civil actions against those responsible for the insolvency of the company (directors, officers, lawyers, accountants). From 1987 to 1991, I was the managing partner of the Baltimore Branch of Jordan, Coyne, Savits & Lopata, where I continued to handle the same type of commercial litigation I had handled at Niles, Barton & Wilmer, but expanded my practice to include defending (as opposed to suing) lawyers and accountants in professional liability cases. In addition, my work on behalf of the Maryland Insurance Commissioner/Receiver expanded to include two additional receiverships, and my practice in construction, fidelity, and surety law grew as well. I returned to Niles, Barton & Wilmer in 1991 when Jordan, Coyne decided to close its Baltimore office and concentrate its practice in Washington, DC. My cases continued to include the type of cases that I had handled before at Jordan, Coyne, and earlier when I first worked at Niles, Barton, including commercial litigation, insurance receivership law, construction law, fidelity and surety law, and professional liability defense and prosecution. In addition, I litigated contested claims in Bankruptcy Court and tried cases in federal and state court involving trademark/unfair competition, breach of contract involving an employee dishonesty insurance policy, breach of contract involving an accountant's liability insurance policy, and construction.

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

As a prosecutor and Assistant Attorney General (1980 – 1984), my clients included the citizens of Baltimore County and the State of Maryland. In private practice (1979 – 1980, 1984 – 1997), typical clients included government agencies, insurance companies, private corporations and partnerships, law firms, accounting firms, and individuals. In private practice, I specialized in commercial litigation, construction/fidelity and surety law, receivership, professional liability claims, and director and officer claims. My expertise included both trial and appellate work.

- 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.

With the exception of a one year period (1979 – 1980, Daniels & Grimm) in which I handled simple wills, my career in private practice was entirely litigation-based. Therefore, nearly 100% of my practice was in litigation. I appeared in court frequently. I handled motions and hearings with the most frequency, and trials with less frequency.

- i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|-----|
| 1. federal courts: | 55% |
| 2. state courts of record: | 35% |
| 3. other courts: | 0% |
| 4. administrative agencies: | 10% |

As an army prosecutor, I handled courts martial cases. I have included these cases in the federal courts percentage above.

- ii. Indicate the percentage of your practice in:

- | | |
|--------------------------|-----|
| 1. civil proceedings: | 90% |
| 2. criminal proceedings: | 10% |

- 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.

From 1973 to 1979, I tried approximately 55 cases before a military judge or jury, acting as sole counsel. From 1980 to 1981, as a state court prosecutor, I tried approximately 50 to 75 cases before a judge or jury as sole counsel. From 1981 to 1984, as an Assistant State's Attorney, I tried approximately 75 to 100 cases before an administrative law judge or hearing examiner as sole counsel. In that same time period, I tried two cases before a state or federal court judge, serving as co-counsel in each case. While in the private practice of law from 1984 to 1997, I

tried approximately six to ten cases before a state or federal judge or jury as lead counsel. Between 1991 and 1997, I tried two cases, lasting one month and two months, respectively, before the American Arbitration Association Construction Litigation three-person Arbitration Panel as lead counsel.

i. What percentage of these trials were:

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

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

I drafted a petition for writ of certiorari in *Gordon v. U.S. Dep't of Treasury*, 488 U.S. 954 (1988) (No. 88-302), 1988 WL 1093812, which was denied. Copy 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. *Gen. Analytics Corp. v. CNA Ins. Cos.*, 86 F.3d 51 (4th Cir. 1996) (before Fourth Circuit Judges Hall, Niemeyer, and Butzner). A corporate insured sued CNA Insurance Companies for losses sustained as a result of allegedly fraudulent action by one of its employees. The insurance policy at issue contained employee dishonesty coverage. The case first was filed in state court, but removed to federal court. I was lead counsel for the insurance company, and represented it in federal court through pretrial discovery and motions practice. When the district court granted summary judgment against my client, I was lead counsel in drafting and arguing the appeal, which was successful. I was also lead counsel in the successful bench trial of the case after the appellate court reversed the entry of summary judgment and remanded the case to the district court for further proceedings.

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2. *United Gen. Title Ins. Co. v. Land Title Research of Md.*, 875 F. Supp. 309 (D. Md. 1995) (before United States District Judge Young). The Maryland State Insurance Commissioner initiated a receivership against a Maryland title company. Another insurance company, which had paid claims as a result of alleged embezzlement by the defendant title insurance company, sought to attach nearly a million dollars in assets of the title insurer to make whole its loss. The Special Deputy Insurance Commissioner and Receiver, whom I represented, moved to stay the federal proceedings under a theory of *Burford v. Sun Oil*, 319 U.S. 315 (1943) abstention, on the grounds that the federal proceedings should not interfere with the state receivership. The District Court ruled in favor of my client. No appeal was taken. I was lead counsel for the Special Deputy Insurance Commission.

