

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Paul Lewis Abrams

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

United States District Judge for the Central District of California

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

United States District Court
Central District of California
312 North Spring Street, Courtroom G, Ninth Floor
Los Angeles, California 90012

Residence: Encino, California

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

1958; Inglewood, California

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.

1980 – 1983, Boalt Hall Law School, University of California, Berkeley; J.D., 1983

1977 – 1979, University of California, Berkeley; A.B. (High Honors), 1979

1975 – 1976, University of California, Santa Barbara; no degree received (transferred)

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.

2002 – Present
United States District Court
Central District of California
312 North Spring Street, Courtroom G, Ninth Floor
Los Angeles, California 90012
United States Magistrate Judge

1987 – 2001
Office of the Federal Public Defender
321 East Second Street
Los Angeles, California 90012
Supervising Deputy Federal Public Defender (1992 – 2001)
Deputy Federal Public Defender (1987 – 1992)

Spring 1994
University of La Verne College of Law
320 East D Street
Ontario, California 91764
Adjunct Professor

1985 – 1987
Bet Tzedek Legal Services
3250 Wilshire Boulevard, 13th Floor
Los Angeles, California 90010
Director, Valley Rights Project

1983 – 1985
Jeffer, Mangels & Butler
1900 Avenue of the Stars, Number Seven
Los Angeles, California 90067
Litigation Associate

Fall 1982
Legal Aid Society of Alameda County, Oakland Office
1735 Telegraph Avenue
Oakland, California 94612
Legal Intern

Fall 1982
University of California, Berkeley
Berkeley, California 94720
Undergraduate Teaching Assistant, Constitutional Law

Summer 1982
Weissburg and Aronson, Inc. (now defunct)
2049 Century Park East

Los Angeles, California 90067
Summer Legal Intern

Summer 1981, 1980, 1979, 1978
Los Angeles Bureau of Jewish Education Summer Ulpan in Israel
6505 Wilshire Boulevard, #300
Los Angeles, California 90048
Group Leader (Summer 1981, 1980)
Counselor (Summer 1979, 1978)

Spring 1980
UCLA Medical Center
757 Westwood Plaza
Los Angeles, California 90095
Unit Service Coordinator for wing of Medical Center

September 1979 – January 1980 (dates approximate)
Hamakor (The Source)
French Hill
Jerusalem, Israel
Clerk/salesperson for bookstore

Other Affiliations (uncompensated):

2012 – Present
Federal Bar Association, Los Angeles Chapter
210 North Glenoaks Boulevard
Burbank, California 91502
Board Member

Approximately 1997 – 2002
Camp Ramah in California
17525 Ventura Boulevard, #201
Encino, California 91316
Board Member

Approximately 1995 – 2001
Congregation Adat Ari El
12020 Burbank Boulevard
Valley Village, California 91607
Board Member, Congregation (approximately 1995 – 2001)
Board Member, Day School (approximately 1995 – 2001)

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

selective service.

I have not served in the military. I was not required to register for selective service.

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

Resolution of Commendation, California State Assembly (1985)

Phi Beta Kappa (1979)

Graduated University of California, Berkeley with High Honors (1979)

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

American Bar Association (1992 – Present)

California Attorneys for Criminal Justice (approximately 1988 – 2000)

Federal Bar Association, Los Angeles Chapter (2013 – Present)

Board Member (approximately 2013 – Present)

Federal Magistrate Judges Association (2002 – Present)

Los Angeles County Bar Association, Ad Hoc Committee on Sentencing (1997 – 1998)

National Association of Criminal Defense Lawyers (approximately 1998 – 2000)

United States Court of Appeals for the Ninth Circuit, Magistrate Judges Education Committee (2006 – 2009)

United States District Court for the Central District of California, various court committees (2002 – 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.

California, 1983

There has been no lapse in membership, although I am currently on inactive status as a Magistrate Judge.

- 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 Supreme Court, 1993

United States Court of Appeals for the Ninth Circuit, 1988

United States District Court for the Central District of California, 1984

United States District Court for the Northern District of California, 1984

There have been no lapses in membership.

11. Memberships:

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

Camp Ramah in California

Board Member (approximately 1997 – 2002)

Congregation Adat Ari El

Board Member, Congregation (approximately 1995 – 2001)

Board Member, Day School (approximately 1995 – 2001)

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

To the best of my knowledge, neither of the organizations listed above currently discriminates or formerly discriminated on the basis of race, sex, religion or national origin, either through formal membership requirements or the practical implementation of membership policies. Adat Ari El, as a synagogue, is by its nature a religious institution that serves those of the Jewish faith, but it strives to promote interfaith dialogue and programming aimed at breaking down barriers between people of different religions.

12. Published Writings and Public Statements:

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

None.

- b. Supply four (4) copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

None.

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

None.

