UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Bradford James Kelley

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

United States District Judge for the Eastern District of Louisiana

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

Work: Littler Mendelson P.C.
815 Connecticut Avenue NW, Suite 400
Washington, D.C. 20006

Residence: Arlington, Virginia

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

1984; Miami, Florida

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

Law school education:

2010 – 2013, Louisiana State University Paul M. Hebert Law Center, J.D. and Graduate Diploma in Comparative Law (*magna cum laude* and Order of the Coif), 2013

Military education:

2009, United States Army Operations Security (OPSEC) Program Manager Course, 2009

2008, United States Army Combat Lifesavers Course, 2008

2008, United States Army Area Nuclear, Biological, and Chemical (NBC) Officer Defense Course, 2008

2008, United States Army Air Load Planner Course, 2008

2007, United States Army Airborne School, 2007

2007, United States Army Combatives Course, 2007

2007, United States Army Infantry Officer Basic Course, 2007

2007, United States Army Basic Officer Leader Course, 2007

2007, United States Army Officer Candidate School (distinguished military graduate), 2007

2006, United States Army Basic Combat Training (honors graduate), 2006

College education:

2002 – 2006, Louisiana State University
B.A. in History and Political Science (*summa cum laude*), 2006
B.A. in International Studies and minor in Sociology (*summa cum laude*), 2006

Summers of 2004 and 2005, Louisiana State University Shreveport (summer classes; no degree)

Summer 2003, Bossier Parish Community College (summer classes; no degree)

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

2023 – present
Littler Mendelson P.C.
815 Connecticut Avenue NW, Suite 400
Washington, D.C. 20006
Equity Shareholder; Co-Chair, Artificial Intelligence and Technology Practice Group

2020 – 2023
United States Equal Employment Opportunity Commission
131 M Street NE
Washington, D.C. 20507
Chief Counsel to Commissioner Keith E. Sonderling

2022 – 2023
The Catholic University of America Columbus School of Law
3600 John McCormack Road NE

Washington, D.C. 20064
Adjunct Professor of Law

2019 – 2020
United States Department of Labor
Wage and Hour Division
200 Constitution Avenue NW
Washington, D.C. 20210
Senior Policy Advisor

2016 – 2019
Arnall Golden Gregory LLP
2100 Pennsylvania Avenue NW, Suite 350S
Washington, D.C. 20037
Associate

2014 – 2016
Slover & Loftus LLP
1828 L Street NW, Suite 1000
Washington, D.C. 20036
Associate

2013 – 2014
United States District Court for the Western District of Louisiana
300 Fannin Street
Shreveport, Louisiana 71101
Judicial Law Clerk to the Honorable Donald E. Walter, United States District Judge

Spring 2013
United States Court of Appeals for the Fifth Circuit
600 Camp Street
New Orleans, Louisiana 70130
Judicial Extern to the Honorable W. Eugene Davis, United States Circuit Judge

Fall Semester 2012
Louisiana Department of Environmental Quality
Criminal Enforcement
602 North 5th Street
Baton Rouge, Louisiana 70802
Government Extern

Summer 2012
Kean Miller LLP
400 Convention Street, Suite 700
Baton Rouge, Louisiana 70802
Summer Associate

Summer 2012
Cassidy and Associates
607 14th Street NW, Suite 400
Washington, D.C. 20005
Summer Intern

Summer 2011
Cook, Yancey, King & Galloway, APLC
333 Texas Street, Suite 1700
Shreveport, Louisiana 71101
Summer Associate

2010
The Cook Political Report
1655 Fort Myer Drive, Suite 910
Arlington, Virginia 22209
Political Researcher

2006 – 2010
United States Army
1400 Defense Pentagon
Washington, D.C. 20301
Active duty (Various duty stations)
Infantry and Military Intelligence Officer (Captain)

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

I served in the United States Army on active duty from 2006 to 2010. I served as an Infantry and Military Intelligence Officer, including in Iraq during combat operations in the Iraq War, and attained the rank of Captain. I was honorably discharged from active duty in 2010, and my remaining inactive reserve obligation concluded in 2014. I registered with the Selective Service when I turned 18.

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

Private practice:

Co-Chair of the Artificial Intelligence and Technology Practice Group (2023 – present)

Leadership roles in Littler's Workplace Policy Institute, AI Governance Committee, and employment anti-discrimination practice group (2023 – present)

Member, Law360 Employment Discrimination Editorial Board (2022 – present)

Commendation from the Veterans Consortium Pro Bono Program for extensive pro bono work on behalf of veterans (2018)

Government service:

Recipient, United States Equal Employment Opportunity Commission Chair's Circle of Excellence Award (2022), one of the agency's highest honors, recognizing exceptional service and contributions to the Commission

Recognized for significant contributions to the development and drafting of key United States Department of Labor and United States Equal Employment Opportunity Commission opinion letters and other agency guidance, including an important opinion letter addressing the United States Department of War's SkillBridge military internship program and providing guidance on the employment law implications of the program (2019)

Law school:

Magna cum laude (2013)

Order of the Coif (2013)

Louisiana Law Review
Issue Editor (2012 – 2013)
Senior Associate (2012 – 2013)
Junior Associate (2011 – 2012)

Journal of Civil Law Studies, Senior Graduate Editor (2012 – 2013)

The Honor Society of Phi Kappa Phi (2013)

CALI Awards for Highest Grade:
Constitutional Law II (2011)
Media Law (2012)
Labor Law (2012)
European Union Law (2012)
Entertainment Law (2012)
Gender and the Law (2013)

Chancellor's List (2012 – 2013)

Paul M. Hebert Scholar Award (2012 – 2013)

Howard and Mae Richard Daigle Scholarship (2012 – 2013)

Carolyn Brassett Walker Scholarship (2011 – 2012)

LSU Law Class of 1967 Endowed Scholarship (2012 – 2013)

Undergraduate:

Summa cum laude in two degrees, three majors, and one minor (2006)

Phi Beta Kappa (2006)

Omicron Delta Kappa – The National Leadership Honor Society (2006)

Phi Kappa Phi National Honor Society (2006)

Chancellor's Honor Roll (2002 – 2006)

Phi Alpha Theta International History Honor Society (served as president) (2004 – 2006)

The Political Science National Honor Society of Pi Sigma Alpha (2005 – 2006)

The National Society of Collegiate Scholars (2005 – 2006)

The Gamma Beta Phi National Honor Society (2005 – 2006)

Military:

United States Army Commendation Medal (2nd Award) (2008 – 2010)

United States Army Achievement Medal (2009)

National Defense Service Medal (2008 – 2009)

Global War on Terrorism Service Medal (2008 – 2009)

Iraq Campaign Medal with Campaign Star (2008 – 2009)

United States Army Service Ribbon (2008 – 2009)

Overseas Service Ribbon (2008 – 2009)

Parachutist Badge (graduate of United States Army Airborne School) (2007)

Distinguished Military Graduate of United States Army Officer Candidate School (2007)

Honors graduate of United States Army Basic Training (2006)

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

Louisiana State Bar Association
Member (2013 – present)

District of Columbia Bar
Member (2015 – present)

10. **Bar and Court Admission**:

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

Louisiana, 2013
Virginia, 2014
District of Columbia, 2015

I deliberately allowed my Louisiana bar membership to lapse while I was serving in senior positions with the United States Department of Labor and the United States Equal Employment Opportunity Commission, during which time I did not practice in any state. I reactivated my Louisiana bar membership upon returning to private practice in 2023.

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

United States Court of Appeals for the Third Circuit, 2025
United States Court of Appeals for the Fourth Circuit, 2018
United States Court of Appeals for the Fifth Circuit, 2013
United States Court of Appeals for the D.C. Circuit, 2016
United States District Court for the Eastern District of Louisiana, 2025
United States District Court for the Eastern District of Virginia, 2017
United States Court of Appeals for Veterans Claims, 2018

My admission to practice before the United States Court of Appeals for the Fifth Circuit lapsed while I was serving in senior positions with the United States Department of Labor and the United States Equal Employment Opportunity Commission, during which time I did not practice before the court. Upon returning to private practice in 2023, I renewed my admission to practice before the Fifth Circuit.

11. **Memberships**:

a. List all professional, business, fraternal, scholarly, civic, charitable, or other

organizations, other than those listed in response to Questions 9 or 10, to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

Federalist Society for Law and Public Policy (2010 – present)
Labor & Employment Executive Committee (2023 – present)

Law360 Employment Discrimination Editorial Advisory Board (2022 – present)

Leonine Forum, Leonine Fellow (2015 – 2016)

Knights of Columbus (2025 – present)

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

To the best of my knowledge, none of the organizations listed in response to Question 11a currently discriminates, or formerly discriminated, on the basis of race, sex, religion, or national origin, whether through formal membership requirements or the practical implementation of membership policies. The Knights of Columbus is a Catholic fraternal organization whose membership eligibility is limited to Catholic men.

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

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

Following a thorough search of my records and publicly available sources, and to the best of my recollection, I have identified the following published materials that I authored or substantively edited:

Rare DOJ Military Bias Suit Shows Peril of Co-Admissions, LAW360 (July 28, 2026). Copy supplied.

When the Employer Makes the Plaintiff's Case: DOJ's Rare USERRA Action Against a Private Employer, LITTLER ASAP (July 21, 2026). Copy supplied.

Using AI in the Employment Process: Recent Developments You Need to Know, in *International Franchise Association 58th Annual Legal Symposium* 47 (May 18, 2026). I

prepared and submitted this paper in connection with my participation as a presenter at the International Franchise Association's 58th Annual Legal Symposium, held May 18 – 19, 2026, in Washington, D.C. Copy supplied.

With Zoe Argento & Denise Tran-Nguyen, *California's ADMT Technology Regulations: Seven Steps for Employers*, SHRM (Apr. 24, 2026). Copy supplied.

With Zoe Argento & Denise Tran-Nguyen, *7 Tips for Employers on Calif. Decision-Making Tech Rules*, LAW360 (Apr. 17, 2026). Copy supplied.

With Zoe Argento & Denise Tran-Nguyen, *California's Automated Decisionmaking Technology Regulations: Seven Steps for Employers*, WESTLAW TODAY (Apr. 8, 2026). Copy supplied.

With Zoe Argento & Denise Tran-Nguyen, *California's Automated Decisionmaking Technology Regulations: Seven Steps for Employers*, LITTLER ASAP (Apr. 1, 2026). Copy supplied.

With Zoe Argento, *AI Note-Taking Technology: Considerations for Employers*, SHRM (Mar. 12, 2026). Copy supplied.

With Zoe Argento, *AI Transcription, Note-Taking: Seven Points for Employers*, CONN. BUS. & INDUS. ASS'N (Mar. 11, 2026). Copy supplied.

With Zoe Argento, *AI Transcription and Note-Taking Technologies: Seven Points for Employers to Consider*, LITTLER ASAP (Feb. 26, 2026). Copy supplied.

With Alyesha Asghar, *AI-Driven Harassment Poses New Risks for Employers*, LAW360 (Jan. 20, 2026). Copy supplied.

With Alyesha Asghar, *Deepfakes in the Workplace: The Emerging Legal Risks of AI-Driven Harassment*, LITTLER ASAP (Jan. 6, 2026). Copy supplied.

With Andrew Rogers, *The Sound and Fury of Regulating Artificial Intelligence in the Workplace*, 63 HARV. J. ON LEGIS. (2025). Copy supplied.

All the Regulatory Light We Cannot See: The Impact of Loper Bright *on Regulating Artificial Intelligence in the Workplace*, 49 SETON HALL J. LEGIS. & PUB. POL'Y ART. 5 (2025). Copy supplied.

With James Paretti, Alex MacDonald, & Shannon Meade, *What a Government Shutdown Means for Employers: Many Agencies Will Sharply Curtail Operations, Delaying New and Pending Cases*, LITTLER ASAP (Sept. 30, 2025). Copy supplied.

With Britney Torres, *Political Protections in California Workplaces*, SHRM (Sept. 25, 2025). Copy supplied.

With James Paretti et al., *Littler's Workplace Policy Institute Presents: Labor Day Report – 2025*, LITTLER REPORT (Sept. 1, 2025). Copy supplied.

With Robert Pritchard, Sean O'Brien, & Paul Piccigallo, *U.S. Department of Labor to Stop Seeking Liquidated Damages in Wage and Hour Investigations*, LITTLER ASAP (June 30, 2025). Copy supplied.

With Tanner McCarron, *Politics in the Workplace and the New Administration*, LAB. L.J. (June 26, 2025). Copy supplied.

With Tanner McCarron, *Politics in the Workplace and the New Administration*, WESTLAW TODAY (June 12, 2025). Copy supplied.

With Lee Schreter, Whitney Ferrer, & Katelyn McCombs, *U.S. Department of Labor Expands Opinion Letter Program*, LITTLER ASAP (June 3, 2025). Copy supplied.

With Tanner McCarron, *Politics in the Workplace and the New Administration*, LITTLER ASAP (May 27, 2025). Copy supplied.

With Alice Wang & Mike Skidgel, *Planning Your AI Policy? Start Here*, CORP. COMPLIANCE INSIGHTS (May 7, 2025). Copy supplied.