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Richard Fine
Unable to locate contact information

3. *O.W.A., Inc. v. Whitehurst Imports, Inc.*, No. 94-0246 (D. Md. 1994) (before then-U.S. Magistrate Judge Blake). I represented the defendant in this trademark infringement case. The case began in 1994 in the United States District Court for the District of Maryland, and was presided over by Judge Catherine C. Blake (then a U.S. Magistrate Judge, now a U.S. District Judge). I was lead counsel and principal trial counsel, assisted by my then-associate (and later, partner) David D. Gillis. The plaintiff alleged that my client—a Maryland company with its own distinctive design for Christmas ornament hangers—infringed the plaintiff's trademark by copying the unique design of the wire hanger topping the plaintiff's expensive, handmade Christmas ornaments. At issue in the case was whether my client's design was confusingly similar to the plaintiff's. Following a five-day bench trial, Judge Blake ruled that it was not.

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Counsel for Plaintiff:
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4. *United States v. DWC Trust*, No. JRH-93-2859 (D. Md. 1993) (before United States District Judge Hargrove). The EPA sued a family trust and individual family members under the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA") seeking to recover cleanup costs for lead contamination allegedly found on one of the family trust's properties. The EPA sought both the actual

cleanup costs as well as substantial punitive fines. I was retained by the defendants to take over the defense of the case from another law firm. I was extensively involved in discovery and motions practice, and along with my co-counsel from another law firm, drafted a motion for partial summary judgment on the applicability of the punitive fines. That partial motion for summary judgment was successful, and the court ruled that punitive fines were not appropriate. Thereafter, with the assistance of a U.S. Magistrate Judge, the cleanup cost portion of the case was settled.

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5. *Zolfaghari v. Seikholeslami*, 943 F.2d 451 (4th Cir. 1991) (before Fourth Circuit Judges Hall, Phillips, and Murnaghan). This case involved a RICO and securities suit brought by investors who purchased mortgages and interests in mortgage pools. I

represented a law firm and its lawyers who had been named as defendants based on legal services they provided to the mortgage company that was at the center of the alleged RICO and securities violations. The case was resolved favorably on behalf of all defendants, my clients included, on motions for summary judgment. I was lead counsel for my clients and was involved in the pleading, discovery, and motions practice of the case, as well as in the drafting of the appellate briefs. I also prepared the lawyer who actually argued the appeal. On appeal, the Fourth Circuit affirmed the district court's award of summary judgment to the defendants as to the RICO claim, but reversed as to the securities fraud claim.

Co-Counsel:

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6. *Gordon v. U.S. Dep't of Treasury*, 846 F.2d 272 (4th Cir. 1988) (before Fourth Circuit Judges Winter and Sprouse, and United States District Judge Kaufman, sitting by designation). As counsel for the receiver of an insolvent Maryland-domiciled fidelity and surety insurance company, I filed suit against the United States Department of Treasury to obtain a ruling that the McCarran-Ferguson Act precluded the Department of Treasury from asserting priority claims relating to Miller Act construction bonds against the state receivership. I handled the case through pleadings, discovery and the summary judgment phase, and argued the case on appeal. At the trial court, the plaintiff's motion for summary judgment on the basis of the McCarran-Ferguson Act was denied. There was a cross-motion for summary judgment by the government, which was granted. *Gordon v. U.S. Dep't of Treasury*, 668 F. Supp. 483 (D. Md. 1987). The Fourth Circuit denied plaintiff's appeal. *Gordon*, 846 F.2d at 273-74. I also drafted the petition for certiorari

to the U.S. Supreme Court, which was denied. *See Gordon v. U.S. Dep't of Treasury*, 488 U.S. 954 (1988) (denying certiorari). Subsequently, a different federal appellate court ruled against the Department of Treasury on the same issue, and the Department of Justice successfully sought certiorari. I participated in the moot court preparation of the counsel for the other state insurance receiver. In a 5-4 ruling, the Supreme Court accepted the arguments that I had made in my case and held that the McCarran-Ferguson Act did preclude the Department of Treasury's assertion of priority. *U.S. Dep't of Treasury v. Fabe*, 508 U.S. 491, 493-94 (1993).

Co-Counsel:

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Counsel for Defendant-Appellees:

Sandra P. Spooner
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7. *Camelback Ski Corp. v. Behning*, 539 A.2d 1107 (Md. 1988) (before Chief Judge Murphy and Judges Eldridge, Cole, Rodowsky, McAuliffe, Smith, specially assigned, and Couch, specially assigned); *Camelback Ski Corp. v. Behning*, 513 A.2d 874 (Md. 1986) (before Chief Judge Murphy and Judges Smith, Eldridge, Cole, Rodowsky, Couch, and McAuliffe); *Camelback Ski Corp. v. Behning*, 484 A.2d 646 (Md. Ct. Spec. App. 1984) (before Judges Weant, Bell, and Karwacki). This was a personal injury suit seeking recovery for serious injuries suffered in a skiing accident. The Maryland Circuit Court dismissed the case, ruling that under Maryland's long-arm statute, there was no personal jurisdiction over a Pennsylvania ski resort (my client, Camelback Ski Corp.). Plaintiff appealed, the intermediate appellate court reversed, *Camelback Ski Corp. v. Behning*, 484 A.2d 646 (Md. Ct. Spec. App. 1984), and we successfully sought certiorari to Maryland's high court. The Maryland Court of Appeals reversed the Court of Special Appeals, *Camelback Ski Corp. v. Behning*, 513 A.2d 874 (Md. 1986). The plaintiff filed a petition for certiorari to the U.S. Supreme Court, which granted the petition, vacated the Court of Appeals' decision, and remanded the case back to the Court of Appeals for reconsideration in light of its recent decision in *Asahi Metal Industry Co. v. Superior Court of California*, 480 U.S. 102 (1987). *Behning v. Camelback Ski Corp.*, 480 U.S. 901 (1987). I argued on reconsideration successfully, and the Court of Appeals again held that personal jurisdiction was lacking in Maryland, *Camelback Ski Corp. v. Behning*, 539 A.2d 1107 (Md. 1988). I argued all three appellate cases, and worked on the briefs.