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

2002 – Present: Naturalization Ceremonies, United States District Court for the Central District of California, Los Angeles, California. I preside over naturalization ceremonies at various locations in the Central District approximately once a year, and I give the same remarks at each ceremony. Remarks and representative press coverage supplied.

Amy Taxin, *A Reason to Celebrate*, Orange County Register, May 20, 2006. Copy supplied.

Daniel Hernandez, *New Citizens Welcomed*, Los Angeles Times, July 4,

2003. Copy supplied.

Michael Gougis, *2,700 New Citizens Sworn In*, San Gabriel Valley Tribune, July 3, 2003. Copy supplied (reprinted in multiple outlets).

2002 – Present: Speaker, School Presentations, United States District Court for the Central District of California, Los Angeles, California. I am occasionally asked to address school groups (elementary through high school) that are visiting the court about the role of the magistrate judge in the court system. I estimate I have done this on approximately ten occasions. I have no notes, transcripts or recordings of such talks, and no records of the precise dates of these talks. The address of the United States District Court for the Central District of California is 312 North Spring Street, Los Angeles, California 90012.

October 26, 2015, April 20, 2015, October 24, 2014: Speaker, CASA Graduations, United States District Court for the Central District of California, Los Angeles, California. On these occasions, I delivered remarks at the graduation of participants in the Central District's CASA (Conviction and Sentence Alternatives) program. I have notes for two of the graduations, but they are limited to personal details of the graduates. The address of the United States District Court for the Central District of California is 312 North Spring Street, Los Angeles, California 90012.

September 12, 2015, March 5, 2011, September 27, 2008, November 26, 2005, December 13, 2003, June 17, 2000, December 18, 1999, July 25, 1998: Speaker, Congregation Adat Ari El, Valley Village, California. Congregation Adat Ari El has a program that involves members occasionally delivering remarks during Sabbath services concerning that week's portion of the Torah (the first part of the Old Testament), and its relevance to our times. As best as I can discern from my records and those kept by the synagogue member responsible for this program, I have delivered such remarks on the dates listed above. I have been able to locate the text of my remarks from September 12, 2015, March 5, 2011, June 17, 2000, and December 18, 1999, and they are supplied. My remarks on November 26, 2005, were recorded, and I have supplied an audio file of those remarks. Adat Ari El does not have recordings from any of the other dates on which I delivered remarks. Adat Ari El is located at 12020 Burbank Boulevard, Valley Village, California 91607.

March 5, 2015: Participant, "Speed Mentoring" Program, Washington Preparatory High School, Los Angeles, California. I participated in an event that allowed me and the other participants (lawyers, judges, courtroom professionals) to talk one-on-one with approximately twelve students about our roles in the legal system. I have no notes, transcript or recording. The address for Washington Preparatory High School is 10860 South Denker Avenue, Los Angeles, California 90047.

November 19, 2014 & October 29, 2014: Speaker, Federal Court and the First

Amendment, Washington Preparatory High School, Los Angeles, California.
Notes supplied.

October 22, 2013: Participant, Introduction to Federal Court, Federal Bar Association Younger Lawyers' Division, Los Angeles, California. With a district judge, we provided an introduction to federal court for new lawyers and law clerks. I have no notes, transcript or recording. The address for the Federal Bar Association Younger Lawyers' Division is 210 North Glenoaks Boulevard, Burbank, California 91502.

September 17, 2013: Panelist, Practices and Procedures in Federal Court, American Business Trial Lawyers (ABTL), Los Angeles, California. Outline supplied.

July 23, 2013, June 7, 2012: Participant, Introduction to Federal Court, Los Angeles, California. With a district judge, I provided an introduction to federal court for summer externs from the California Attorney General's office during a brown bag lunch program. I have no notes, transcript or recording. The address of the United States District Court for the Central District of California is 312 North Spring Street, Los Angeles, California 90012.

2006 – 2012 (approximately): Facilitator, Law Day, United States District Court for the Central District of California, Los Angeles, California. I have been a regular participant in the district court's observance of Law Day. As part of this program, high school seniors visit the court and conduct a mock trial over which I co-preside with a student judge, followed by a discussion based on that year's theme. I have no notes, transcript or recording. The address of the United States District Court for the Central District of California is 312 North Spring Street, Los Angeles, California 90012.

February 24, 2012: Master of Ceremonies, Judicial Swearing-In of Kerry R. Bensinger and Michael Garcia as Judges to the Los Angeles County Superior Court, conducted at the Ninth Circuit Court of Appeals, Pasadena, California. Notes supplied.

October 22, 2008: Panelist, Federal Court Practice in the Central District of California, Los Angeles County Bar Association, Los Angeles, California. Outline and notes supplied.