With James McGehee, *6 Ways the Dole Act Alters USERRA Employment Protections*, LAW360 (Apr. 11, 2025). Copy supplied.

With James McGehee, *USERRA Protections Broadened by Dole Act*, LITTLER ASAP (Mar. 25, 2025). Copy supplied.

With Mike Skidgel & Alice Wang, *Considerations for Artificial Intelligence Policies in the Workplace*, LITTLER ASAP (Mar. 11, 2025). Copy supplied.

With Tanner McCarron, *AI in the Garden State: New Guidance on Algorithmic Discrimination and the New Jersey Law Against Discrimination*, WESTLAW TODAY (Feb. 5, 2025). Copy supplied.

With Emily Haigh, *Everything You Always Wanted to Know About Woody Allen's Former Private Chef's USERRA Lawsuit* (*but Were Afraid to Ask)*, WESTLAW TODAY (Feb. 3, 2025). Copy supplied.

With Lorenzo Riboni, *What to Expect from Trump's Deputy Labor Secretary Pick*, LAW360 (Feb. 3, 2025). Copy supplied.

With Zoe Argento & Sean O'Brien, *EEOC Wearable Tech Guidance Highlights Monitoring Scrutiny*, LAW360 (Jan. 29, 2025). Copy supplied.

With Rachel Ring & Michelle Devlin, *Former NLRB GC Abruzzo's Parting Words on*

the Complementary Relationship Between NLRA and EEOC Statutes, LITTLER ASAP (Jan. 29, 2025). Copy supplied.

With Tanner McCarron, *AI in the Garden State: New Guidance on Algorithmic Discrimination and the New Jersey Law Against Discrimination*, LITTLER ASAP (Jan. 28, 2025). Copy supplied.

With Alice Wang & Sean O'Brien, *New Executive Order Issued on AI; Prior AI Order Revoked*, LITTLER ASAP (Jan. 28, 2025). Copy supplied.

With Miguel Lopez & Shreya Mantrala, *New York's Digital Replica Law and its Impact on Artificial Intelligence and the Entertainment Industry*, LITTLER ASAP (Jan. 22, 2025). Copy supplied.

With Lorenzo Riboni, *Former EEOC Commissioner and Acting WHD Administrator Keith Sonderling Announced as Deputy Secretary of Labor Nominee*, LITTLER ASAP (Jan. 15, 2025). Copy supplied.

With Tara McAndrew, *What Does the 2025 Artificial Intelligence Legislative and Regulatory Landscape Look Like for Employers?*, LITTLER ASAP (Jan. 15, 2025). Copy supplied.

With Emily Haigh, *Everything You Always Wanted to Know About Woody Allen's Former Private Chef's USERRA Lawsuit* (*but Were Afraid to Ask)*, LITTLER ASAP (Jan. 13, 2025). Copy supplied.

With Alice Wang, *How Trump Admin May Approach AI in the Workplace*, LAW360 (Jan. 6, 2025). Copy supplied.

With Zoe Argento & Sean O'Brien, *EEOC Fact Sheet on Wearable Technologies Indicates Growing Concern over Employee Monitoring*, LITTLER ASAP (Jan. 3, 2025). Copy supplied.

Belaboring the Algorithm: Artificial Intelligence and Labor Unions, 41 YALE J. ON REGUL. BULL. 88 (2024). Copy supplied.

With Lorenzo Riboni, *5 Employer Defenses to Military Status Discrimination Claims*, LAW360 (Dec. 10, 2024). Copy supplied.

With Alice Wang, *Artificial Intelligence and the Incoming Trump Administration: What Employers Need to Know*, LITTLER ASAP (Dec. 10, 2024). Copy supplied.

With Lorenzo Riboni, *USERRA Case Highlights Employer Defenses to Allegations of Anti-Military Bias*, LITTLER ASAP (Dec. 3, 2024). Copy supplied.

With James Paretti & Eduardo Reyes Chavez, *How the Presidential Election Will Affect*

Workplace AI Regs, LAW360 (Nov. 4, 2024). Copy supplied.

With Eduardo Reyes Chavez & James Paretti, *The Impact of the Presidential Election on Artificial Intelligence Regulations in the Workplace*, LITTLER ASAP (Oct. 23, 2024). Copy supplied.

With Alice Wang & Shane Young, *DOL Issues Guidance on AI and Worker Well-Being Best Practices*, LITTLER ASAP (Oct. 21, 2024). Copy supplied.

With Alice Wang & Sean O'Brien, *Cos. Should Focus on State AI Laws Despite New DOL Site*, LAW360 (Oct. 11, 2024). Copy supplied.

With James McGehee, *DOD Imposes New Requirements for Employers Participating in SkillBridge Military Internship Program*, WESTLAW TODAY (Oct. 7, 2024). Copy supplied.

With Britney Torres, *Politics in California Workplaces: What Employers Must Know*, LAW360 (Oct. 4, 2024). Copy supplied.

With Britney Torres, *Politics in a California Workplace*, LITTLER ASAP (Oct. 1, 2024). Copy supplied.

With Alice Wang & Sean O'Brien, *DOL Issues "AI & Inclusive Hiring Framework" Through Non-Governmental Organization*, LITTLER ASAP (Sept. 25, 2024). Copy supplied.

With Marko Mrkonich, Niloy Ray, & Britney Torres, *Littler's 2024 AI C-Suite Survey Report*, LITTLER REPORT (Sept. 24, 2024). Copy supplied.

With James McGehee, *DOD Imposes New Requirements for Employers Participating in SkillBridge Military Internship Program*, LITTLER ASAP (Sept. 24, 2024). Copy supplied.

With Maria-Jose Malaver-Reyes, *The artificial intelligence angle:* Loper Bright's *impact on federal and state AI legislation, regulations, and guidance*, WESTLAW TODAY (Sept. 18, 2024). Copy supplied.

With Sean O'Brien, *The ADA Turns 34: The Intersection of Technology, AI, and Individuals with Disabilities*, WESTLAW TODAY (Sept. 13, 2024). Copy supplied.

With James McGehee, *The Risks of Employee Political Discourse on Social Media*, LAW360 (Sept. 12, 2024). Copy supplied.

With James McGehee, *Politics in the Workplace and the Risks of Social Media*, LITTLER ASAP (Sept. 11, 2024). Copy supplied.

Employers Should Not Neglect Paid Military Leave Compliance, LAW360 (Sept. 6, 2024). Copy supplied.

With Maria-Jose Malaver-Reyes, *The Artificial Intelligence Angle:* Loper Bright's *Impact on Federal and State AI Legislation, Regulations, and Guidance*, LITTLER ASAP (Sept. 4, 2024). Copy supplied.

With Michael Lotito et al., *Ten Employment Issues This Labor Day*, LITTLER ASAP (Sept. 2, 2024). Copy supplied.

USERRA Short-term Paid Military Leave Class Action Revived by Federal Appeals Court, LITTLER ASAP (Aug. 26, 2024). Copy supplied.

With Sean O'Brien, *The ADA Turns 34: The Intersection of Technology, AI, and Individuals with Disabilities*, LITTLER ASAP (Aug. 22, 2024). Copy supplied.

With Michael Lotito, *How CEOs Can Address Politics in the Workplace Ahead of the 2024 Election*, CHIEF EXEC. MAG. (Aug. 2, 2024). Copy supplied.

With Michael Paglialonga & Lee Schreter, *Defending Against Aggressive DOL Child Labor Enforcement*, LAW360 (July 23, 2024). Copy supplied.

With Michael Paglialonga & Lee Schreter, *Federal Court Denies DOL a "Hot Goods" Injunction over Child Labor Allegations*, LITTLER ASAP (July 17, 2024). Copy supplied.

With James McGehee, *Service Member and Veteran Employment Protections for a New Era of Global Conflict*, NAT'L L.J. (July 15, 2024). Copy supplied.

With Michael Lotito & Kellen Shearin, *Politics in the Workplace: What Employers Need to Know*, LAW360 (June 11, 2024). Copy supplied.

With Michael Lotito & Kellen Shearin, *Politics in the Workplace: What Employers Need to Know*, LITTLER ASAP (June 4, 2024). Copy supplied.

With Alice Wang & Sean O'Brien, *DOL Issues Artificial Intelligence Principles*, LITTLER ASAP (May 22, 2024). Copy supplied.

With Alice Wang, *Artificial intelligence executive order: WHD and OFCCP guidance issued*, WESTLAW TODAY (May 9, 2024). Copy supplied.

With Matthew Abeles, *Contractors Must Tackle Artificial Intelligence Head on, Not Wait for Government*, ENG'G NEWS-RECORD (May 2, 2024). Copy supplied.

With Alice Wang, *Artificial Intelligence Executive Order: WHD and OFCCP Guidance Issued*, LITTLER ASAP (May 1, 2024). Copy supplied.

With James McGehee, *What Artificial Intelligence Means for the Construction Workplace*, FOR CONSTR. PROS (Apr. 12, 2024). Copy supplied.

With Joy Rosenquist, Deborah Margolis, & Alice Wang, *Divergent Paths on Regulating Artificial Intelligence*, LITTLER ASAP (Apr. 2, 2024). Copy supplied.

With Stephen Malone, *AI in Accounting Raises OT Exemption Questions*, LAW360 (Mar. 28, 2024). Copy supplied.

With Alice Wang & Johane Severin, *How Artificial Intelligence Tools Can Increase Diversity*, LITTLER ASAP (Mar. 7, 2024). Copy supplied.

With James McGehee, *Build Back Botter: What Artificial Intelligence Means for the Construction Workplace*, LITTLER ASAP (Mar. 1, 2024). Copy supplied.

With James McGehee, *Ten reasons employers should pay more attention to USERRA*, WESTLAW TODAY (Feb. 6, 2024). Copy supplied.

With James McGehee, *Ten Reasons Employers Should Pay More Attention to USERRA*, LITTLER ASAP (Jan. 16, 2024). Copy supplied.

AI and Workplace Monitoring, ASIAN ROBOTICS REV. (Jan. 8, 2024). Copy supplied.

With Kellen Shearin, *President Biden's AI Executive Order Will Impact Private Entities*, BENEFITSPRO (Dec. 1, 2023). Copy supplied.

With Alexander MacDonald, Kyllan Kershaw, & Kathryn Siegel, *NLRB General Counsel Offers Some Clarity on Responding to Union Organizing Demands for Bargaining*, LITTLER ASAP (Nov. 14, 2023). Copy supplied.

With James McGehee, *$2.49 million verdict underscores expansive USERRA protections*, WESTLAW TODAY (Nov. 8, 2023). Copy supplied.

With Kellen Shearin, Michael Lotito, & Shannon Meade, *President Biden Issues Landmark Artificial Intelligence Executive Order*, LITTLER ASAP (Nov. 1, 2023). Copy supplied.

With James McGehee, *$2.49 Million Verdict Underscores Expansive USERRA Protections*, LITTLER ASAP (Oct. 10, 2023). Copy supplied.

With Alexander MacDonald, Michael Lotito, & Shannon Meade, *What a Government Shutdown Means for Employers: Many Agencies Will Sharply Curtail Operations, Delaying New and Pending Cases*, LITTLER ASAP (Oct. 2, 2023). Copy supplied.

With Chris Gokturk, David Goldstein, & Niloy Ray, *OFCCP Preparing to Scrutinize Federal Contractors' Use of AI Hiring Tools and Other Technology-based Selection*

Procedures, LITTLER ASAP (Sept. 7, 2023). Copy supplied.

With Michael Lotito et al., *WPI Labor Day Report 2023*, LITTLER (Sept. 5, 2023). Copy supplied.

DoD Reopens Unpaid Military Internship Program to New Employers, WESTLAW TODAY (Sept. 1, 2023). Copy supplied.

With Robert Pritchard & James Paretti, *DOL Proposes to Significantly Increase the Minimum Salary Level to Qualify for the "White Collar" Overtime Exemptions*, LITTLER ASAP (Aug. 31, 2023). Copy supplied.

DoD Reopens Unpaid Military Internship Program to New Employers, LITTLER ASAP (Aug. 16, 2023). Copy supplied.

All Along the New Watchtower: Artificial Intelligence, Workplace Monitoring, Automation, and the National Labor Relations Act, 107 MARQ. L. REV. 195 (2023). Copy supplied.

Wage Against the Machine: Artificial Intelligence and the Fair Labor Standards Act, 34 STAN. L. & POL'Y REV. 261 (2023). Copy supplied.

With Keith Sonderling, *Filling the Void: Artificial Intelligence and Private Initiatives*, 24 N.C. J.L. & TECH. 153 (2023). Copy supplied.

With Lance Casimir, *Hidden Heroes: Employment Law Protections for Military Caregivers*, 15 DREXEL L. REV. 557 (2023). Copy supplied.

With Keith Sonderling & Lance Casimir, *The Promise and the Peril: Artificial Intelligence and Employment Discrimination*, 77 U. MIA. L. REV. 1 (2022). Copy supplied.

For Whom the Leave Tolls: Short-Term Paid Military Leave and USERRA, 127 PA. ST. L. REV. 57 (2022). Copy supplied.