Co-Counsel:

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Counsel for Appellants:

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8. *Ramsay, Scarlett & Co. v. Comptroller of Treasury*, 490 A.2d 1296 (Md. 1985) (before Chief Judge Murphy and Judges Smith, Eldridge, Cole, Rodowsky, Couch, and Orth (retired) of the Maryland Court of Appeals). I successfully argued this tax case on appeal. The case involved my client, Ramsay Scarlett, a Maryland corporation with an unincorporated division in Louisiana, and the corporate income taxes Ramsay Scarlett paid. Ramsay Scarlett did not pay Maryland taxes on its Louisiana division income because the corporation accounted for the Louisiana division separately. The Maryland Comptroller of the Treasury had assessed an additional corporate income tax against Ramsay Scarlett on the basis that the corporation, including the Louisiana division, was a "unitary business." The corporation appealed to the Maryland Tax Court, an administrative tribunal which reversed the Comptroller's ruling. The Comptroller appealed and the Circuit Court for Baltimore City ruled in favor of Ramsay Scarlett. The Comptroller appealed, and Maryland's intermediate appellate court reversed the circuit court and remanded. The Maryland Court of Appeals granted certiorari, and I successfully argued the case on appeal before that court.

Co-Counsel:

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Co-Counsel:

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(410) 396-3926

Counsel for Appellee:

Gerald Langbaum

(Formerly Assistant Attorney General of Maryland)
Unable to locate contact information

9. *Greater Balt. Bd. of Realtors v. Hughes*, 596 F. Supp. 906 (D. Md. 1984) (before United States District Judge Murray). I served as co-counsel for the state defendants in this commercial free speech challenge to the Maryland Real Estate Commission's "for sale" sign ban, which existed in various "conservation areas" to prevent panic selling in neighborhoods with a history of illegal real estate practices such as "block busting" or "steering." The Board of Realtors challenged the sign ban as a violation of commercial free speech and sought an injunction. As an Assistant Attorney General, I defended the state defendants, including the Real Estate Commission. The case proceeded through pleadings, discovery, and an evidentiary hearing on an expedited schedule. I was co-counsel with one other Assistant Attorney General and we equally shared the responsibilities in all phases of the case. The case raised challenging issues regarding the extent of the authority of the state to regulate the real estate profession and to protect against improper sales activities, as balanced against the First Amendment rights of the realtors. After the evidentiary hearing, the Court ruled that the state's action violated commercial free speech and granted the injunction.

Co-Counsel:
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Deceased

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Astrachan Gunst & Thomas
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Counsel for Plaintiffs:
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Brown Goldstein Levy
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Baltimore, Maryland 21202
(410) 962-1030

10. *United Steelworkers of Am. AFL-CIO, Local 2610 v. Bethlehem Steel Corp.*, 472 A.2d 62 (Md. 1984) (before Chief Judge Murphy and Judges Smith, Eldridge, Cole, Davidson, Rodowsky, and Couch of the Maryland Court of Appeals). In this Maryland Occupational Safety and Health Administration ("OSHA") case, following an extensive administrative hearing, the hearing examiner ruled that the respondent, a steel mill, had committed serious violations of Maryland's OSHA laws. The respondent appealed to the

circuit court, which reversed the decision by the Commissioner of Labor and Industry. The union for the steelworkers appealed, and I was invited to argue before the Court of Appeals, Maryland's highest court, as amicus on behalf of the state. The Court of Appeals vacated the circuit court's order and remanded the case for further proceedings.

Co-Counsel:
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Co-Counsel:
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Deceased

Counsel for Appellant:
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Professor of Law, Roger Williams University School of Law
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(401) 254-4635

Counsel for Appellee:
Warren M. Davison
(Formerly of Shawe & Rosenthal)
Deceased

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

In 2009, I was appointed by the Chief Justice of the United States to serve as a member of the Advisory Committee for the Federal Rules of Civil Procedure. In 2010, I was designated as Chair of the Civil Rules Committee's Discovery Subcommittee.

For many years, I have been involved in a variety of legal education programs. For example, I have presented as an instructor at numerous Federal Judicial Center courses for federal judges on subjects related to civil procedure, discovery practice, and evidence.