August 15, 2006: Panelist, Social Security Practice in the Central District of California, Social Security Bar of Los Angeles, Los Angeles, California. I participated in a panel on Social Security disability appeals handled in federal court. I have no notes, transcript or recording. The Social Security Bar of Los Angeles has no mailing address.

- e. List all interviews you have given to newspapers, magazines or other

publications, or radio or television stations, providing the dates of these interviews and four (4) copies of the clips or transcripts of these interviews where they are available to you.

Gabe Friedman, *Magistrate Judge Paul L. Abrams: Profile*, Los Angeles Daily Journal, March 22, 2012. Copy supplied.

Toni Vranjes, *U.S. Magistrate Judge Paul L. Abrams: Profile*, Los Angeles Daily Journal, September 2, 2003. Copy supplied.

Jaxon Van Derbeken and Steve Gorman, *Financier Keating Released on Bail*, Daily News of Los Angeles, October 4, 1996. Copy supplied.

Julie Tamaki, *'Fedbuster' Gets 40 Months*, Los Angeles Times, June 14, 1994. Copy supplied.

Gale Holland, *Firestorm Suspects Plead Innocent*, Daily Breeze, November 30, 1993. Copy supplied.

Ron Soble, *Lawyer Makes Federal Case for Indigent*, Daily News of Los Angeles, June 27, 1993. Copy supplied.

Karen Nikos, *Keatings Guilty in U.S. Case*, Daily News of Los Angeles, January 7, 1993. Copy supplied.

Keating's Son Out of Jail, Los Angeles Times, January 4, 1992. Copy supplied (reprinted in multiple outlets).

Heather Dewar, *U.S. Arrests Two More in Failed Prison Break*, Miami Herald, June 3, 1989. Copy supplied.

Elizabeth Hartigan, *Alzheimer's Takes Financial, Emotional Tolls*, Daily News of Los Angeles, June 8, 1987. 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.

In January 2002, I was appointed by the district judges to be a United States Magistrate Judge for the Central District of California. I was reappointed to a second term in 2010. I preside over state and federal habeas petitions (except section 2255 cases and death penalty cases), civil rights cases where the plaintiff is unrepresented by counsel, and Social Security disability appeals. I also preside over discovery proceedings and conduct settlement conferences in civil cases other than those just mentioned and, where all parties to a civil action consent to my jurisdiction, I preside over the action in full. When I am on criminal arraignment duty, I preside over the initial phase of all criminal matters,

including the initial appearance and bail hearings. I also preside over misdemeanor and petty offenses.

In 1995, I served as a judge pro tem on approximately three occasions in small claims court for the (former) Los Angeles Municipal Court.

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

As a United States Magistrate Judge, I have presided over approximately 16 cases that have gone to verdict or judgment. Because I can only preside over civil matters by consent of the parties and over criminal trials involving certain misdemeanor and petty offenses, only a small percentage of the thousands of cases I have handled have gone to trial.

- i. Of these, approximately what percent were:

jury trials:	20%
bench trials:	80%
civil proceedings:	40%
criminal proceedings:	60%

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

Please see attached list.

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

1. Cal. Trout v. U.S. Bureau of Reclamation, No. CV 14-7744-FMO (PLAx)
(C.D. Cal.)

This case involved an alleged violation of the Endangered Species Act, in particular, allegations that defendant United States Bureau of Reclamation failed to comply with a biological opinion and incidental take statement concerning Southern California steelhead trout through its failure to maintain an adequate water level, resulting in fish mortalities. Three separate entities, each representing users of the same water affecting the trout, were allowed to intervene. I was the settlement judge in this action, and conducted multiple and lengthy sessions involving plaintiffs, defendants and the intervening parties, that resulted in a complete resolution of this action without the need for summary judgment motions or trial.

Counsel for plaintiffs: Brian Segee
Environmental Defense Center
111 West Topa Topa Street
Ojai, CA 93023
(805) 640-1832

Counsel for defendants: Rickey D. Turner, Jr.
U.S. Department of Justice
999 18th Street
South Terrace, Suite 370
Denver, CO 80202
(303) 844-1373

Counsel for intervenors: Steven M. Torgiani
Young Wooldridge
1800 30th Street, Fourth Floor
Bakersfield, CA 93301
(661) 327-9661

2. Anderson v. A. Hedgpeth, Warden, No. CV 12-5091-PLA, 2014 U.S. Dist. LEXIS 104009 (C.D. Cal. July 28, 2014)

Petitioner in this consent habeas action arising from his state court convictions for murder and attempted murder alleged various violations in those convictions, including insufficient evidence, ineffective assistance of counsel, cruel and unusual punishment, and improper instruction of the jury. Following a review of the state court record, the habeas petition, and all filings in connection with the petition, I issued an order denying relief consistent with the Antiterrorism and Effective Death Penalty Act of 1996 (“AEDPA”). Petitioner filed an appeal from the judgment, and the Ninth Circuit denied a certificate of appealability (Case No. 14-56439).