With Keith Sonderling, *The Sword and the Shield: The Benefits of Opinion Letters by Employment and Labor Agencies*, 86 MO. L. REV. 1171 (2022). Copy supplied.

Veterans employment discrimination guidance updated, MILITARY TIMES (Feb. 3, 2021). Copy supplied. Following publication of this article, I was interviewed by a news station regarding the issues addressed in the article. I relied on and discussed the substance of my article in preparing for and participating in the interview. Despite a diligent search, I have been unable to locate a recording, transcript, or other record of the interview.

With Ashley Kelly, *#MeToo and Mandatory Arbitration of Sexual Harassment Claims: An Evolving Legal Landscape*, AGG (2018). Copy supplied.

With Kevin Coy, *FTC Reaches $3 Million Settlement with a Tenant Screening Company over Alleged FCRA Accuracy-Related Violations*, AGG (Oct. 22, 2018). Copy supplied.

With Chase Edwards, *#MeToo, Confidentiality Agreements, and Sexual Harassment Claims*, AM. BAR ASS'N BUS. L. TODAY (Oct. 17, 2018). Copy supplied.

With Montserrat Miller & Kevin Coy, *Updated FCRA Summary of Rights Issued by the Bureau of Consumer Financial Protection*, AGG (Sept. 14, 2018). Copy supplied.

FTC Appeals Dismissal of Antitrust Lawsuit Alleging Abuse of Government Processes to Delay Generic Competition, AGG (May 29, 2018). Copy supplied.

With Gene Burd, *"We Agreed to What?" Lessons From a Recent Federal Court Decision on Arbitrability*, JD SUPRA (May 16, 2018). Copy supplied.

With Ed Marshall, *PayPal's Settlement with the FTC Offers Lessons for the Payments Industry*, TRANSACTION TRENDS MAG. (Apr. 2018). Despite a diligent search of my records and publicly available sources, I have been unable to locate a copy of the article.

Court Dismisses FTC Antitrust Lawsuit Alleging That Shire ViroPharma Inc. Abused Government Processes to Delay Generic Competitors, AGG (Apr. 17, 2018). Copy supplied.

With Kevin Coy, *Facebook's Data Privacy Practices Under FTC Investigation as a Result of Cambridge Analytica Controversy*, AGG (Mar. 30, 2018). Copy supplied.

With Ed Marshall, *PayPal Pays the Piper with FTC Settlement Over Venmo's Disclosure, Privacy, and Security Practices*, AM. BAR ASS'N COM. & BUS. LITIG. (Mar. 9, 2018). Despite a diligent search of my records and publicly available sources, I have been unable to locate a copy of the article.

With Gene Burd, *Is There a Burger in the Treasury's CAATSA Report?*, AGG (Feb. 9, 2018). Copy supplied.

With Gene Burd, *Light at the End of the Tunnel: Enforcing Arbitral Awards Against Sovereigns*, MEALEY'S INT'L ARB. REP. (Nov. 2017). Copy supplied.

All Quiet on the Employment Front: Mandatory Arbitration Under the USERRA, 34 HOFSTRA LAB. & EMP. L.J. 367 (2017). Copy supplied.

With Gene Burd, *U.S. Discovery for Use in International Arbitration: A Catch-22*, YOUNG ARB. REV. (2017). Copy supplied.

With Chase Edwards, *France's Roma Row*, 24 WILLAMETTE J. INT'L L. & DISP. RESOL. 169 (2017). Copy supplied.

Photos of the Fallen and the Dover Ban, 26 KAN. J.L. & PUB. POL'Y 116 (2016). Copy supplied.

Are Torts Getting Railroaded? Whether the Interstate Commerce Commission Termination Act (ICCTA) Preempts State Tort Claims Against Railroads, 82 J. TRANSP. L., LOGISTICS & POL'Y 1 (2016). Copy supplied.

Roger E. Kelley: Mattapoisett World War II veteran's death teaches important lessons, S. COAST TODAY (Dec. 9, 2014). Copy supplied.

Iraq War Veteran, his wife, family truly unsung heroes, HOUS. CHRON. (July 2, 2014). Copy supplied.

The Rainbow Sea Change, 16 ST. MARY'S L. REV. ON RACE & SOC. JUST. 283 (2014). Copy supplied.

Bad Moon Rising, 73 LA. L. REV. 601 (2013). Copy supplied.

The costs of war: Mother embarks on painful journey after death of her son in Iraq, THE INDIANAPOLIS STAR (Feb. 26, 2012) at B7, 2012 WLNR 4297847. Copy supplied.

Article on Reasonable Accommodations Under the Americans with Disabilities Act, LSU Law Newspaper (c. 2012). Despite a diligent search, no copy or archival record of the publication has been located.

A sincere tribute to a uniquely dedicated Carson soldier, COLO. SPRINGS GAZETTE (Aug. 21, 2011). Copy supplied.

Election Glossed Over Wars—and Warriors, THE TIMES-PICAYUNE (Nov. 11, 2010). Copy supplied. Following publication of this article, I participated in a related radio interview with a New Orleans station. Despite a diligent search, I have been unable to locate a recording or other record of the interview.

On Wars and Ravi Sangisetty, HOUMA TODAY (Oct. 24, 2010). Copy supplied.

Letter to the Editor regarding the importance of military service, THE DAILY REVEILLE (Oct. 1, 2008). Copy supplied.

With Hisham Fadil, Enrique Gonzalez-Toledo, & Roger Kelley, *Neuroimaging Findings in Neurosyphilis*, 16 J. NEUROIMAGING 286 (2006). Copy supplied.

With Roger Kelley et al., *Neuroimaging of the Complications of Epilepsy Surgery*, 14 J. NEUROIMAGING 33 (2004). Copy supplied.

With Roger Kelley, Alireza Minagar, & Regina Brunson, *Transcranial Doppler Monitoring of Response to Therapy for Meningovascular Syphilis*, 13 J. NEUROIMAGING

85 (2003). Copy supplied.

b. Supply copies of any reports, memoranda or policy statements you prepared or contributed to the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

To the best of my knowledge, I have not prepared or contributed to the preparation of any report, memorandum, or policy statement on behalf of any bar association, committee, conference, or organization of which I have been or am currently a member.

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

Presenter, Testimony Before the Subcommittee on Health, Employment, Labor, and Pensions of the United States House Committee on Education and the Workforce, Hearing on "Building an AI-Ready America: Adopting AI at Work" (Feb. 3, 2026). I co-presented with Revana Sharfuddin, Tanya Goldman, and David Walton. Written testimony supplied. A recording of the hearing is available at https://www.youtube.com/watch?v=Sc45RLmaWUY.

Presenter, *Roundtable on AI: AI 101*, United States House Committee on Education and the Workforce, Washington, D.C. (Jan. 17, 2024). I participated with John Bailey as a presenter in an informal roundtable discussion with Republican members of the Committee concerning the use of artificial intelligence in the workplace and related labor and employment law, regulatory, and policy considerations. Mr. Bailey discussed AI and education policy. Because the roundtable was an informal meeting rather than a formal congressional hearing or proceeding, no transcript or recording was made, and I have no notes from the discussion.

Comments Regarding Senator Cassidy's White Paper on Artificial Intelligence, Littler's Workplace Policy Institute (Sept. 28, 2023). I co-authored the comments with James Paretti and Niloy Ray. Comments supplied.

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

Following a thorough search of my records and publicly available sources, and to the best of my recollection, I have identified the following speeches, presentations, lectures, panel discussions, conferences, webinars, and other public remarks that I delivered or in which I participated. For the vast majority of these presentations, my preparation and remarks were based substantially on the same research, analysis, and subject matter reflected in articles that I authored or co-authored and have identified and supplied in response to Question 12a.

August 4, 2026: Co-moderator, *Artificial Intelligence Roundtable*, Big Sky Labor and Employment Conference, Big Sky, Montana. Outline and notes supplied.

June 12, 2026: Presenter, *What Employers Need to Know About AI in the Workplace*, Littler 2026 Mid-Atlantic Regional Employer Conference, Washington, D.C. Chris Gokturk moderated the panel, and Tara McAndrew and I served as panelists. The presentation addressed recent legal and regulatory developments concerning the use of artificial intelligence in the workplace and related considerations for employers. I have no notes, transcript, or recording of the presentation. Littler's Washington, D.C. office is located at 815 Connecticut Avenue NW, Suite 400, Washington, D.C. 20006.

May 19, 2026: Panelist, *Judicial Update & Legal Trends: Using AI in the Employment Process: Recent Developments You Need to Know*, International Franchise Association's 2026 Legal Symposium, Washington, D.C. Presentation supplied.

May 7, 2026: Presenter, *Algorithms to Ideologies: Managing Politics, Inclusion, and AI to Avoid Legal and Business Pitfalls*, Littler 2026 Executive Employer Conference, Phoenix, Arizona. The panel was moderated by Alyesha Asghar, and I participated as a co-panelist with James McGehee and Tere McKinney-Bundy. The panel addressed legal and practical issues arising from political activity and expression in the workplace, including the impact of artificial intelligence and emerging technologies on those issues. I have no notes, transcript, or recording of the presentation. Because Littler's annual Executive Employer Conference is a national event and is not directly affiliated with the firm's Phoenix office, the most appropriate point of contact is Littler's Washington, D.C. office, where I am based. Littler's Washington, D.C. office is located at 815 Connecticut Avenue NW, Suite 400, Washington, D.C. 20006.

May 6, 2026: Panelist, *Federal Contractor Roundtable*, Littler 2026 Executive Employer Conference, Phoenix, Arizona. The panel was moderated by David Goldstein and Chris Gokturk, and the other panelists were Meredith Schramm-Strosser and Kelcy Palmer. My presentation addressed recent developments in artificial intelligence relevant to federal contractor clients. I have no notes, transcript, or recording of my presentation. Because Littler's annual Executive Employer Conference is a national event and is not directly affiliated with the firm's Phoenix office, the most appropriate point of contact is Littler's Washington, D.C. office, where I am based. Littler's Washington, D.C. office is located at 815 Connecticut Avenue NW, Suite 400, Washington, D.C. 20006.

March 26, 2026: Presenter, *Artificial Intelligence and HR*, Temple University Fox School

of Business Executive MBA Program, virtual event. I served as a guest lecturer for Professor Mike Guglielmo's Executive MBA cohort at Temple University's Fox School of Business, where I discussed the intersection of artificial intelligence and human resource management. I have no notes, transcript, or recording of the presentation. Temple University's Fox School of Business Department of Management is located at 1801 Liacouras Walk, Alter Hall, Suite 336, Philadelphia, Pennsylvania 19122.

November 11, 2025: Guest Lecturer, *Explainer: Workplace Monitoring & Surveillance*, University of Maryland, College Park, Maryland. I served as a guest lecturer for the graduate-level computer science course titled "Advanced Topics in Human-Computer Interaction: Governing Algorithms & Algorithmic Governance," co-taught by Professors Lee Tiedrich and Gabriel Kaptchuk. My presentation addressed workplace monitoring and surveillance issues and associated legal risks. I have no notes, transcript, or recording of the presentation. The University of Maryland is located at 1101 Main Administration Building, 7901 Regents Drive, College Park, Maryland 20742.

November 6, 2025: Presenter, *Artificial Intelligence in the Workplace*, American Hotel & Lodging Association HR Committee Meeting, Washington, D.C. I presented on legal and regulatory developments concerning the use of artificial intelligence in the workplace, including emerging compliance considerations for employers. I have no notes, transcript, or recording of the presentation. The American Hotel & Lodging Association is located at 1250 I Street NW, Suite 1100, Washington, D.C. 20005.

October 22, 2025: Panelist, *International Perspectives on Sexual Harassment in the Workplace*, Littler 2025 Colombia Regional Conference, Bogotá, Colombia. The panel was moderated by Andrés DaCosta Herrera, and I participated as a co-panelist with Patricia Madrona García and Thomas Griebe. The panel addressed international legal and practical perspectives concerning workplace sexual harassment, including differing approaches across jurisdictions. I have no notes, transcript, or recording of the presentation. Littler's Bogotá office is located at Calle 84a #10–33, Piso 11, Bogotá, Colombia.

October 7, 2025: Presenter, *Artificial Intelligence in the Workplace*, Littler 2025 Kansas City Regional Employer Conference, Kansas City, Missouri. I co-presented with Abbey Lee. The presentation addressed legal and regulatory developments concerning the use of artificial intelligence in the workplace, including emerging compliance considerations for employers. I have no notes, transcript, or recording of the presentation. Littler's Kansas City office is located at 1201 Walnut Street, Suite 1450, Kansas City, Missouri 64106.

September 30, 2025: Presenter, *Steering Labor Relations Through Technological Change*, Littler 2025 Labor Summit, Washington, D.C. I co-presented with Chandler Morse and Marko Mrkonich on the rapidly evolving role of artificial intelligence in the workplace and its increasing significance in union organizing and collective bargaining. The presentation examined emerging labor relations issues associated with workplace AI, including potential job displacement and related worker protections, algorithmic management, and the risk of bias in automated decision-making systems. I have no notes,

transcript, or recording of my presentation. Littler's Washington, D.C. office is located at 815 Connecticut Avenue NW, Suite 400, Washington, D.C. 20006.