Similarly, I teach Maryland trial and appellate judges several times each year at the Maryland Judicial Education Center, primarily in the areas of evidence and civil procedure. I have also served as a presenter/instructor for Continuing Legal Education programs sponsored by Georgetown University Law Center, MICPEL, the Maryland State Bar Association, ALI-ABA, the ABA, the United States Department of Justice, and the Maryland Legal Aid Society. I have also served as an adjunct faculty member at both the University of Maryland Francis King Carey School of Law and the University of Baltimore School of Law, where I teach various evidence and civil procedure/discovery courses.

I do not participate in any lobbying activities.

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

I reviewed my records, and to the best of my knowledge, the following is a complete list of courses I have taught. Because I have taught some courses on multiple occasions, I have supplied a copy of a representative syllabus for each course, where available.

Evidence, University of Maryland School of Law (Summer Semesters 2007 – 2011, Spring Semester 2010, Fall Semesters 2006 – 2008); University of Baltimore School of Law (Spring Semesters 2011 – 2012, Fall Semesters 1998 – 2001). Spring 2011 and 2012 syllabi supplied.

Discovery Practice and Procedure, University of Baltimore School of Law (Fall Semesters 2010 – 2011). Fall 2011 syllabus supplied.

Electronic Evidence and Discovery Workshop, University of Maryland School of Law (Spring Semester 2009; Fall Semester 2008); University of Baltimore School of Law (Spring Semester 2008). Spring 2009 syllabus supplied.

Pretrial Civil Procedure, University of Maryland School of Law (Spring Semesters 2000 – 2007, Summer Semesters 2003 – 2004, Fall Semesters 1997 – 1998, once a year, spring or fall, 1992 – 1996); University of Baltimore School of Law (Summer Semester 1998, Fall Semester 1997). Spring 2007 syllabus supplied.

Trial Evidence, University of Maryland School of Law (Fall Semesters 2003 – 2005). Fall 2005 syllabus supplied.

Scientific Evidence, University of Maryland School of Law (Fall Semester 2002). I was unable to obtain a copy of this syllabus.

Constitutional Law, Villa Julie College (Spring Semesters 1982 – 1996, 1998). I was unable to obtain a copy of this syllabus.

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 do plan to continue to teach in the future, so long as I continue to receive approval to do so for those courses in which compensation is received, and so long as doing so does not interfere with my official duties. Other than this teaching, I have no plans or commitments to pursue outside employment during my court service.

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.

Several personal friends, as well as the law firms in which they work are likely to present potential conflicts-of-interest. My son was sworn into the Maryland bar on December 13, 2011, and is likely to present a conflict. My wife consults for two nursing homes, both of which may present a conflict. My brother-in-law is an assistant staff vice president of a national association and my sister-in-law is the chief operating officer for a medical corporation, which also may present a conflict. I currently teach for a bar review course, the University of Maryland

Francis King Carey School of Law, and the University of Baltimore School of Law, all of which may present a conflict. Finally, I have investments or financial accounts with various organizations listed in my Net Worth Statement, which may present conflicts.

If I am confirmed, I will first determine whether a conflict of interest exists based on the conflicts of interest list I will keep. The list, similar to the list I keep as a sitting United States Magistrate Judge, will include financial information contained in my financial disclosure statement, the names of employers of my family members, and similar information designed to avoid any conflict of interest. In assessing potential conflicts, I will consult the Code of Conduct for United States Judges. If it is a close issue or one that has not been decided yet, I will seek guidance from the Judicial Conference Committee on Codes of Conduct for an informal or, if necessary, formal opinion. If it is determined that a conflict exists, I will recuse myself.

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

If I am confirmed, I will first determine whether a conflict of interest exists based on the conflicts of interest list I will keep. The list, similar to the list I keep as a sitting United States Magistrate Judge, will include financial information contained in my financial disclosure statement, the names of employers of my family members, and similar information designed to avoid any conflict of interest. In assessing potential conflicts, I will consult the Code of Conduct for United States Judges. If it is a close issue or one that has not been decided yet, I will seek guidance from the Judicial Conference Committee on Codes of Conduct for an informal or, if necessary, formal opinion. If it is determined that a conflict exists, I will recuse myself.

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

As a sitting judge, I am precluded from accepting pro bono assignments. I endeavor to serve the disadvantaged in volunteer work that I do outside the legal profession, such as through my church. While in private practice, I accepted pro bono assignments when my schedule permitted, including: (1) representing a state court prison inmate in a civil rights case filed in the United States District Court (1995) (approximately 20 – 30 hours); (2) representing a state court prison inmate in a civil rights case filed in the United States District Court (1979 – 1980) (approximately 40 – 80 hours); (3) representing a disabled veteran in appealing denial of Veterans Affairs' disability benefits (1979 – 1980) (approximately 20 – 30 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.

In 2009, Senators Barbara Mikulski and Benjamin Cardin created an advisory group of prominent lawyers and an academic from the Maryland legal community to evaluate applications for vacancies on the United States District Court for the District of Maryland. I applied to this group by submitting a comprehensive written questionnaire and was interviewed. My name was among approximately eight to ten applicants sent by the group to the Senators as highly qualified for appointment, and I was interviewed in person by both Senators. I was not selected at that time. In late spring of 2011, another vacancy was announced, and I again was considered. I was among two finalists submitted to the Senators, but was not ultimately selected. When a vacancy became open this fall, the advisory group again reviewed the list of applicants and questionnaires on file, and I was selected by the Senators without further interview. Senator Mikulski notified me that she had submitted my name to the White House.