Counsel for petitioner: Robert Damien Anderson, pro se
Salinas Valley State Prison
P.O. Box 1050
Soledad, CA 93960

Counsel for respondent: Stephanie A. Miyoshi
Office of California Attorney General
300 South Spring Street, Suite 1702
Los Angeles, CA 90013
(213) 897-8784

3. Regents of the University of California v. Global Excel Management, Inc., No. CV 12-6903-PLA (C.D. Cal.)

Plaintiff in this consent case sought damages arising from emergency room services provided by UCLA Medical Center to three foreign citizens visiting Los Angeles, each of whom had a travel insurance policy for which defendant was the billing agent for the insurers. Plaintiff contended that defendant was obligated to pay the entire billed amount on each of the invoices for these three individuals, claiming that the amounts in the invoices were the reasonable and customary amounts for the services rendered. Defendant countered that plaintiff was entitled at most to the reasonable and customary *value* of the services provided, and through a discovery motion sought all invoices for all of its patients for the same procedures completed on the three patients at issue here. Soon after briefing on this motion, a hearing, and my ruling, the parties stipulated to dismiss the action with prejudice.

Counsel for plaintiff:

Karlene J. Rogers-Aberman
Stephenson, Acquisto and Colman
303 North Glenoaks Boulevard, Suite 700
Burbank, CA 91502
(818) 559-4477

Counsel for defendant:

Katherine L. Nichols
Duane Morris LLP
865 South Figueroa Street, Suite 3100
Los Angeles, CA 90017
(213) 689-7400

4. In re: CitiMortgage, Inc., Home Affordable Modification Program Lit., No. MDL 11-2274-DSF (PLAx) (C.D. Cal.), ECF No. 86 (copy supplied)

This multi-district litigation primarily involved allegations that defendant made false promises to help borrowers modify their home loans, and/or repudiated loan modifications. Over the course of approximately 18 months, I was responsible for shepherding the many discovery issues that arose, mainly surrounding plaintiffs' efforts to obtain documentation in relation to their class certification motion. Although it was necessary on occasion to issue discovery rulings, I met on a regular basis with the parties to monitor the exchange of information (much of which was in electronic format), and to resolve informally those issues that could be resolved without the need and expense for motions practice. My participation ended when class certification was denied by the district judge. An appeal of the order denying class certification is pending in the Ninth Circuit, case number 13-80214.

Counsel for plaintiffs:

Jeff S. Westerman
Westerman Law Corp
1900 Avenue of the Stars, 11th Floor
Los Angeles, CA 90067

(310) 698-7450

Counsel for defendant:

Debra Bogo-Ernst
Mayer Brown LLP
71 South Wacker Drive
Chicago, IL 60606
(312) 782-0600

Elizabeth D. Mann
Mayer Brown LLP
350 South Grand Avenue, 25th Floor
Los Angeles, CA 90071
(213) 229-9500

5. Baillie Lumber Co., L.P. v. Ace American Insurance Company, No. CV 11-6038-PLA (C.D. Cal.), ECF No. 25 (copy supplied)

This consent case involved claims of breach of contract and bad faith in connection with an insurance policy issued by defendant to plaintiff relating to a lumber agreement. Defendant sought to transfer venue from the Central District of California to the Western District of New York. The various parties had connections to California, New York, Pennsylvania, Tennessee and Delaware, and some of the activities giving rise to the action occurred in Mexico. Following briefing on the motion to transfer, and a hearing, I granted the motion and transferred the case to the Western District of New York.

Counsel for plaintiff:

Ignacio Lazo
4G Wireless, Inc.
8871 Research Drive
Irvine, CA 92618
(949) 331-1800

Counsel for defendant:

Marjie D. Barrows
Foran, Glennon, Palandech, Ponzi &
Rudloff PC
2000 Powell Street, Suite 900
Emeryville, CA 94608
(510) 740-1500

6. Curzi v. City of L.A., et al., No. CV 08-1373-PLA (C.D. Cal.)

This consent case involved alleged civil rights violations surrounding the use of excessive force and unlawful arrest. Officers arrived at plaintiff's apartment after receiving a 911 call reporting domestic abuse. When plaintiff opened the door, he allegedly initially refused to step outside, but then exited and resisted efforts to be handcuffed. Plaintiff alleged he was violently pushed to the ground and was

struck from behind by the officers, sustaining injuries. No criminal charges were filed against plaintiff. Following trial, a jury found for defendants.