September 29, 2025: Speaker, *Labor Justice and AI Regulation*, 6th Annual Berkeley Technology Law Journal-Berkeley Center for Law & Technology Virtual Symposium, virtual event. A recording of the presentation is available at https://www.youtube.com/watch?v=RX6-cBxfTeA.

June 13, 2025: Presenter, *Insights into Recent EEOC and OFCCP Developments*, Littler 2025 Mid-Atlantic Regional Employer Conference, Washington, D.C. I co-presented with Chris Gokturk, Brandon Mita, and Andrew Rogers. The presentation addressed recent legal, regulatory, and enforcement developments involving the Equal Employment Opportunity Commission and the Office of Federal Contract Compliance Programs, including developments relevant to employers and federal contractors. I have no notes, transcript, or recording of the presentation. Littler's Washington, D.C. office is located at 815 Connecticut Avenue NW, Suite 400, Washington, D.C. 20006.

June 2, 2025: Panelist, *EEOC in the Trump Era*, The Federalist Society, Regulatory Transparency Project, virtual event. A recording is available at https://www.youtube.com/watch?v=aiJOTUgDbss.

May 22, 2025: Presenter, *Summer Hiring Best Practices*, International Franchise Association Franchisee Forum Webinar, virtual event. I co-presented with James Paretti, Lisa Lombardo, and Sarah Davies. The presentation addressed best practices for hiring youth during the summer months, including key legal and compliance considerations for employers employing minors. I have no notes, transcript, or recording of the presentation. The International Franchise Association is located at 1201 New York Avenue NW, Suite 300A, Washington, D.C. 20005.

May 9, 2025: Moderator, *EEOC Charges*, Littler 2025 Executive Employer Conference, Phoenix, Arizona. I moderated the panel, which included Alyesha Asghar, Alice Wang, and Andrew Rogers as panelists. The discussion addressed legal and practical issues concerning charges filed with the Equal Employment Opportunity Commission, including recent developments and considerations for employers in responding to and defending against EEOC charges. I have no notes, transcript, or recording of the presentation. Because Littler's annual Executive Employer Conference is a national event and is not directly affiliated with the firm's Phoenix office, the most appropriate point of contact is Littler's Washington, D.C. office, where I am based. Littler's Washington, D.C. office is located at 815 Connecticut Avenue NW, Suite 400, Washington, D.C. 20006.

May 8, 2025: Co-moderator, *EEOC Interview*, Littler 2025 Executive Employer Conference, Phoenix, Arizona. I co-moderated the discussion with Barry Hartstein, during which we posed questions to United States Equal Employment Opportunity Commission Acting Chair Andrea Lucas regarding the Commission's priorities, recent developments, and other employment discrimination and enforcement issues in a

question-and-answer format. Because Littler's annual Executive Employer Conference is a national event and is not directly affiliated with the firm's Phoenix office, the most appropriate point of contact is Littler's Washington, D.C. office, where I am based. I have no notes, transcript, or recording of the presentation. Littler's Washington, D.C. office is located at 815 Connecticut Avenue NW, Suite 400, Washington, D.C. 20006.

May 7, 2025: Panelist, *Healthcare Industry Roundtable*, Littler 2025 Executive Employer Conference, Phoenix, Arizona. The panel was moderated by Yvette Gatling, and the other panelists were Alka Ramchandani-Raj, Jason Stanevich, and Andrew Rogers. My presentation addressed the impact of recent developments in artificial intelligence relevant to healthcare clients. I have no notes, transcript, or recording of the presentation. Because Littler's annual Executive Employer Conference is a national event and is not directly affiliated with the firm's Phoenix office, the most appropriate point of contact is Littler's Washington, D.C. office, where I am based. Littler's Washington, D.C. office is located at 815 Connecticut Avenue NW, Suite 400, Washington, D.C. 20006.

April 29, 2025: Presenter, *Artificial Intelligence in the Workplace*, 61st Annual Meeting of the National Diocesan Attorneys Association, Arlington, Virginia. The presentation addressed legal and regulatory issues arising from the use of artificial intelligence in the workplace, including employment law considerations and emerging compliance issues for employers. I have no notes, transcript, or recording of the presentation. The National Diocesan Attorneys Association is located at 3211 4th Street NE, Washington, D.C. 20017.

April 16, 2025: Presenter, *AI in Organizations: Working Session on Best Practices for HR Leaders*, Littler and Rocky Mountain People & Strategy, Denver, Colorado. I co-presented with Alice Wang. The program addressed how organizations and HR leaders should approach artificial intelligence, including the uses and benefits of AI, labor and employment law and ethical risks, federal and state regulatory developments, international regulation, and considerations and best practices for developing organizational AI policies. The program also included small-group discussions concerning AI use cases and workforce and organizational challenges. The publicly available overview of the program is supplied.

March 13, 2025: Presenter, *Common Employment Law Issues for Faith-Based Nonprofits*, Napa Legal, virtual roundtable event. The program was conducted in a question-and-answer format and addressed common employment law issues affecting faith-based nonprofit organizations, including federal and state employment law requirements and legal considerations specific to religious employers. I have no notes, transcript, or recording of the presentation. Napa Legal's address is 1730 M Street NW, Suite 910, Washington, D.C. 20036.

February 26, 2025: Presenter, *USERRA Military Leave: Employer Compliance Challenges, Policy Development, Litigation Update, Defense Strategies*, BARBRI Webinar, virtual event. I co-presented with Amy Quick Glenos and Adam Augustine Carter. The program addressed employer obligations under the Uniformed Services

Employment and Reemployment Rights Act, including military leave and reemployment requirements, compliance and policy considerations, recent litigation developments, and strategies for defending USERRA claims. I have no notes, transcript, or recording of the presentation. BARBRI's address is 12222 Merit Drive, Suite 1340, Dallas, Texas 75251.

February 19, 2025: Presenter, *Politics in the Workplace and the Risks of Social Media*, Federal Bar Association, virtual event. I co-presented with James McGehee. The program addressed legal and practical issues arising from political activity and expression in the workplace, including employee social media activity, applicable federal and state employment laws, and considerations for employers in developing and enforcing workplace policies. A publicly available program overview is supplied, which includes a description of the panel and a link to a recording of the presentation. I have no notes, transcript, or recording of the presentation. The address of the Federal Bar Association is 4250 North Fairfax Drive, Suite 301, Arlington, Virginia 22203.

January 23, 2025: Panelist, *Politics in the Workplace: The Legal and Business Challenges*, Federalist Society, Regulatory Transparency Project, Washington, D.C. A recording of the presentation is available at https://fedsoc.org/events/politics-in-the-workplace-the-legal-and-business-challenges. A description of the presentation is supplied.

December 16, 2024: Presenter, *Employment, Active Deployment Leave, and Reinstatement Under USERRA*, National Business Institute, virtual event. I co-presented with Brian Lawler and James McGehee. The program addressed employer obligations under the Uniformed Services Employment and Reemployment Rights Act, including military leave, reemployment and reinstatement rights, discrimination and retaliation protections, and related employer compliance considerations. I have no notes, transcript, or recording. The address of the National Business Institute is P.O. Box 3067, Eau Claire, Wisconsin 54702. A publicly available program overview and agenda is supplied.

November 15, 2024: Panelist, *Agency Exuberance: A Flaw or Feature in Labor and Employment Law?*, Federalist Society 2024 National Lawyers Convention, Washington, D.C. A copy of the publicly available program and recording of the event is available at https://fedsoc.org/conferences/2024-national-lawyers-convention?#agenda-item-labor-employment-law-agency-exuberance-a-flaw-or-feature-in-labor-and-employment-law.

October 31, 2024: Presenter, *Politics in the Office: Infinitely Spookier than Halloween*, Littler Webinar, virtual event. A recording of the presentation is available at https://www.youtube.com/watch?v=JdzzNfYTPiw.

October 24, 2024: Panelist, *International Perspective Regarding Artificial Intelligence*, Littler 2024 Colombia Regional Conference, Bogotá, Colombia. The panel was moderated by Andrés DaCosta Herrera, and I participated as a co-panelist. The discussion addressed legal, regulatory, and practical issues arising from the use of artificial intelligence in the workplace, including differing regulatory approaches and employment law considerations across jurisdictions. I have no notes, transcript, or recording of the

presentation. Littler's Bogotá office is located at Calle 84a #10–33, Piso 11, Bogotá, Colombia.

October 18, 2024: Presenter, *The Challenges and Opportunities of AI in the Workplace*, Seton Hall University School of Law Journal of Legislation and Public Policy Symposium, Newark, New Jersey. I co-presented with Professor David Lopez and Mary Costigan. The presentation addressed legal and policy issues arising from the increasing use of artificial intelligence in the workplace, including emerging regulatory developments, employment discrimination considerations, and the potential benefits and risks of workplace AI. I have no notes, transcript, or recording of the presentation. Seton Hall University School of Law is located at 1109 Raymond Boulevard, Newark, New Jersey 07102.

October 15, 2024: Presenter, *Artificial Intelligence in the Workplace*, Staffing Industry Analysts' Risk Management and Compliance Workshop, virtual event. The presentation addressed the increasing use of artificial intelligence in the workplace, including emerging applications of AI and related labor and employment law, regulatory, and compliance considerations for employers and staffing organizations. I have no notes, transcript, or recording of the presentation. Staffing Industry Analysts is located at 1975 West El Camino Real, Suite 307, Mountain View, California 94040.

October 10, 2024: Presenter, *Artificial Intelligence and the Workplace*, Littler 2024 Ohio Regional Employer Conference, Cleveland, Ohio. I co-presented with Monica Sislak. The presentation addressed legal and regulatory developments concerning the use of artificial intelligence in the workplace, including employment law risks, emerging compliance requirements, and practical considerations for employers. I have no notes, transcript, or recording of the presentation. Littler's Cleveland office is located at Key Tower, 127 Public Square, Suite 1600, Cleveland, Ohio 44114.

September 26, 2024: Presenter, *The Length and Limits of Employee Monitoring and Predictive Analytics: Leveraging AI within Legal Boundaries*, American Conference Institute's 2nd Annual Conference on AI Law, Ethics, Safety and Compliance, Washington, D.C. The presentation addressed legal and regulatory issues arising from employers' use of artificial intelligence for employee monitoring and predictive analytics, including the legal boundaries and employment law considerations associated with these technologies. I have no notes, transcript, or recording of the presentation. The American Conference Institute is located at Two Park Avenue, 20th Floor, New York, New York 10016.

September 24, 2024: Moderator, *The New Frontier: Legal Strategies for AI Decision-Making*, Littler 2024 AI Summit, Washington, D.C. I moderated a panel featuring Chris Gokturk, Chandler Morse, and Markus Hartmann that examined the growing use of artificial intelligence in business decision-making, how companies are integrating and governing AI technologies, and the evolving legal and regulatory landscape surrounding their use. I have no notes, transcript, or recording of the presentation. Littler's Washington, D.C. office is located at 815 Connecticut Avenue NW, Suite 400,

Washington, D.C. 20006.

September 12, 2024: Presenter, *Navigating Politics in the Workplace: Legal Guidelines for Employers Ahead of the 2024 Election*, Seramount, virtual event. I co-presented with Katie Oertli Mooney, Karen Kaplowitz, and Shannon Meade. The presentation addressed legal and practical considerations for employers navigating political activity and expression in the workplace in advance of the 2024 election, including managing employee conduct while minimizing potential legal and workplace risks. I have no notes, transcript, or recording of the presentation. Seramount is located at 2445 M Street NW, Washington, D.C. 20037.

September 11, 2024: Presenter, *Labor and Workforce Update*, 2024 Kansas Congressional Fly-In, Washington, D.C. The event was hosted by the Kansas Chamber of Commerce. I co-presented with Shannon Meade and Kristen Swearingen. The presentation addressed recent federal labor and employment law, regulatory, and policy developments affecting employers and the workforce. I have no notes, transcript, or recording of the presentation. The Kansas Chamber of Commerce is located at 534 South Kansas Avenue, Suite 1400, Topeka, Kansas 66603.

August 6, 2024: Presenter, *Artificial Intelligence Issues and Developments*, Big Sky Labor and Employment Conference, Big Sky, Montana. Moderator's questions supplied.

June 21, 2024: Presenter, *Discrimination Law Update*, Littler 2024 Mid-Atlantic Regional Employer Conference, Washington, D.C. I co-presented with Alison Davis, Nancy Delogu, James Paretti, and Anna Sheridan. The presentation addressed recent legal, regulatory, and enforcement developments concerning federal employment discrimination law, including developments relevant to employer compliance. I have no notes, transcript, or recording of the presentation. Littler's Washington, D.C. office is located at 815 Connecticut Avenue NW, Suite 400, Washington, D.C. 20006.