Since November 21, 2011, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On December 20, 2011, I met with officials from the White House Counsel's Office and the Department of Justice in Washington, DC. On February 16, 2012, the President submitted my nomination to the Senate.

- 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.

FINANCIAL DISCLOSURE REPORT NOMINATION FILING

Report Required by the Ethics
in Government Act of 1978
(5 U.S.C. app. §§ 101-111)

1. Person Reporting (last name, first, middle initial) Grimm, Paul W.	2. Court or Organization U.S. District Court, District of Maryland	3. Date of Report 02/16/2012
4. Title (Article III judges indicate active or senior status; magistrate judges indicate full- or part-time) United States District Judge (active status)	5a. Report Type (check appropriate type) ☒ Nomination, Date 02/16/2012 ☐ Initial ☐ Annual ☐ Final 5b. ☐ Amended Report	6. Reporting Period 01/01/2011 to 01/31/2012
7. Chambers or Office Address Chambers 8B U.S. Courthouse 101 West Lombard Street Baltimore, MD 21201	8. On the basis of the information contained in this Report and any modifications pertaining thereto, it is, in my opinion, in compliance with applicable laws and regulations. Reviewing Officer _____ Date _____	
IMPORTANT NOTES: The instructions accompanying this form must be followed. Complete all parts, checking the NONE box for each part where you have no reportable information. Sign on last page.		

I. POSITIONS. (Reporting individual only; see pp. 9-13 of filing instructions.)

☒ NONE (No reportable positions.)

<u>POSITION</u>	<u>NAME OF ORGANIZATION/ENTITY</u>
1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____

II. AGREEMENTS. (Reporting individual only; see pp. 14-16 of filing instructions.)

☒ NONE (No reportable agreements.)

<u>DATE</u>	<u>PARTIES AND TERMS</u>
1. _____	_____
2. _____	_____
3. _____	_____

FINANCIAL DISCLOSURE REPORT

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Name of Person Reporting

Grimm, Paul W.

Date of Report

02/16/2012

III. NON-INVESTMENT INCOME. *(Reporting individual and spouse; see pp. 17-24 of filing instructions.)***A. Filer's Non-Investment Income**☐ NONE *(No reportable non-investment income.)*

<u>DATE</u>	<u>SOURCE AND TYPE</u>	<u>INCOME</u> (yours, not spouse's)
1. 2011	Shemer Bar Review, lecturer	\$5,300.00
2. 2011	ABA-MD Discovery Problems Solutions, royalties	\$1,687.27
3. 2011	University of Baltimore School of Law, adjunct faculty	\$7,300.00
4. 2011	University of Maryland School of Law, adjunct faculty	\$3,650.00
5. 2010	Shemer Bar Review, lecturer	\$4,750.00
6. 2010	ABA-MD Discovery Problems Solutions, royalties	\$926.20
7. 2010	University of Baltimore School of Law, adjunct faculty	\$3,700.00
8. 2010	University of Maryland School of Law, adjunct faculty	\$7,400.00
9.		

B. Spouse's Non-Investment Income - *If you were married during any portion of the reporting year, complete this section.**(Dollar amount not required except for honoraria.)*☐ NONE *(No reportable non-investment income.)*

<u>DATE</u>	<u>SOURCE AND TYPE</u>
1. 2012	Dietician-Blue Point Nursing LLC
2. 2012	Dietician-Holly Hill Nursing LLC
3. 2011	Dietician-Blue Point Nursing LLC
4. 2011	Dietician-Holly Hill Nursing LLC

IV. REIMBURSEMENTS *- transportation, lodging, food, entertainment.**(Includes those to spouse and dependent children; see pp. 25-27 of filing instructions.)*☐ NONE *(No reportable reimbursements.)*

<u>SOURCE</u>	<u>DATES</u>	<u>LOCATION</u>	<u>PURPOSE</u>	<u>ITEMS PAID OR PROVIDED</u>
1. Exempt				
2.				

FINANCIAL DISCLOSURE REPORT

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Name of Person Reporting

Grimm, Paul W.

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3.

4.

5.

FINANCIAL DISCLOSURE REPORT

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Name of Person Reporting

Grimm, Paul W.

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V. GIFTS. *(Includes those to spouse and dependent children; see pp. 28-31 of filing instructions.)*☐ NONE *(No reportable gifts.)*

<u>SOURCE</u>	<u>DESCRIPTION</u>	<u>VALUE</u>
1. Exempt		
2.		
3.		
4.		
5.		

VI. LIABILITIES. *(Includes those of spouse and dependent children; see pp. 32-33 of filing instructions.)*☒ NONE *(No reportable liabilities.)*

<u>CREDITOR</u>	<u>DESCRIPTION</u>	<u>VALUE CODE</u>
1.		
2.		
3.		
4.		
5.		

FINANCIAL DISCLOSURE REPORT

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Name of Person Reporting

Grimm, Paul W.