Counsel for plaintiffs: Dale K. Galipo
Law Offices of Dale K. Galipo
21800 Burbank Boulevard, Suite 310
Woodland Hills, CA 91367
(818) 347-3333

Counsel for defendants: Surekha A. Pessis
Los Angeles City Attorney's Office
200 North Main Street
Los Angeles, CA 90012
(213) 978-7032

7. Echeverria v. City of L.A., et al., No. CV 05-7738-PLA (C.D. Cal.)

This consent case involved an alleged civil rights violation based on false arrest and malicious prosecution. Plaintiff was arrested and spent two months in custody for the murder of a gang member based largely on a witness' description of a car seen leaving the murder scene, and a tentative identification of plaintiff as the shooter. Criminal charges against plaintiff were eventually dismissed. Following trial, largely focusing on whether probable cause to arrest existed, a jury returned a verdict for defendants.

Counsel for plaintiffs: Maria Cavalluzzi
Cavalluzzi and Cavalluzzi
6430 Sunset Boulevard, Suite 1180
Los Angeles, CA 90028
(323) 467-2300

Counsel for defendants: Cory M. Brente
Los Angeles City Attorney's Office
200 North Main Street
Los Angeles, CA 90012
(213) 978-7032

8. Better Buys Elec. v. Roadway Express, Inc., et al., No. CV 05-2938-PLA (C.D. Cal.)

This was a consent case brought under the Carmack Amendment to the Interstate Commerce Act, in which plaintiff alleged that a shipment of merchandise transported by defendant from California to Pennsylvania arrived partially damaged and with some items missing. Following a bench trial, I found in favor of plaintiff as to those items where plaintiff had presented evidence of missing and damaged merchandise.

Counsel for plaintiff: Stanley H. Stone
Stone and Stone
15821 Ventura Boulevard, Suite 135
Encino, CA 91436
(818) 906-2727

Counsel for defendant: Kathleen Collins Jeffries
Scopelitis Garvin Light Hanson and Feary
Two North Lake Avenue, Suite 460
Pasadena, CA 91101
(626) 795-4700

9. Selectron Indus. v. Selectron Int'l, No. CV 04-4146-PLA (C.D. Cal.)

This was a consent case involving a dispute on the enforcement of the terms of a settlement agreement allegedly entered into by the parties which, if enforced, would have resulted in executing a purchase agreement for certain real property. Defendant claimed that the property consisted of two parcels; plaintiff maintained that the sales agreement included only one parcel. Following an evidentiary hearing, I concluded that there was not an agreement as to the essential terms of the contract, i.e., as to what property was being purchased, and denied defendant's motion to enforce the settlement agreement. Selectron Indus. v. Selectron Int'l, etc., et al., 2007 U.S. Dist. LEXIS 101985 (C.D. Cal. Jan. 4, 2007). The parties then pursued binding arbitration. Defendant filed a revised motion, seeking an order directing plaintiff to execute a purchase order for only one of the two parcels, which I denied. Selectron Indus. v. Selectron Int'l, 2007 U.S. Dist. LEXIS 100879 (C.D. Cal. Sept. 25, 2007). On appeal, the Ninth Circuit affirmed. Ham v. Selectron Int'l Optronics, LLC, 324 F. App'x 583 (9th Cir. 2009).

Counsel for plaintiff: Jiyoung Kym
Jiyoung Kym Law Office
3435 Wilshire Boulevard, Suite 2600
Los Angeles, CA 90010
(213) 386-0800

Counsel for defendant: Dana Cole
Cole & Loeterman
1925 Century Park East, Suite 2000
Los Angeles, CA 90067
(310) 556-8300

10. Waldrip v. Hall, No. CV 03-5255-JVS (PLA) (C.D. Cal. Feb. 26, 2007), ECF No. 59 (copy supplied), Report and Recommendation adopted by and judgment entered by Waldrip v. Hall, No. CV 03-5255-JVS (PLA) (C.D. Cal. Mar. 29, 2007), ECF Nos. 63, 64, aff'd, 548 F.3d 729 (9th Cir. 2008), cert.

denied, 2010 U.S. LEXIS 3776 (2010)

This was a state habeas case in which respondent filed multiple motions to dismiss, asserting that the petition was barred by the statute of limitations. I recommended that the district judge grant the motion to dismiss and deny the petition, based on my conclusion that petitioner was not entitled to tolling of the statute during a gap between state court filings. I also recommended that a certificate of appealability be granted. The district judge adopted my recommendations. The dismissal was affirmed on appeal. Waldrip v. Hall, 548 F.3d 729 (9th Cir. 2008), cert. denied, 2010 U.S. LEXIS 3776 (2010).