June 13, 2024: Presenter, *Taking a SWOT at Artificial Intelligence*, Associated Builders and Contractors National Conference, Orlando, Florida. The panel was moderated by Pat Scarpati, and I participated as a co-presenter with Manu Venugopal and Josh Kanner. The discussion addressed the use of artificial intelligence in the construction industry, including emerging applications of AI, related labor and employment law considerations, and the legal and practical opportunities and risks associated with adopting these technologies. I have no notes, transcript, or recording of the presentation. Associated Builders and Contractors is located at 440 1st Street NW, Suite 200, Washington, D.C. 20001.

May 9, 2024: Panelist, *Special Session on what the whole of government approach means for employers and workers*, Littler 2024 Executive Employer Conference, Phoenix, Arizona. The panel was moderated by Michael Lotito, and I participated as a co-panelist with Lee Schreter, Glenn Spencer, Alexander MacDonald, and Alka Ramchandani-Raj. The panel addressed recent and emerging developments in labor and employment law, including significant regulatory, enforcement, and workplace policy developments

affecting employers. I have no notes, transcript, or recording of the presentation. Because Littler's annual Executive Employer Conference is a national event and is not directly affiliated with the firm's Phoenix office, the most appropriate point of contact is Littler's Washington, D.C. office, where I am based. Littler's Washington, D.C. office is located at 815 Connecticut Avenue NW, Suite 400, Washington, D.C. 20006.

May 9, 2024: Presenter, *Everything Old is New Again: A Wage & Hour Retrospective with an Eye Towards AI and Beyond*, Littler 2024 Executive Employer Conference, Phoenix, Arizona. I co-presented with Nicole LeFave, Josh Kirkpatrick, Claire Deason, and Robert Pritchard. The presentation addressed developments in wage-and-hour law and compliance, including the application of established wage-and-hour principles to artificial intelligence and other emerging workplace technologies. I have no notes, transcript, or recording of the presentation. Because Littler's annual Executive Employer Conference is a national event and is not directly affiliated with the firm's Phoenix office, the most appropriate point of contact is Littler's Washington, D.C. office, where I am based. Littler's Washington, D.C. office is located at 815 Connecticut Avenue NW, Suite 400, Washington, D.C. 20006.

May 6, 2024: Panelist, *State of Unionization: The Intersection of Unions and Technology*, International Franchise Association Legal Symposium, Washington, D.C. The panel was moderated by Michael Lotito, and I participated as a co-panelist with Janet Dhillon and Michael Seid. The discussion addressed developments in unionization and labor relations, including the evolving role of technology and its implications for employers, employees, and organized labor. I have no notes, transcript, or recording of the presentation. The International Franchise Association is located at 1201 New York Avenue NW, Suite 300A, Washington, D.C. 20005.

May 1, 2024: Presenter, *Wage and Hour Compliance for Small Businesses*, National Federation of Independent Business, virtual event. I co-presented with Michael Paglialonga. A recording of the presentation is available at https://www.youtube.com/watch?v=MBGIOZ_Mq90.

April 25, 2024: Panelist, *Building the Future: AI Unleashed in the Construction Industry*, Associated Builders and Contractors Joint Tech Summit, Ellicott City, Maryland. The panel was moderated by Pat Scarpati, and I participated as a co-panelist with Kathy Humm and Adam Handfinger. The discussion addressed the use of artificial intelligence in the construction industry, including emerging applications of AI, related labor and employment law considerations, and the legal and practical opportunities and risks associated with adopting these technologies. I have no notes, transcript, or recording of the presentation. Associated Builders and Contractors is located at 440 1st Street NW, Suite 200, Washington, D.C. 20001.

April 16, 2024: Presenter, *How AI Is Being Deployed in the Contingent Workforce Marketplace*, Risk Management and Compliance Workshop, Staffing Industry Analysts, virtual event. The presentation addressed the use of artificial intelligence in the contingent workforce marketplace, including emerging applications of AI and related

legal, regulatory, and compliance considerations for employers and staffing organizations. I have no notes, transcript, or recording of the presentation. Staffing Industry Analysts is located at 1975 West El Camino Real, Suite 307, Mountain View, California 94040.

March 19, 2024: Presenter, *What Employers Need to Know About USERRA*, Littler Webinar, virtual event. A recording of the presentation is available at https://www.youtube.com/watch?v=MKojI5SVfRA. Notes also supplied.

March 18, 2024: Presenter, *USERRA Updates*, Airlines for America, Washington, D.C. The presentation addressed recent updates regarding employer obligations under the Uniformed Services Employment and Reemployment Rights Act, including military leave, reemployment rights, discrimination and retaliation protections, and related compliance considerations for employers. I have no notes, transcript, or recording of the presentation. Airlines for America is located at 1275 Pennsylvania Avenue NW, Suite 1300, Washington, D.C. 20004.

March 16, 2024: Contributor, *Technology and Data in Your Workplace*, Stanford Deliberative Democracy Lab, virtual event. I participated in the program with Matthew Scherer, Alice Wang, and Andrew Gray. The project examined workers' perspectives on workplace surveillance and the collection and use of employee data, including how informed deliberation affected participants' views regarding potential workplace policies and protections. I have no notes, transcript, or recording of my participation. The Deliberative Democracy Lab at Stanford University is located at 616 Jane Stanford Way, Stanford, California 94305.

March 5, 2024: Management-Side Commentator, *Labor Regulations and Artificial Intelligence*, Piper Lecture in Labor Law, Chicago-Kent College of Law, Chicago, Illinois. A recording of the presentation is available at https://www.youtube.com/watch?v=nZZrAGn-kqQ.

February 28, 2024: Presenter, *AI Tools*, Littler Summit, Washington, D.C. The purpose of the presentation was to provide a high-level overview of artificial intelligence tools and their potential uses in the workplace, as well as the principal legal implications and considerations associated with their use. I have no notes, transcript, or recording of the presentation. Littler's Washington, D.C. office is located at 815 Connecticut Avenue NW, Suite 400, Washington, D.C. 20006.

December 13, 2023: Presenter, *What's AI Have to Do with People Analytics?*, Philadelphia People Analytics Virtual Meetup, virtual event. I served as a guest lecturer for Professor Mike Guglielmo's graduate-level human resource management course at Temple University's Fox School of Business, where I discussed the intersection of artificial intelligence and people analytics and its implications for human resource management. I have no notes, transcript, or recording of the presentation. Temple University's Fox School of Business Department of Management is located at 1801 Liacouras Walk, Alter Hall, Suite 336, Philadelphia, Pennsylvania 19122.

November 9, 2023: Presenter, *Artificial Intelligence in the Workplace*, American Petroleum Labor Lawyers Association Fall Conference, Houston, Texas. The presentation addressed legal and regulatory issues arising from the use of artificial intelligence in the workplace, including emerging applications of AI and related labor and employment law considerations for employers. I have no notes, transcript, or recording of the presentation. The American Petroleum Labor Lawyers Association is located at 12422 Old Oaks Drive, Houston, Texas 77024.

October 27, 2023: Presenter, *Artificial Intelligence in the Workplace*, Littler 2023 Philadelphia Regional Employer Conference, Philadelphia, Pennsylvania. The presentation addressed legal and regulatory issues arising from the use of artificial intelligence in the workplace, including emerging applications of AI and related labor and employment law considerations for employers. I have no notes, transcript, or recording of the presentation. Littler's Philadelphia office is located at 1601 Cherry Street, Suite 1400, Philadelphia, Pennsylvania 19102.

October 13, 2023: Presenter, *Whole of Government Approach Discussion*, United States Chamber of Commerce Labor Relations Committee meeting, Washington, D.C. I co-presented with Michael Lotito, Alexander MacDonald, and Glenn Spencer. The presentation addressed recent federal labor and employment developments and the broader "whole of government" approach to labor and employment policy and enforcement. I have no notes, transcript, or recording of the presentation. The United States Chamber of Commerce is located at 1615 H Street NW, Washington, D.C. 20062.

October 12, 2023: Presenter, *Artificial Intelligence in the Workplace*, Littler 2023 Florida Regional Employer Conference, Miami, Florida. The presentation addressed legal and regulatory issues arising from the use of artificial intelligence in the workplace, including emerging applications of AI and related labor and employment law considerations for employers. I have no notes, transcript, or recording of the presentation. Littler's Miami office is located at Miami Tower, 100 Southeast Second Street, Suite 4300, Miami, Florida 33131.

October 4, 2023: Presenter, *Safely Unlocking the Power of AI: Employment and Other Legal Risks and Best Practices*, Japan Society, New York, New York. The session was moderated by Philip Berkowitz, and I co-presented with Laura Kriska, Howard Tiegel, and Hironobu Tsukamoto. The presentation addressed the legal and practical implications of using artificial intelligence in the workplace, including employment law risks and considerations for the responsible adoption and use of AI technologies. I have no notes, transcript, or recording of the presentation. The Japan Society is located at 333 East 47th Street, New York, New York 10017.

September 27, 2023: Presenter, *The Promise and the Peril of AI in the Workplace*, Department of Energy Contractor Attorneys Association Fall Conference, Washington, D.C. The presentation addressed the potential benefits and risks associated with the use of artificial intelligence in the workplace, including emerging applications of AI and related labor and employment law and regulatory considerations. I have no notes,

transcript, or recording of the presentation. The Department of Energy Contractor Attorneys Association is located at 15013 Denver West Parkway, Lakewood, Colorado 80401.

September 22, 2023: Interviewer, *View from the Hill: An Interview with Congressman Glenn Ivey*, Littler 2023 AI Summit, Washington, D.C. Draft interview questions and notes supplied.

Summer 2023: Participant, *Artificial Intelligence Roundtable*, Georgetown University Law Center, Washington, D.C. In the summer of 2023, I participated in a roundtable at Georgetown University Law Center examining the evolving regulatory landscape for artificial intelligence and the approaches of federal agencies to AI regulation, oversight, and enforcement. I do not have records reflecting the precise date of the roundtable and, despite searching publicly available sources, have been unable to identify an archived record of the event. I have no notes, transcript, or recording of the roundtable. Georgetown University Law Center is located at 600 New Jersey Avenue NW, Washington, D.C. 20001.

January 27, 2023: Presenter, *Emerging Technology and the Administrative State*, University of North Carolina School of Law Symposium, Chapel Hill, North Carolina. I co-presented with Keith Sonderling. The presentation addressed the intersection of emerging technologies and administrative law, including the role of federal agencies in addressing legal and regulatory issues arising from the increasing use of artificial intelligence and other emerging technologies. I have no notes, transcript, or recording of the presentation. The University of North Carolina School of Law is located at 160 Ridge Road, Chapel Hill, North Carolina 27599.

January 26, 2023: Co-presenter, *Overview of Labor and Employment Law Issues*, University of North Carolina School of Law Federalist Society, Chapel Hill, North Carolina. I co-presented with Keith Sonderling. The presentation provided an overview of significant labor and employment law issues and developments, including federal employment laws, regulatory considerations, and the role of federal labor and employment agencies. I have no notes, transcript, or recording of the presentation. The University of North Carolina School of Law is located at 160 Ridge Road, Chapel Hill, North Carolina 27599.

January 25, 2023: Presenter, *The Promise and Perils of Artificial Intelligence in the Workplace: Navigating the Legal & Ethical Issues*, Duke University School of Law, Durham, North Carolina. A link to a recording of the presentation is available at https://www.youtube.com/watch?v=lvQ5OKdoMxw&t=11s.

January 25, 2023: Presenter, *Responsible Data and Emerging Technologies Fireside Chat Series*, Duke University School of Law, Durham, North Carolina. I co-presented with Keith Sonderling. The discussion addressed legal, regulatory, and policy issues concerning responsible data practices and emerging technologies, including the increasing use of artificial intelligence in the workplace and related employment law

considerations. I have no notes, transcript, or recording of the presentation. Duke University School of Law is located at 210 Science Drive, Durham, North Carolina 27708.

October 11, 2022: Presenter, *The Promise and the Peril of AI in the Workplace*, AgSafe Food & Farms Conference Webinar, virtual event. The presentation addressed the potential benefits and risks associated with the use of artificial intelligence in the workplace, including emerging applications of AI and related labor and employment law, regulatory, and compliance considerations for employers. I have no notes, transcript, or recording of the presentation. AgSafe is located at 1935 G Street, Modesto, California 95354.

July 29, 2022: Guest Lecturer, *Administrative Law*, The George Washington University Law School, Washington, D.C. I delivered a guest lecture in Professor Aram Gavoor's administrative law course examining the intersection of labor and employment law and administrative law, including the authority and functions of federal administrative agencies and the legal and regulatory framework governing their activities. I have no notes, transcript, or recording of the presentation. The George Washington University Law School is located at 2000 H Street NW, Washington, D.C. 20052.

July 27, 2022: Presenter, *A New Frontier for the EEOC: Artificial Intelligence in the Workplace*, Fairfax Bar Association Employment Law Section, Fairfax, Virginia. I co-presented with Lance Casimir. The presentation addressed the increasing use of artificial intelligence in the workplace and related employment discrimination issues, including the EEOC's role in addressing the application of federal anti-discrimination laws to emerging workplace technologies. I have no notes, transcript, or recording of the presentation. The Fairfax Bar Association is located at 4110 Chain Bridge Road, Suite 216, Fairfax, Virginia 22030.