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02/16/2012

VII. INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

☐ NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets) Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
1. M&T Bank accounts	A	Interest	L	T	Exempt				
2. AXA Equitable TSA (Equi-Vest)		None	K	T					
3. Vanguard GNMA Fund IRA	B	Dividend	K	T					
4. Lincoln Multi-Fund (Johns Hopkins Hosp Retirement)		None	J	T					
5. T. Rowe Price Equity Income IRA	A	Dividend	K	T					
6. The Columbia Bank CD	A	Interest	J	T					
7. Fidelity Cash Reserves Roth	A	Dividend	J	T					
8. Fidelity Cash Reserves Roth	A	Dividend	J	T					
9. T. Rowe Price Prime Reserve	A	Dividend	K	T					
10. MD College Investment Plan 529-Portfolio 2012		None	K	T					
11. Exelon Corporation common stock	A	Dividend	J	T					
12. VCSP/College America EuroPacific Growth Fund 529A	A	Dividend	J	T					
13. VCSP/College America Growth Fund of America 529A	A	Dividend	J	T					
14. VCSP/College America SMALLCAP World Fund 529A	A	Dividend	J	T					
15. VCSP/College America Fundamental Investors 529A	A	Dividend	J	T					
16. VCSP/College America Capital Income Builder 529A	A	Dividend	J	T					
17. VCSP/College America Amer Fds Money Mkt Fd 529A		None	L	T					

1. Income Gain Codes:
(See Columns B1 and D4)

A = \$1,000 or less
F = \$50,001 - \$100,000

B = \$1,001 - \$2,500
G = \$100,001 - \$1,000,000

C = \$2,501 - \$5,000
H1 = \$1,000,001 - \$5,000,000

D = \$5,001 - \$15,000

E = \$15,001 - \$50,000

2. Value Codes
(See Columns C1 and D3)

J = \$15,000 or less
N = \$250,001 - \$500,000
P3 = \$25,000,001 - \$50,000,000

K = \$15,001 - \$50,000
O = \$500,001 - \$1,000,000

L = \$50,001 - \$100,000
P1 = \$1,000,001 - \$5,000,000
P4 = More than \$50,000,000

M = \$100,001 - \$250,000
P2 = \$5,000,001 - \$25,000,000

3. Value Method Codes
(See Column C2)

Q = Appraisal
U = Book Value

R = Cost (Real Estate Only)
V = Other

S = Assessment
W = Estimated

T = Cash Market

FINANCIAL DISCLOSURE REPORT

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Name of Person Reporting

Grimm, Paul W.

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02/16/2012

VII. INVESTMENTS and TRUSTS -- Income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

☐ NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets) Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
18. VCSP/College America Amer Fds Money Mkt Fd 529A		None	K	T					
19. IRA #1:	D	Dividend	M	T					
20. - Calamos Strategic Total Return Fund									
21. - Goldman Sachs Tr Equity Growth Strategy									
22. - Prime MM, RBC Investor Class									
23. - Invesco Van Kampen Equity Income C									
24. - MacQuarie 1st Tr Global Infrastructure Div/Inc									
25. - Envest Diversified Income Trust									
26. - Cohen & Steers Infrastructure Fund									
27. - John Hancock Tax Advntgd Div/ Inc									
28. - AllianceBernstein Global Hi Income Fd II									
29. IRA #2:	D	Interest	M	T					
30. - Countrywide Home Loans Ser 03-40-A3									
31. - CS First Boston Mortgage 03-21-1A14									
32. - FHLMC REMIC 3010-YD									
33. - Banc of America Fndg Corp Ser 05-8-4A10									
34. - Citicorp Mortgage Sees Tr Ser 07-5-1A3									

1. Income Gain Codes: A = \$1,000 or less B = \$1,001 - \$2,500 C = \$2,501 - \$5,000 D = \$5,001 - \$15,000 E = \$15,001 - \$50,000
 (See Columns B1 and D4) F = \$50,001 - \$100,000 G = \$100,001 - \$1,000,000 H1 = \$1,000,001 - \$5,000,000 H2 = More than \$5,000,000
 2. Value Codes J = \$15,000 or less K = \$15,001 - \$50,000 L = \$50,001 - \$100,000 M = \$100,001 - \$250,000
 (See Columns C1 and D3) N = \$250,001 - \$500,000 O = \$500,001 - \$1,000,000 P1 = \$1,000,001 - \$5,000,000 P2 = \$5,000,001 - \$25,000,000
 P3 = \$25,000,001 - \$50,000,000 P4 = More than \$50,000,000
 3. Value Method Codes R = Cost (Real Estate Only) S = Assessment T = Cash Market
 (See Column C2) U = Book Value V = Other W = Estimated

FINANCIAL DISCLOSURE REPORT

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Name of Person Reporting

Grimm, Paul W.