Counsel for petitioner: Gail Ivens
Office of the Federal Public Defender
321 East Second Street
Los Angeles, CA 90012
(213) 894-2854

Counsel for respondent: Jeffrey A. Hoskinson
Bowie, Arneson, Wiles & Giannone
(formerly at the Office of California
Attorney General)
4920 Campus Drive
Newport Beach, CA 92660
(949) 851-1300

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

1. Youssef v. Pritzker, et al., No. CV 14-3629-PLA (C.D. Cal. July 20, 2015), ECF No. 42 (copy of motion granting summary judgment supplied)

Counsel for plaintiff: Emmanuel C. Akudinobi
Law Offices of Akudinobi and Ikonte
3540 Wilshire Boulevard, Suite 850
Los Angeles, CA 90010
(213) 387-0969

Counsel for defendant: Kathleen Unger
United States Attorney's Office
300 North Los Angeles Street, Suite 7516
Los Angeles, CA 90012
(213) 894-8341

2. Flores v. Nationstar Mort. LLC, No. CV 13-3898-PLA, 2014 U.S. Dist.

LEXIS 12662 (C.D. Cal. Jan. 6, 2014)

Counsel for plaintiff: Jeremy Jon Alberts
The Alberts Firm
1600 North Broadway, Suite 1010
Santa Ana, CA 92706
(714) 441-1144

Counsel for defendant: Parisa Jassim
Akerman Senterfitt LLP
725 South Figueroa Street, 38th Floor
Los Angeles, CA 90017
(213) 688-9500

3. Northrop Grumman v. Factory Mut., No. CV 05-8444-DDP (PLAx) (C.D. Cal. Aug. 29, 2012), ECF No. 407 (copy of order on defendant's motion to compel supplied)

Counsel for plaintiff: Kirk A. Pasich
Liner LLP
1100 Glendon Avenue, 14th Floor
Los Angeles, CA 90024
(310) 500-3350

Counsel for defendant: Joyce C. Wang
Carlson, Calladine & Peterson LLP
353 Sacramento Street, 16th Floor
San Francisco, CA 94111
(415) 391-3911

4. Jacobs v. Cates, No. ED CV 10-816-GW (PLA), 2012 U.S. Dist. LEXIS 36134 (C.D. Cal. Feb. 9, 2012)

Counsel for petitioner: Anthony Scott Jacobs, pro se
Centinela State Prison
Imperial, CA 92251

Counsel for respondent: Matthew C. Mulford
Office of California Attorney General
600 West Broadway, Suite 1800
San Diego, CA 92101
(619) 645-2227

5. Gonzalez v. Caden, No. CV 04-4795-GAF (PLA), 2011 U.S. Dist. LEXIS 145211 (C.D. Cal. Dec. 14, 2011); 2011 U.S. Dist. LEXIS 145208 (C.D. Cal. Dec. 14, 2011), aff'd, 513 F. App'x 672 (9th Cir. 2013)

Counsel for petitioner: Patricia A. Young
Office of the Federal Public Defender
321 East Second Street
Los Angeles, CA 90012
(213) 894-2854

Counsel for respondent: Stephanie A. Miyoshi
Office of California Attorney General
300 South Spring Street, Suite 1702
Los Angeles, CA 90013
(213) 897-8784

6. Martinez v. Adams, No. CV 05-4057-DSF (PLA) (C.D. Cal. June 17, 2008), ECF No. 99 (copy of report and recommendation supplied), Final Report and Recommendation adopted by and judgment entered by 2008 U.S. Dist. LEXIS 49155 (C.D. Cal. June 17, 2008), aff'd, 362 F. App'x 882 (9th Cir. Jan. 25, 2010), cert. denied, 562 U.S. 1199 (2011)

Counsel for petitioner: Brad Levenson
Office of the Federal Public Defender
411 East Bonneville Avenue, Suite 250
Las Vegas, NV 89101
(702) 388-5167

Counsel for respondent: Kenneth J. Kao
Solo Practitioner (formerly at the Office of
California Attorney General)
46-E Peninsula Center, #405
Rolling Hills Estates, CA 90274
(949) 266-8280 (fax only per State Bar)

7. Owens v. Lamarque, No. CV 01-8624-DDP (PLA) (C.D. Cal. Apr. 13, 2007), ECF No. 93 (copy of report and recommendation supplied), Second Report and Recommendation adopted by and judgment entered by Owens v. Lamarque, No. CV 01-8624-DDP (PLA) (C.D. Cal. June 18, 2007), aff'd, 283 F. App'x 566 (9th Cir. June 26, 2008), cert. denied, 555 U.S. 1016 (2008)

Counsel for petitioner: Linda Griffis
Solo Practitioner (formerly at the Office of
the Federal Public Defender)
10557 Lauriston Avenue
Los Angeles, CA 90064
(phone number not available)

Counsel for respondent: John Yang

Office of California Attorney General
300 South Spring Street, Suite 5212
Los Angeles, CA 90013
(213) 897-5836

8. Jones v. Marshall, No. CV 02-4760-TJH (PLA) (C.D. Cal. May 16, 2007), ECF No. 84 (copy of report and recommendation supplied)