June 29, 2022: Presenter, *Artificial Intelligence in Employment and Hiring: Key Legal Considerations*, American Law Institute Continuing Legal Education (ALI CLE), virtual event. The presentation addressed legal issues arising from the use of artificial intelligence in employment and hiring, including employment discrimination and other legal and regulatory considerations associated with emerging AI technologies. I have no notes, transcript, or recording of the presentation. Despite a diligent search of my records and publicly available sources, I have been unable to locate any additional information or materials concerning this CLE program. The American Law Institute is located at 4025 Chestnut Street, Philadelphia, Pennsylvania 19104.

October 30, 2018: Presenter, *What Tricks and Treats Are in Store for Employers in 2019*, AGG Employment Law Seminar, Atlanta, Georgia. Notes supplied.

July 2018: Presenter, *The Cybersecurity Landscape: Regulatory Issues for Consumer Reporting Agencies*, Professional Background Screening Association, Washington, D.C. The presentation addressed cybersecurity and data privacy issues affecting consumer reporting agencies, including the evolving regulatory landscape and related compliance

considerations. I have no notes, transcript, or recording of the presentation. The Professional Background Screening Association is located at P.O. Box 844557, Boston, Massachusetts 02284.

June 2016: Presenter, *PTC Mandate versus Common Carrier Obligation*, Association of Transportation Law Professionals 87th Annual Meeting, New Orleans, Louisiana. The presentation addressed legal and regulatory issues concerning the Positive Train Control (PTC) mandate and its interaction with railroads' common carrier obligations, including the potential legal and operational tensions between those requirements. I have no notes, transcript, or recording of the presentation. The Association of Transportation Law Professionals is located at 4195 South Pennsylvania Street, Suite 200, Englewood, Colorado 80113.

e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and copies of the clips or transcripts of these interviews where they are available to you.

Following a thorough search of my records and publicly available sources, and to the best of my recollection, I have identified the following interviews and comments I have provided to newspapers, magazines, other publications, and other media outlets:

Jill Barth, *Latest AI Notetaker Lawsuit Raises Fresh HR Questions*, Hum. Res. Exec., Aug. 5, 2026. Copy supplied.

Max Kutner, *DOL Expected to Stay Wage Policy Course Under Deputy,* Law360, Apr. 21, 2026. Copy supplied.

Jill Barth, *When AI Becomes a Weapon: The Harassment Risk HR Leaders Might Miss*, Hum. Res. Exec., Apr. 8, 2026. Copy supplied.

Jill Barth, *A Lawsuit Over AI Notetakers Should Be on Every HR Leader's Radar*, Hum. Res. Exec., Apr. 6, 2026. Copy supplied.

Jill Barth, *Congress hears split testimony on AI regulation and the workplace*, Hum. Res. Exec., Feb. 10, 2026. Copy supplied.

Gregory Hoff, *Congress Explores Workplace AI Integration and Regulation*, CHRO Ass'n, Feb. 6, 2026. Copy supplied.

Chris Marr, *Lawmakers Weigh Government's Role in Lowering AI Risk to Workers*, Bloomberg Law, Feb. 3, 2026. Copy supplied.

Daniela Porat, *Military Workplace Rights Need Attention, Expert Says*, Law360, Nov. 12, 2025. Copy supplied.

Sharelle B. McNair, *U.S. Civil Rights Agency Skips Out on Responsibilities by*

Eliminating Prominent Tool That Investigates Workplace Discrimination, Black Enterprise, Oct. 1, 2025. Copy supplied.

Claire Savage & Alexandra Olson, *Civil Rights Agency Drops a Key Tool Used to Investigate Workplace Discrimination*, AP News, Sept. 30, 2025. Copy supplied.

Ryan Golden, *Mailbag: We Want an Opinion Letter from DOL. How Should We Write Our Request?*, HR Dive, July 18, 2025. Copy supplied.

Jennifer Carsen, *How Artificial Intelligence Risks Directly Apply to Total Rewards*, Workspan Daily, Feb. 18, 2025. Copy supplied.

Daniela Porat, *NY Proposal on AI-Related Layoffs Likely a Dud, Attys Say*, Law360, Feb. 14, 2025. Copy supplied.

The First 100 Days: Shakeups at the NLRB and EEOC, Littler Podcast, Feb. 5, 2025. Description of the podcast supplied. The podcast is available at https://podcasts.apple.com/us/podcast/190-the-first-100-days-shakeups-at-the-nlrb-and-eeoc/id1101866759?i=1000689327868t.

Roy Maurer, *Trump Issues Executive Order to Boost AI*, SHRM, Feb. 4, 2025. Copy supplied.

Vin Gurrieri, *4 Tips to Help Employers Address LA Wildfires, Aid Workers*, Law360, Jan. 17, 2025. Copy supplied.

Jill Barth, *What HR Leaders Can Expect from Trump's Picks for DOL Leadership*, Hum. Res. Exec., Jan. 15, 2025. Copy supplied.

Max Kutner, *Trump Chooses Former DOL Official as Its Deputy Secretary*, Law360, Jan. 15, 2025. Copy supplied.

Jennifer Bennett, *Reservist's Pay Case Puts Spotlight on Financial Cost of Service*, Bloomberg Law, Dec. 6, 2024. Copy supplied.

Cathy Bussewitz, *Working Well: Practicing Humility and Finding Support Can Help When Political Tensions Rise at Work*, Associated Press, Nov. 28, 2024. Copy supplied.

Max Kutner, *DOL Revival of Wage Letters Hints at Fortifying Before Trump*, Law360, Nov. 19, 2024. Copy supplied.

Christopher Wood, *AI in the Workplace: Labor Department Issues Best Practices for Employers*, Thomson Reuters, Oct. 31, 2024. Copy supplied.

Bryan Levine, *Strikes in the Age of Automation and AI: How HR Can Prepare for the Future*, SHRM, Oct. 10, 2024. Copy supplied.

Under Half of US Firms Have AI Policies, Report Finds, Int'l Emp. Law, Sept. 24, 2024. Copy supplied.

Dave Davis, *Minding Wage and Hour Laws in Your Drycleaning Business (Conclusion)*, American Drycleaner, Sept. 12, 2024. Copy supplied.

Dave Davis, *Minding Wage and Hour Laws in Your Drycleaning Business (Part 2)*, American Drycleaner, Sept. 10, 2024. Copy supplied.

Dave Davis, *Minding Wage and Hour Laws in Your Drycleaning Business (Part 1)*, American Drycleaner, Sept. 5, 2024. Copy supplied.

Mallory Culhane & Mohar Chatterjee, *What Awaits Harris on AI and Labor*, Politico Pro: Morning Tech, Aug. 7, 2024. Copy supplied.

Slurs, Smears, and Stereotypes: Rocky Election Road Ahead, Littler Podcast, Aug. 5, 2024. Description of podcast supplied. Podcast available at https://podcasts.apple.com/no/podcast/171-slurs-smears-and-stereotypes-rocky-election-road-ahead/id1200558044?i=1000664380339.

Bruce Rolfsen, *Deploying AI for Worker Safety Needs Legal Prep from Employers*, Bloomberg Law, July 15, 2024. Copy supplied.

Andy Medici, *Labor Department Releases AI Principles. Here's What They Mean for Businesses*, Am. City Bus. J., July 3, 2024. Copy supplied.

Amanda Ottaway, *Attorneys Looking to States for Movement on AI Bias*, Law360, June 25, 2024. Copy supplied.

Josh Stephens, *NYC's AI Chatbot Caught Advising Employers to Break the Law*, Int'l Emp. Law, Apr. 9, 2024. Copy supplied.

Paola Peralta, *How AI May Make More Employees Eligible for Overtime Pay*, Employee Benefit News, Mar. 21, 2024. Copy supplied.

Amanda Ottaway, *'Everyone Ignores' New York City's Workplace AI Law*, Law360, Mar. 1, 2024. Copy supplied.

Amanda Ottaway, *What to Know About Veterans in the Workforce*, Law360, Nov. 9, 2023. Copy supplied.

Leah Shepherd, *Veteran Wins Lawsuit Over Lack of Disability Accommodation*, SHRM, Nov. 8, 2023. Copy supplied.

Amanda Ottaway, *What Employers Should Know About Biden's AI Executive Order*, LAW360, Nov. 3, 2023. Copy supplied.

President Biden's Sweeping Executive Order on AI "Explicitly Pro-Union," Int'l Emp. Law, Nov. 2, 2023. Copy supplied.

Hugo Guzman, *Litigator Filling EEOC's Long-Vacant General Counsel Post Will Be First Blind Person in Role*, Corp. Couns., Oct. 19, 2023. Copy supplied.

Zack Needles, *Why Big Law Is Further Tweaking Partner Pay*, LAW.COM, Oct. 6, 2023. Copy supplied.

Hugo Guzman, *EEOC-Initiated Lawsuits Shot Up 52% in Latest Fiscal Year*, Corp. Couns., Oct. 3, 2023. Copy supplied.

Jon Steingart, *Labor Agency Unity Makes Talking to One Like Talking to All*, LAW360, Sept. 26, 2023. Copy supplied.

Press Release, *Former EEOC Chief Counsel and AI Pro Joins Littler in Washington, D.C.*, LITTLER, July 24, 2023. Copy supplied.

Andrea Keckley, *Ex-EEOC Chief Counsel Joins Littler as Shareholder*, LAW360, July 24, 2023. Copy supplied.

Chinekwu Osakwe, *Law Firm Littler Hires EEOC Chief Counsel Amid Rise of AI*, Reuters, July 24, 2023. Copy supplied.

USERRA and Military Leave, Seyfarth's Take It or Leave It Podcast, May 24, 2023. Description of the podcast supplied. The podcast is available at https://podcasts.apple.com/us/podcast/episode-21-userra-and-military-leave/id1598015250?i=1000614340759.

The Promise and the Peril of AI in the Workplace, Gray Matters Podcast, Dec. 15, 2022 (co-presented with Keith Sonderling). Description of the podcast supplied. The podcast is available at https://podcasts.apple.com/us/podcast/the-promise-and-the-peril-of-ai-in-the-workplace/id1487671665?i=1000590308539.

Max Kutner, *Biden DOL Is Keeping Trump-Era Opinion Letters Alive*, LAW360, June 1, 2022. Copy supplied.

Jon Steingart, *Opinion Letters Can Be a Tool to Aid Employers' Compliance*, Law360, Feb. 16, 2022. Copy supplied.

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

I have not held judicial office.

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

i. Of these cases, approximately what percent were:

jury trials: ___%
bench trials: ___%

ii. Of these cases, approximately what percent were:

civil proceedings: ___%
criminal proceedings: ___%

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

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

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.

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

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

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.

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.

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.

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:

I have not held judicial office.

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.

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.

I have neither sought nor held elective public office and have not had any unsuccessful candidacies for elective office nor unsuccessful nominations for appointed office. I have held the following appointed positions in the federal government:

2019 – 2020: United States Department of Labor, Wage and Hour Division, Senior Policy Advisor.

2020 – 2023: United States Equal Employment Opportunity Commission, Chief Counsel to Commissioner Keith E. Sonderling.

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

None.

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

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

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

From 2013 to 2014, I served as a law clerk to the Honorable Donald E. Walter, United States District Judge for the Western District of Louisiana.

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;

2013 – 2014
United States District Court for the Western District of Louisiana
300 Fannin Street
Shreveport, Louisiana 71101
Judicial Law Clerk

2014 – 2016
Slover & Loftus LLP
1828 L Street NW, Suite 1000
Washington, D.C. 20036
Associate

2016 – 2019
Arnall Golden Gregory LLP
2100 Pennsylvania Avenue NW, Suite 350S
Washington, D.C. 20037
Associate

2019 – 2020
United States Department of Labor
Wage and Hour Division
200 Constitution Avenue NW
Washington, D.C. 20210
Senior Policy Advisor

2020 – 2023
United States Equal Employment Opportunity Commission
131 M Street NE

Washington, D.C. 20507
Chief Counsel to Commissioner Keith E. Sonderling

2023 – present
Littler Mendelson P.C.
815 Connecticut Avenue NW, Suite 400
Washington, D.C. 20006
Equity Shareholder; Co-Chair, Artificial Intelligence and Technology Practice Group

iv. whether you served as a mediator or arbitrator in alternative dispute resolution proceedings and, if so, a description of the 10 most significant matters with which you were involved in that capacity.

I have not served as a mediator or arbitrator in alternative dispute resolution proceedings.

b. Describe:

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

From 2013 to 2014, I served as a judicial law clerk to the Honorable Donald E. Walter of the United States District Court for the Western District of Louisiana. In that capacity, I worked extensively on both civil and criminal matters and assisted the court at all stages of federal litigation, including dispositive motions, discovery and evidentiary disputes, jury and bench trials, sentencing proceedings, and post-trial matters. I researched and analyzed complex questions of federal and state law, prepared draft opinions and orders, and assisted Judge Walter in preparing for and conducting trials and other court proceedings.