Date of Report

02/16/2012

VII. INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children: see pp. 34-60 of filing instructions.)

☐ NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets) Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1)	(2)	(1)	(2)	(1)	(2)	(3)	(4)	(5)
	Amount Code 1 (A-H)	Type (e.g., div., rent, or int.)	Value Code 2 (J-P)	Value Method Code 3 (Q-W)	Type (e.g., buy, sell, redemption)	Date mm/dd/yy	Value Code 2 (J-P)	Gain Code 1 (A-H)	Identity of buyer/seller (if private transaction)
35. - Bank of America Mtge Sec Ser 07-3-2A8									
36. - Wells Fargo Mtge Bkd Sec 07-10-H-A-5									
37. - Alternative Loan Tr 05-21CBA-9									
38. - CWalt Inc Mtge PC 04-35T2A-1									
39. - Countrywide Home Loan Alt Loan 04-28CB3-A-1									
40. - Mastr Alt Loan Trust Ser 05-3-2-A-1									
41. - Mastr Alt Loan Trust Ser 05-3-7-A-1									
42. - Alternative Loan Trust 05-9CB-2-A-1									
43. - Banc Amer Funding Corp 05-5-1A8									
44. - Alternative Loan Trust 05-47CBA-7									
45. - 1st Horizon Alt Mtge Ser 05-FA81-A-14									
46. - Banc Amer Mtg Sec 05-11-1A7									
47. - Banc of Amer Alt Ln Tr 06-7-A2									
48. - Wells Fargo Mtge Bkd Sec 06-6 1-A-2									
49. - Mastr Alt Loan Tr 05-2 1-A-4									
50. - Mastr Alt Loan Tr 04-13 7-A-1									
51. - Alternative Loan Tr 04-18CB5-A-1									

1. Income Gain Codes:

(See Columns B1 and D4)

2. Value Codes:

(See Columns C1 and D3)

3. Value Method Codes:

(See Column C2)

A = \$1,000 or less

F = \$50,001 - \$100,000

J = \$15,000 or less

N = \$250,001 - \$500,000

P3 = \$25,000,001 - \$50,000,000

Q = Appraisal

U = Book Value

B = \$1,001 - \$2,500

G = \$100,001 - \$1,000,000

K = \$15,001 - \$50,000

Q = \$500,001 - \$1,000,000

R = Cost (Real Estate Only)

V = Other

C = \$2,501 - \$5,000

H1 = \$1,000,001 - \$5,000,000

L = \$50,001 - \$100,000

P1 = \$1,000,001 - \$5,000,000

P4 = More than \$50,000,000

S = Assessment

W = Estimated

D = \$5,001 - \$15,000

H2 = More than \$5,000,000

M = \$100,001 - \$250,000

P2 = \$5,000,001 - \$25,000,000

T = Cash Market

E = \$15,001 - \$50,000

FINANCIAL DISCLOSURE REPORT

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Name of Person Reporting

Grimm, Paul W.

Date of Report

02/16/2012

VII. INVESTMENTS and TRUSTS – income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

☐ NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets) Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
52. - CSFB Mtge Bkd 04-8 II-A-1									
53. - Bear Stearns Asset Bk Sec Tr 04-AC3 A-1									

1. Income Gain Codes: (See Columns B1 and D4)	A = \$1,000 or less F = \$50,001 - \$100,000	B = \$1,001 - \$2,500 G = \$100,001 - \$1,000,000	C = \$2,501 - \$5,000 H = \$1,000,001 - \$5,000,000	D = \$5,001 - \$15,000 H2 = More than \$5,000,000	E = \$15,001 - \$50,000
2. Value Codes (See Columns C1 and D3)	J = \$15,000 or less N = \$250,001 - \$500,000 P3 = \$25,000,001 - \$50,000,000	K = \$15,001 - \$50,000 O = \$500,001 - \$1,000,000	L = \$50,001 - \$100,000 P1 = \$1,000,001 - \$5,000,000 P4 = More than \$5,000,000	M = \$100,001 - \$250,000 P2 = \$5,000,001 - \$25,000,000	
3. Value Method Codes (See Column C2)	Q = Appraisal L = Book Value	R = Cost (Real Estate Only) V = Other	S = Assessment W = Estimated	T = Cash Market	

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Name of Person Reporting

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VIII. ADDITIONAL INFORMATION OR EXPLANATIONS. *(Indicate part of report.)*

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Name of Person Reporting

Grimm, Paul W.

Date of Report

02/16/2012

IX. CERTIFICATION.

I certify that all information given above (including information pertaining to my spouse and minor or dependent children, if any) is accurate, true, and complete to the best of my knowledge and belief, and that any information not reported was withheld because it met applicable statutory provisions permitting non-disclosure.

I further certify that earned income from outside employment and honoraria and the acceptance of gifts which have been reported are in compliance with the provisions of 5 U.S.C. app. § 501 et. seq., 5 U.S.C. § 7353, and Judicial Conference regulations.

Signature



Paul W. Grimm

NOTE: ANY INDIVIDUAL WHO KNOWINGLY AND WILFULLY FALSIFIES OR FAILS TO FILE THIS REPORT MAY BE SUBJECT TO CIVIL AND CRIMINAL SANCTIONS (5 U.S.C. app. § 104)

Committee on Financial Disclosure
Administrative Office of the United States Courts
Suite 2-301
One Columbus Circle, N.E.
Washington, D.C. 20544

FINANCIAL STATEMENT

NET WORTH

Provide a complete, current financial net worth statement which itemizes in detail all assets (including bank accounts, real estate, securities, trusts, investments, and other financial holdings) all liabilities (including debts, mortgages, loans, and other financial obligations) of yourself, your spouse, and other immediate members of your household.