Counsel for petitioner: James H. Locklin
Office of the Federal Public Defender
321 East Second Street
Los Angeles, CA 90012
(213) 894-2854

Counsel for respondent: Mary E. Sanchez
Office of California Attorney General
300 South Spring Street, Suite 5000
Los Angeles, CA 90013
(213) 897-2000

9. Burt v. Yarborough, No. CV 03-9364-SJO (PLA) (C.D. Cal. Feb. 15, 2007), ECF No. 100 (copy of report and recommendation supplied), Report and Recommendation adopted by and judgment entered by No. CV 03-9364-SJO (PLA) (C.D. Cal. May 18, 2007), ECF Nos. 107, 108, aff'd, 313 F. App'x 23 (9th Cir. May 27, 2009), cert. denied, 558 U.S. 923 (2009)

Counsel for petitioner: Margo A. Rocconi
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321 East Second Street
Los Angeles, CA 90012
(213) 894-2854

Counsel for respondent: Herbert S. Tetef
Office of California Attorney General
300 South Spring Street, Suite 1700
Los Angeles, CA 90013
(213) 897-0201

10. DeGuzman v. Warden, No. CV 01-712-SJO (PLA) (C.D. Cal. Apr. 19, 2004), ECF No. 60 (copy of report and recommendation supplied)

Counsel for petitioner: Janet S. Sherman
Sherman and Sherman
2115 Main Street
Santa Monica, CA 90405
(310) 399-3259

Counsel for respondent:

David Glassman
Office of California Attorney General
300 South Spring Street, Suite 1702
Los Angeles, CA 90013
(213) 897-2355

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

Waggoner v. Hernandez, No. ED CV 05-798-GPS (PLA) (C.D. Cal. Sept. 10, 2007), aff'd in part, rev'd in part, 393 F. App'x 449 (9th Cir. 2010), cert. denied, 562 U.S. 1189 (2011)

Martinez v. Adams, No. CV 05-4057-DSF (PLA) (C.D. Cal. June 17, 2008), 2008 U.S. Dist. LEXIS 49155 (C.D. Cal. June 17, 2008), aff'd, 362 F. App'x 882 (9th Cir. Jan. 25, 2010), cert. denied, 562 U.S. 1199 (2011)

Waldrip v. Hall, No. CV 03-5255-JVS (PLA) (C.D. Cal. Feb. 26, 2007), aff'd, 548 F.3d 729 (9th Cir. 2008), cert. denied, 559 U.S. 1111 (2010)

Burt v. Yarborough, No. CV 03-9364-SJO (PLA) (C.D. Cal. Feb. 15, 2007), aff'd, 313 F. App'x 23 (9th Cir. May 27, 2009), cert. denied, 558 U.S. 923 (2009)

Gautt v. Lewis, No. CV 01-6771-PA (PLA), 2003 U.S. Dist. LEXIS 27515 (C.D. Cal. Feb. 27, 2003), rev'd, 489 F.3d 993 (9th Cir. 2007), cert. denied, 552 U.S. 1245 (2008)

Owens v. Lamarque, No. CV 01-8624-DDP (PLA) (C.D. Cal. Apr. 13, 2007), aff'd, 283 F. App'x 566 (9th Cir. June 26, 2008), cert. denied, 555 U.S. 1016 (2008)

- 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.

During my nearly 14 years as a magistrate judge, I have issued approximately 1,700 reports and recommendations, opinions and substantive orders. I searched all of my decisions on LexisNexis and Westlaw and my internal files to compile a list of any decisions that were reversed, rejected, or modified by a reviewing court. To the best of my knowledge, only 15 of these decisions were rejected or modified by the Ninth Circuit Court of Appeals, a district judge, or another magistrate judge, which represents a reversal or modification rate of less than 1%.

In Environmental World Watch, Inc. v. The Walt Disney Company, et al., No. CV 09-4045-DMG (PLAx), I recommended, among other things, that sanctions be imposed against plaintiff and two of its officers, based on abuse of the discovery process, in the amounts of \$10,000 and \$20,000 (ECF No. 308) (decision supplied). The district judge adopted this recommendation (ECF No. 369) (decision supplied). The Ninth Circuit affirmed one of the sanctions, but remanded as to the other for the court to make a finding whether an officer's conduct either violated a court order or reflected bad faith. See 2015 WL 7075854 (9th Cir. Nov. 13, 2015).