From 2014 to 2019, I practiced in the private sector, where most of my work involved civil litigation and litigation-related matters. My responsibilities included drafting pleadings and dispositive motions, conducting and managing discovery, preparing witnesses and cases for trial, handling appellate matters, and appearing regularly in federal and state courts and administrative proceedings. My practice increasingly concentrated on labor and employment law, although I also handled commercial and other civil litigation.

From 2019 to 2023, the character of my work shifted from private litigation to federal government service. At the United States Department of Labor and the United States Equal Employment Opportunity Commission, my responsibilities focused primarily on regulatory, policy, enforcement, and litigation matters. I advised senior agency officials on significant questions of statutory and regulatory interpretation, enforcement policy, litigation, and administrative law. At the EEOC, I was involved in the Commission's amicus program and its adjudication

of federal sector employment anti-discrimination cases, and I advised on significant litigation and enforcement matters. I also played a leadership role in the EEOC's Artificial Intelligence and Algorithmic Fairness Initiative, including the agency's engagement with other federal agencies concerning the application of existing civil rights laws to artificial intelligence and emerging workplace technologies.

Since returning to private practice in 2023, most of my practice has again involved civil litigation and litigation-related matters. I represent employers in complex litigation, administrative proceedings, government investigations, and other significant workplace disputes arising under federal and state law. My litigation responsibilities include developing case strategy, drafting pleadings and dispositive motions, managing complex discovery, preparing matters for trial, handling evidentiary issues, briefing and arguing motions, and handling appellate matters. My cases have involved employment discrimination, harassment, retaliation, wage-and-hour law, whistleblower protections, military leave and discrimination under the Uniformed Services Employment and Reemployment Rights Act, and other federal and state employment laws. I also regularly represent clients in investigations and enforcement matters involving federal and state agencies, conduct sensitive workplace investigations, and advise employers concerning regulatory compliance and risk management. An increasingly significant component of my practice involves the legal and regulatory implications of artificial intelligence and other emerging workplace technologies.

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

During my periods in private practice, my clients have principally been employers, including Fortune 500 companies, government contractors, trade associations, small and midsized businesses, and other private-sector organizations. From 2014 to 2019, my practice included civil and commercial litigation and increasingly concentrated on labor and employment law. I represented businesses and other organizations in federal and state courts and administrative proceedings and advised clients regarding compliance with federal, state, and local employment laws.

During my federal government service from 2019 to 2023, I did not represent private clients. At the United States Department of Labor and the United States Equal Employment Opportunity Commission, I served the interests of the United States and the respective agencies and their officials. At the EEOC, I developed particular experience concerning the application of federal employment discrimination laws to artificial intelligence and other emerging technologies.

Since returning to private practice in 2023, I have specialized in labor and employment law, with particular emphasis on complex litigation, appellate matters, government investigations and administrative proceedings, military-leave

matters, and the legal and regulatory issues arising from artificial intelligence and other workplace technologies. I represent employers of all sizes.

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.

Approximately 75% to 80% of my legal practice has involved litigation or litigation-related matters. From 2014 to 2019, while in private practice, a substantial majority of my work involved civil litigation, including drafting pleadings and dispositive motions, managing discovery, preparing cases for trial, handling appellate matters, and appearing often in federal and state courts. From 2019 to 2023, during my service at the United States Department of Labor and the United States Equal Employment Opportunity Commission, my responsibilities shifted primarily to legal, regulatory, policy, and enforcement matters. Although I did not regularly appear in court during that period, I remained substantially involved in litigation-related work, including advising senior agency officials on significant litigation and enforcement matters and, at the EEOC, matters involving the Commission's amicus program and federal sector adjudications. Since returning to private practice in 2023, a substantial majority of my work has again involved civil litigation and litigation-related matters, and I have appeared regularly in court in connection with those matters.

i. Indicate the percentage of your practice in:

1.	federal courts:	70%
2.	state courts of record:	5%
3.	other courts:	0%
4.	administrative agencies:	25%

ii. Indicate the percentage of your practice in:

1.	civil proceedings:	99%
2.	criminal proceedings:	1%

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

I have not tried any cases to verdict, judgment, or final decision as sole, chief, or associate counsel. During my judicial clerkship with the Honorable Donald E. Walter of the United States District Court for the Western District of Louisiana, however, I assisted the court in numerous civil and criminal jury and bench trials. In that capacity, I gained substantial experience with all stages of federal trial proceedings, including pretrial motions and conferences, evidentiary issues, jury selection, preparation of jury instructions, trial proceedings, post-trial motions, and the preparation of judicial opinions and orders. Although I did not serve as trial counsel in those matters, my clerkship

provided substantial firsthand exposure to the conduct and management of both jury and bench trials.

i. What percentage of these trials were:

None.

1. jury: __
2. non-jury: __

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

I assisted in the preparation and filing of an amicus curiae brief on behalf of the International Franchise Association and the American Hotel & Lodging Association in support of the petitioners in *Eli Lilly & Co. v. Richards*, No. 25-476 (U.S. filed Nov. 17, 2025).

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. *George v. Piedmont Airlines, Inc.*, 761 F. Supp. 3d 804 (E.D. Pa. 2025) (Goldberg, J.), *aff'd*, No. 25-1064, 2026 WL 1230343 (3d Cir. May 5, 2026) (Shwartz, Bibas, and Phipps, JJ.). (Representation 2023 – 2026).

I represented Piedmont Airlines, Inc. as lead counsel in the United States District Court for the Eastern District of Pennsylvania and as lead appellate counsel before the United States Court of Appeals for the Third Circuit in litigation concerning the interaction between the Uniformed Services Employment and Reemployment Rights Act and the Railway Labor Act. The plaintiff asserted claims arising from his employment and military service rights under the Uniformed Services Employment and Reemployment Rights Act, and the case presented significant questions concerning the extent to which those claims were subject to the Railway Labor Act's mandatory dispute resolution

framework and the preclusive effect of prior proceedings. I had primary responsibility for the defense throughout the litigation, including developing the factual and legal strategy, analyzing the interaction between the two federal statutory schemes, and drafting the motion to dismiss, reply brief, and subsequent appellate briefs. The district court granted Piedmont's motion to dismiss, resulting in dismissal of the plaintiff's claims. On appeal, I continued as lead counsel and defended the judgment before the Third Circuit, which unanimously affirmed the district court's decision. Thereafter, the Third Circuit denied the plaintiff's petition for panel rehearing and subsequently denied rehearing en banc.

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(502) 656-5335

2. *Adams v. Waste Management, et al.*, No. 24-cv-2432, 2025 WL 2211905 (E.D. La. Aug. 4, 2025) (Vance, J.). (Representation 2024 – 2025).

I represented Waste Management as lead counsel in a complex federal action before the United States District Court for the Eastern District of Louisiana involving more than nineteen defendants and an expansive array of claims arising from alleged events spanning several decades and multiple jurisdictions. The plaintiff asserted numerous federal and state law claims involving, among other things, alleged child custody and kidnapping-related misconduct, employment and housing discrimination, civil conspiracy, negligence, defamation, and other tortious conduct. I had primary responsibility for Waste Management's defense throughout the litigation, including investigating and developing the factual record, formulating the litigation strategy, and drafting the answer and counterclaim, motion for judgment on the pleadings under Federal Rule of Civil Procedure 12(c), reply brief, and subsequent application for attorneys' fees. I obtained judgment on the pleadings dismissing with prejudice all claims asserted against Waste Management. In the same decision, the court also entered judgment in Waste Management's favor on its breach of contract counterclaim. Waste Management thereafter sought recovery of its attorneys' fees; the magistrate judge recommended an award, and the district court adopted that recommendation and awarded Waste Management its attorneys' fees.

Co-counsel:

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Opposing counsel:

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1550 North Broad Street

New Orleans, Louisiana 70119
(504) 265-0437

3. *Pettenger v. Wilkie*, No. 17-0809 (Vet. App.), 2018 WL 1569263 (Vet. App. Mar. 30, 2018) (Davis, C.J.). (Representation 2017 – 2018).

I represented United States Navy veteran Michael D. Pettenger on a pro bono basis as lead appellate counsel before the United States Court of Appeals for Veterans Claims in his appeal from a Board of Veterans' Appeals decision denying disability compensation for a back condition. The appeal challenged, among other things, the Board's reliance on inadequate United States Department of Veterans Affairs medical examinations and its determination that VA had satisfied its statutory duty to assist. As lead appellate counsel, I had primary responsibility for the appeal, including reviewing and developing the record, identifying and analyzing the dispositive legal and medical issues, developing the appellate strategy, and drafting the appellate briefs. I argued that the medical opinion underlying the Board's decision was inadequate because the examiner attributed Mr. Pettenger's diagnosed rotoscoliosis with degenerative changes to age rather than an in-service injury without providing a reasoned medical explanation, failed adequately to address whether his disability was otherwise related to his military service, and did not address potentially relevant additional diagnoses. The court agreed that the medical examination was inadequate and held that the Board clearly erred in finding that VA had satisfied its duty to assist. The court therefore set aside the Board's February 3, 2017, decision and remanded the matter for a new medical examination and further adjudication, resulting in a successful appeal for Mr. Pettenger.

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4. *Biermann v. Booz Allen Hamilton Inc.*, No. 25-cv-02662-SAG, 2026 WL 982752 (D. Md. Apr. 13, 2026) (Gallagher, J.). (Representation 2025 – 2026).

I represented Booz Allen Hamilton as lead counsel in an action in the United States District Court for the District of Maryland asserting claims under the Americans with Disabilities Act and the Uniformed Services Employment and Reemployment Rights Act. I had primary responsibility for Booz Allen's defense, including developing litigation strategy and drafting the motion to dismiss and reply brief. The case presented issues concerning administrative exhaustion and statutory filing deadlines under the Americans with Disabilities Act, equitable tolling, and the scope of protections against discrimination based on military service or status under the Uniformed Services Employment and Reemployment Rights Act. We argued that the Americans with

Disabilities Act claim was time-barred because the plaintiff failed to file a timely charge with the United States Equal Employment Opportunity Commission and failed to commence his federal action within 90 days after receiving the agency's right-to-sue notice. The plaintiff relied in part on his pretrial incarceration in related state and federal criminal proceedings as a basis for equitable tolling. I analyzed those proceedings, his access to counsel and a designated power of attorney, and the applicability of the prison-mailbox doctrine, and argued that his incarceration did not excuse his untimely filings. We separately argued that the plaintiff failed to state a cognizable Uniformed Services Employment and Reemployment Rights Act claim because the statute prohibits discrimination based on military service or status, rather than disability, even when the alleged disability is connected to military service. The plaintiff subsequently abandoned his Uniformed Services Employment and Reemployment Rights Act claim, and the court granted Booz Allen's motion, dismissed the action in its entirety with prejudice, and closed the case.

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5. *Mathieu v. Nationwide Mutual Insurance Co., et al.*, No. 25-cv-2151 (E.D. Va. Mar. 6, 2026) (Brinkema, J.). (Representation 2025 – 2026).

I represented Nationwide Mutual Insurance Company as lead counsel in an action alleging violations of the Uniformed Services Employment and Reemployment Rights Act under a joint employer theory. The plaintiff alleged that Nationwide should be held liable as his employer for adverse employment actions allegedly taken because of his military service. I had primary responsibility for Nationwide's defense throughout the litigation, including investigating and developing the factual record, formulating the legal

strategy concerning Nationwide's status under the Uniformed Services Employment and Reemployment Rights Act and the plaintiff's joint employer theory, drafting the motion to dismiss and reply brief, developing the discovery plan, participating in the pretrial conference before the assigned magistrate judge, and preparing for and presenting oral argument on Nationwide's dispositive motion before Judge Leonie M. Brinkema. I argued that Nationwide could not be liable under the Uniformed Services Employment and Reemployment Rights Act because it had no employment relationship with the plaintiff, did not exercise the requisite control over his employment, and did not take any adverse employment action against him based on his military service. Following oral argument, Judge Brinkema granted Nationwide's motion to dismiss all claims against it and terminated Nationwide from the action.

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6. *Rainey v. Marathon Petroleum Co. LP*, No. 25-cv-2047, 2026 WL 1745548 (E.D. La. June 17, 2026) (Roby, M.J.), *corrected on reconsideration*, No. 25-cv-2047, 2026 WL 2283004 (E.D. La. Aug. 7, 2026) (Roby, M.J.). (Representation 2025 – present).

I served as lead counsel for Marathon Petroleum Company LP in a disability discrimination litigation arising from Marathon's decision to rescind the plaintiff's conditional offer of employment for a commercial driver position following a pre-employment medical examination. The plaintiff alleges that Marathon violated the Americans with Disabilities Act by relying on a medical examiner's determination that he was not physically qualified for the position because of kidney disease and his use of peritoneal dialysis, notwithstanding his contention that he satisfied applicable federal transportation requirements and could perform the essential functions of the position. The case presents significant questions concerning the interaction between the Americans with Disabilities Act and federal transportation safety regulations governing the medical qualifications of commercial drivers. I had primary responsibility for Marathon's defense, including case strategy, analysis of the applicable regulatory framework, discovery, and briefing dispositive and related motions. After the court granted Marathon's motion to dismiss in part, our reconsideration briefing identified an erroneous citation to a nonexistent regulatory provision and related analysis that appeared to derive from a different federal regulatory framework. The court granted the motion for reconsideration in part and corrected that error, although Marathon maintained that the substituted regulation was likewise inapplicable and did not resolve its broader arguments concerning the regulatory framework governing kidney disease and dialysis. The case remains pending.