ASSETS				LIABILITIES			
Cash on hand and in banks		93	864	Notes payable to banks-secured			
U.S. Government securities				Notes payable to banks-unsecured			
Listed securities – see schedule		500	320	Notes payable to relatives			
Unlisted securities – see schedule		196	128	Notes payable to others			
Accounts and notes receivable:				Accounts and bills due			
Due from relatives and friends				Unpaid income tax			
Due from others				Other unpaid income and interest			
Doubtful				Real estate mortgages payable – personal residence		237	054
Real estate owned – see schedule		648	000	Chattel mortgages and other liens payable			
Real estate mortgages receivable				Other debts-itemize:			
Autos and other personal property		135	000				
Cash value-life insurance							
Other assets itemize:							
				Total liabilities		237	054
				Net Worth	1	336	258
Total Assets	1	573	312	Total liabilities and net worth	1	573	312
CONTINGENT LIABILITIES				GENERAL INFORMATION			
As endorser, comaker or guarantor				Are any assets pledged? (Add schedule)	No		
On leases or contracts		3	392	Are you defendant in any suits or legal actions?	No		
Legal Claims				Have you ever taken bankruptcy?	No		
Provision for Federal Income Tax							
Other special debt							

FINANCIAL STATEMENT

NET WORTH SCHEDULES

Listed Securities

AllianceBernstein Global High Income Fund II	\$33,750
AXA Equitable TSA (Equi-Vest)	40,890
Calamos Strategic Total Return Fund	12,240
Cohen & Steers Infrastructure Fund	14,926
Enervest Diversified Income Trust	9,469
Exelon stock	1,034
Fidelity Cash Reserves	9,616
Goldman Sachs Equity Growth Strategy Fund	14,755
Invesco Van Kampen Equity & Income C Fund	28,421
John Hancock Tax-Advantaged Dividend Income Fund	16,527
Lincoln Multi-Fund	13,678
MacQuarie/First Trust Global Infrastructure Utilities Dividend & Income Fund	12,895
MD College Investment Plan 529- Portfolio 2012	28,881
Prime Money Market RBC Investor Fund	14,366
RBC Cash Account	92
T. Rowe Price Equity Income Fund	45,945
T. Rowe Price Prime Reserve Fund	25,446
Vanguard GNMA Fund	48,933
VCSP/College America EuroPacific Growth Fund 529A	5,874
VCSP/College America Growth Fund of America 529A	8,434
VCSP/College America SMALLCAP World Fund 529A	6,011
VCSP/College America Fundamental Investors 529A	6,455
VCSP/College America Capital Income Builder 529A	6,710
VCSP/College America American Funds Money Market Fund 529A	94,972
Total Listed Securities	\$500,320

Unlisted Securities

Alternative Loan Trust 04-18CB5-A-1	\$9,965
Alternative Loan Trust 05-21CBA-9	4,785
Alternative Loan Trust 05-47CBA-7	7,413
Alternative Loan Trust 05-9CB-2-A-1	16,853
Banc of America Alternative Loan Trust 06-7-A2	6,445
Banc of America Funding Corp Ser 05-5-1A8	3,527
Banc of America Funding Corp Ser 05-8-4A10	707
Banc of America Mortgage Sec Ser 05-11-1A7	2,846
Banc of America Mortgage Sec Ser 07-3-2A8	10,420
Bear Stearns Asset Backed Sec Trust 04-AC3 A-1	10,791
Citicorp Mortgage Sec Tr Ser 07-5-1A3	12,750
CSFB Mortgage Backed Sec 04-8 II-A-1	12,723
Countrywide Home Loan Ser 03-40-A3	9,161
Countrywide Home Loan Alternative Loan 04-28CB3-A-1	11,706
CS 1st Boston Mortgage 03-21 I-A-14	632
CWalt Inc Mtg PC 04-35T2A-1	5,185

FHLMC REMIC 3010-YD	7,261
First Horizon Alternative Mtge Ser 05-FA81-A-14	7,479
Mastr Alternative Loan Trust Ser 04-13 7-A-1	7,619
Mastr Alternative Loan Trust Ser 05-2 1-A-4	7,590
Mastr Alternative Loan Trust Ser 05-3-2-A-1	8,913
Mastr Alternative Loan Trust Ser 05-3-7-A-1	16,569
Wells Fargo Mortgage Backed Sec 06-6-I-A-2	7,956
Wells Fargo Mortgage Backed Sec 07-10-II-A-5	6,832
Total Unlisted Securities	<u>\$196,128</u>

Real Estate Owned

Personal residence	\$ 461,000
Vacation property	<u>187,000</u>
Total Real Estate Owned	<u>\$ 648,000</u>

AFFIDAVIT

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

February 17, 2012
(DATE)

Paul William Grimm
(NAME)



Jackie Hector
(NOTARY)
My Commission expires June 1, 2014