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7. *Whidden v. Form Energy, et al.*, No. 3:24-cv-07497 (N.D. Cal. Feb. 13, 2025) (Thompson, J.). (Representation 2024 – 2025).

I represented Form Energy as co-counsel in a federal employment action brought by a former employee and United States Army Reservist who alleged that the company

unlawfully disciplined and terminated him because of his military service and political expression. The plaintiff asserted five causes of action under federal and California law, including claims under the Uniformed Services Employment and Reemployment Rights Act, the California Military and Veterans Code, the California Government Code, and the California Labor Code. Among other allegations, the plaintiff contended that his required Army Reserve training was a motivating factor in his termination and that Form Energy discriminated against him based on his military service and veteran status. He separately alleged that Form Energy disciplined and ultimately terminated him because of political views expressed on his personal social media account and unlawfully sought to restrict or control his political activities. The plaintiff sought substantial relief, including reinstatement or front pay, back pay and lost benefits, liquidated damages, compensatory and emotional distress damages, punitive damages, attorneys' fees and costs, and other relief. I was substantially involved in developing and executing Form Energy's defense and, based on my experience with military employment law and workplace political expression issues, had significant responsibility for analyzing the federal and state military discrimination and political activity claims, developing the strategy for responding to those claims, and preparing Form Energy's motion to dismiss the complaint in its entirety. I also played a significant role in developing the company's settlement strategy and negotiating with opposing counsel. After Form Energy moved to dismiss all claims, the parties reached a favorable settlement resolving the dispute, and the plaintiff voluntarily dismissed the action.

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8. *U.S. Equal Employment Opportunity Commission v. Sheetz, Inc., et al.*, No. 3:24-cv-00231-SLH (W.D. Pa.) (Haines, J.). (Representation 2025 – present).

I serve as counsel for Sheetz, Inc. and related entities in litigation originally brought by the United States Equal Employment Opportunity Commission alleging that the companies' use of criminal history information in employment screening had an unlawful disparate impact under Title VII of the Civil Rights Act of 1964. The EEOC sought class-wide injunctive and monetary relief but did not allege intentional discrimination. After the EEOC discontinued its prosecution of the action, an individual sought to intervene and continue the litigation. I have had responsibility for assisting in the development of the defense strategy concerning the EEOC-related and substantive employment law issues. The matter remains pending.

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9. *Scheer v. Everon, LLC*, No. 6:25-cv-01161-JWB-GEB, 2025 WL 2821859 (D. Kan. Oct. 3, 2025) (Broomes, C.J.). (Representation 2025).

I represented Everon, LLC as lead counsel in an action originally filed in Kansas state court that I removed to the United States District Court for the District of Kansas. The plaintiff asserted employment discrimination and failure to accommodate claims under the Americans with Disabilities Act, the Kansas Act Against Discrimination, and the Uniformed Services Employment and Reemployment Rights Act, as well as state law claims for negligence, false reporting, and emotional distress arising in part from alleged communications with law enforcement. Although the plaintiff asserted employment-related claims against Everon, he acknowledged that he had never been employed by, nor sought employment with, the company. I had primary responsibility for Everon's defense throughout the litigation, including investigating and developing the factual record, formulating the removal and dispositive motion strategy, and drafting the motion to dismiss, reply brief, and opposition to the plaintiff's subsequent motion for relief from judgment. Our motion argued, among other things, that the plaintiff could not state claims under the federal and state employment anti-discrimination laws because he lacked the requisite employment, applicant, or reemployment relationship with Everon and, with respect to the Americans with Disabilities Act and Kansas Act Against Discrimination claims, had also failed to exhaust his administrative remedies. The court agreed, concluding that the defects in the employment claims could not be cured by amendment and dismissing them with prejudice. The court also dismissed the plaintiff's negligence

and false reporting/emotional distress claims, construing the latter in part as a defamation theory. After final judgment was entered, the plaintiff moved for relief under Federal Rule of Civil Procedure 60(b) and sought additional relief, including remand to state court, discovery, and sanctions against defense counsel. I successfully opposed the motion, and the court denied relief from judgment, preserving Everon's complete dismissal and concluding the litigation at the district court level.

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10. *Sherwin Alumina Co. LLC v. Union Pacific Railroad Co.*, No. 2:15-cv-00132 (S.D. Tex. Sept. 15, 2015) (Gonzales Ramos, J.). (Representation 2015 – 2016).

I represented Sherwin Alumina Company LLC as part of the litigation team in a breach of contract action against Union Pacific Railroad Company arising from a rail transportation agreement. I had significant responsibility for dispositive-motion practice, discovery, case scheduling, and expert witness issues and was the primary drafter of Sherwin Alumina's successful motion to dismiss Union Pacific's counterclaim for declaratory judgment. Union Pacific alleged that a lockout of Sherwin Alumina employees during a labor dispute excused it from certain contractual obligations and sought a declaration to that effect. We argued that the counterclaim improperly repackaged defenses to Sherwin Alumina's breach of contract claims as an affirmative claim under the federal Declaratory Judgment Act. Judge Ramos agreed and dismissed the counterclaim, concluding that it served no useful purpose independent of adjudicating Sherwin Alumina's underlying contract claims and rejecting Union Pacific's reliance on a separate agreement that was not adequately pleaded. In addition to my principal role in briefing the successful dispositive motion, I was substantially involved in developing the scheduling order, managing discovery, and addressing the designation of expert

witnesses. The parties subsequently resolved the litigation and stipulated to dismissal of the action with prejudice, and the court entered final judgment dismissing the case with prejudice and without costs to either party.

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

My most significant legal activities have involved litigation, appellate advocacy, statutory and regulatory interpretation, administrative law, agency enforcement, and legal counseling in both federal government service and private practice. During my service at the United States Equal Employment Opportunity Commission and the United States Department of Labor, I was involved with hundreds of legal matters arising under federal labor and employment statutes and regulations. These matters included significant litigation and enforcement matters, appellate and amicus briefs, regulatory and subregulatory guidance, opinion letters, legal opinions and analyses, and other agency initiatives. My responsibilities included analyzing complex and often novel questions of statutory and regulatory interpretation; developing litigation and appellate positions; reviewing and drafting briefs and other legal filings; advising agency leadership regarding enforcement, regulatory, and policy matters; and participating in the development and review of agency guidance and other legal materials.

In private practice, I regularly represent and advise employers in matters involving federal labor and employment agencies, including the United States Department of Labor's Wage and Hour Division, Office of Federal Contract Compliance Programs, Occupational Safety and Health Administration, and Veterans' Employment and Training Service, as well as the Equal Employment Opportunity Commission. My work includes responding to agency charges, complaints, investigations, audits, and other enforcement proceedings; developing factual and legal defenses; preparing written submissions and position statements; communicating and negotiating with agency personnel; counseling clients regarding compliance and potential exposure; and, where appropriate, representing clients in related litigation or administrative proceedings. I have also represented clients in numerous investigations conducted by state attorneys general. In those matters, I have assisted clients in responding to investigative demands and inquiries, developing factual and legal positions, preparing written submissions, interacting with government investigators, and advising clients regarding strategy, compliance, and potential resolution. In addition, my private practice experience includes significant federal litigation and appellate matters involving labor and employment statutes and related issues.

I have not performed lobbying activities on behalf of any client or organization.

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

Employment Law Course (Employment Anti-Discrimination Law), The Catholic University of America Columbus School of Law, Fall 2022. I served as an Adjunct Professor of Law and taught a course addressing federal employment anti-discrimination law. Syllabus provided.

20. **Deferred Income/Future Benefits**: List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

I participate in the Thrift Savings Plan (TSP) in connection with my prior federal service. I also participate in my current employer's retirement plan and anticipate receiving employer contributions attributable to the 2026 plan year. I do not anticipate any other receipts from deferred income arrangements, stock options, uncompleted contracts, or other future benefits arising from prior business relationships, professional services, firm memberships, former employers, clients, or customers.

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.

No. I have no plans, commitments, or agreements to engage in outside employment, whether compensated or uncompensated, during my service with the court.

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 (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).

Upon formal submission of my nomination to the United States Senate, I will provide the Committee with a copy of my required Financial Disclosure Report.

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

See attached Net Worth Statement.

24. **Potential Conflicts of Interest**:

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

If confirmed and commissioned, I will recuse myself from any matter in which I have participated personally as an attorney. I will also carefully evaluate any other actual or potential conflict of interest, including any relationship or circumstance that could reasonably call my impartiality into question, on a case-by-case basis. In doing so, I will consider the views of the parties and their counsel as appropriate and will take whatever action is required by applicable law and the governing rules of judicial ethics, including recusal whenever necessary or appropriate.

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

If confirmed, I would carefully review any actual or potential conflict of interest in accordance with 28 U.S.C. § 455, Canon 3 of the Code of Conduct for United States Judges, and all other applicable laws, ethical requirements, and judicial guidance. I would assess the particular facts and circumstances of each matter, including whether my impartiality might reasonably be questioned or another basis for disqualification exists. Where appropriate, I would seek guidance from applicable judicial ethics authorities and consider the views of the parties and counsel to the extent permitted by law and ethical rules. If recusal were required or otherwise appropriate, I would recuse from the matter.

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.

I have devoted substantial pro bono time to representing veterans, service members, and Gold Star families throughout my legal career, including the following matters:

Pettenger v. Wilkie, No. 17-0809, 2018 WL 1569263 (Vet. App. Mar. 30, 2018) (Davis, C.J.). I represented United States Navy veteran Michael D. Pettenger in his appeal before the United States Court of Appeals for Veterans Claims from a decision of the Board of Veterans' Appeals denying disability compensation for a back condition. I served as lead appellate counsel for Mr. Pettenger and argued, among other things, that the Board improperly relied on inadequate Department of Veterans Affairs medical examinations. The court agreed that the medical examination underlying the Board's decision was inadequate, set aside the Board's decision, and remanded the matter for further adjudication. I devoted approximately 60 hours to this representation.

United States v. 'Isa, Criminal Docket No. 11-819 (E.D.N.Y. filed Nov. 1, 2011): I initially served as an advocate and later as pro bono counsel for five Gold Star families whose loved ones, all members of my combat unit, were killed in a 2009 terrorist attack in Mosul, Iraq, that formed the basis of the federal prosecution. The defendant, Faruq Khalil Muhammed 'Isa, was extradited from Canada to the United States in January 2015 to face federal charges of conspiring to kill Americans abroad and providing material support to a terrorist conspiracy to kill Americans abroad, based on allegations that he helped orchestrate the suicide bombing that killed the five soldiers. Drawing on my personal connection to the unit and the fallen service members, I represented the Gold Star families' interests throughout the criminal proceedings, guided them through the federal criminal justice process, and assisted them in ensuring that the lives and service of their loved ones were meaningfully presented to the court. I prepared the Gold Star families' written and oral victim impact statements and personally appeared before the district court at sentencing to advocate on behalf of the fallen soldiers and their families. The prosecution attracted significant national and international attention because of the gravity of the terrorist attack, its national-security implications, the defendant's extradition from Canada to face federal terrorism charges in the United States, and the involvement of then-Attorney General Eric Holder and then-United States Attorney Loretta Lynch. I devoted more than 200 hours of pro bono legal services to the representation.

In addition to these matters, I have sought throughout my legal career to use my professional experience to provide legal assistance to veterans, service members, military families, and others in need of representation. In 2018, I received a commendation from the Veterans Consortium Pro Bono Program for my extensive pro bono work on behalf of veterans.

26. **Selection Process**:

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

There is no judicial selection commission in Louisiana that recommends candidates for nomination to the federal courts. In March 2025, I contacted the office of United States Senator Bill Cassidy to express my interest in being considered for appointment as a United States District Judge for the United States District Court for the Eastern District of Louisiana. In April 2025, I interviewed with members of Senator Cassidy's staff regarding my interest and qualifications for the position. On March 4, 2026, I interviewed in Washington, D.C., with attorneys from the White House Counsel's Office and the United States Department of Justice. In June 2026, I interviewed with Senator Cassidy and members of his staff. In July 2026, I interviewed with members of United States Senator John Kennedy's staff. On August 18, 2026, President Trump called to inform me that he intended to nominate me to serve as a United States District Judge for the Eastern

District of Louisiana. Throughout this process, I have been in periodic contact with officials from the White House Counsel's Office and the Office of Legal Policy at the Department of Justice.

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

No.

AFFIDAVIT

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

08/25/2026
(DATE)

(NAME)

(NOTARY)

BONNIE B. COILE
NOTARY PUBLIC
MY COMMISSION EXPIRES 6/30/2030
DISTRICT OF COLUMBIA

BONNIE B. COILE
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My Commission Expires 6/30/20