In Lane v. Tews, No. CV 14-4876-GW (PLA), 2014 U.S. Dist. LEXIS 181757 (C.D. Cal. Sept. 8, 2014), Lane v. Tews, No. CV 14-1324-GW (PLA), 2014 U.S. Dist. LEXIS 181754 (C.D. Cal. July 23, 2014), and Lane v. McGrew, No. CV 13-8448-GW (PLA), 2014 U.S. Dist. LEXIS 181755 (C.D. Cal. July 18, 2014), petitioner in three habeas petitions challenged the loss of good time credits based on findings by the Bureau of Prisons that various written and verbal statements he made were threats. I recommended dismissal, concluding that there was "some evidence" to support the disciplinary findings. The district judge adopted my recommendations. See 2015 U.S. Dist. LEXIS 14762; 2015 U.S. Dist. LEXIS 14750; 2015 U.S. Dist. LEXIS 14766 (C.D. Cal. Feb. 5, 2015). The Ninth Circuit vacated and remanded in light of Lane v. Feather, 610 F. App'x 628 (9th Cir. 2015), in which three habeas denials in cases filed by the same petitioner in the United States District Court for the District of Oregon were vacated and remanded for a determination of whether the Bureau of Prisons' code section that petitioner was found to have violated implicated his First Amendment rights. Appellate decisions supplied.

In Lee v. Mitchell, No. CV 01-10751-PA (PLA), 2007 U.S. Dist. LEXIS 103661 (C.D. Cal. July 23, 2007), I recommended dismissal of the habeas petition, rejecting certain claims on the merits and finding the rest to be procedurally barred. The district judge accepted my recommendation. 2007 U.S. Dist. LEXIS 103660 (C.D. Cal. July 26, 2007). On appeal, the Ninth Circuit affirmed the dismissal on the merits, reversed as to the procedural default issue, and remanded to give the state the opportunity to present evidence of the independence and adequacy of the procedural bar. Lee v. Jacquez, 406 F. App'x 148 (9th Cir. 2010). After briefing on the issue by the parties, I recommended a finding that the procedural bar was an independent and adequate state rule. 2012 U.S. Dist. LEXIS 83503 (May 1, 2012). The district judge accepted my recommendation. 2012 U.S. Dist. LEXIS 83496 (June 11, 2012). On appeal, the Ninth Circuit again reversed, concluding that the state's statistical evidence that the bar was an adequate state law ground was insufficient to meet its burden. The matter has been remanded for consideration of the remaining claims on the merits. Lee v. Jacquez, 788 F.3d 1124 (9th Cir. 2015).

In Dorsett v. Uribe, No. CV 10-6605-DOC (PLA), 2013 WL 3223387 (C.D. Cal. Jun. 21, 2013), I recommended that the habeas petition be denied, and the district judge accepted my recommendation. The Ninth Circuit reversed, concluding

there was ineffective assistance of counsel in failing to interview a member of petitioner's gang who had been present at the subject shooting. Dorsett v. Uribe, 599 F. App'x 808 (9th Cir. 2015).

In Serrano v. City of Long Beach, No. CV 13-208-AB (PLA) (C.D. Cal. Jan. 22, 2013) (decision supplied), I recommended denying plaintiff's request to proceed in this civil rights action without prepayment of the full filing fee as plaintiff had not adequately shown indigency and had not filed all the necessary documentation to so proceed. I additionally indicated that plaintiff's claims could be barred by Heck v. Humphrey, 512 U.S. 477, 486-87 (1994), until plaintiff could show his conviction had been invalidated. The district judge accepted my recommendation. Plaintiff appealed, and the Ninth Circuit reversed and remanded, concluding that it was not clear from the complaint if Heck would apply, and directing the district court to allow him to supplement his showing of indigency. Serrano v. City of Long Beach, 582 F. App'x 689 (9th Cir. July 2, 2014).

In Jennifer A. v. United Healthcare Ins. Co., No. CV 11-1813-DSF (PLAx), 2012 U.S. Dist. LEXIS 33701 (C.D. Cal. Feb. 17, 2012), I issued a discovery order precluding plaintiff from taking a Rule 30(b)(6) deposition regarding the relationship between defendant and the plan administrator. Plaintiff sought review of this order, and the district judge vacated, finding that the burden should be placed on defendant to show why such discovery should not go forward, instead of on plaintiff to demonstrate the need for the deposition. Jennifer A. v. United Healthcare Ins. Co., 2012 U.S. Dist. LEXIS 48489 (C.D. Cal. Mar. 5, 2012).

In Chick v. Chavez, No. CV 10-6136-DMG (PLA), 2010 U.S. Dist. LEXIS 141583 (C.D. Cal. Dec. 28, 2010), the district judge accepted my recommendation that the petition be denied on statute of limitations grounds, after considering petitioner's claim that he was entitled to equitable tolling due to mental illness. Chick v. Chavez, 2011 WL 767166 (C.D. Cal. Feb. 22, 2011). On appeal, the Ninth Circuit affirmed in part, reversed in part, and remanded for further development of petitioner's mental impairment. Chick v. Chavez, 518 F. App'x 567 (9th Cir. 2013). On remand, I appointed counsel for petitioner, considered supplemental briefing, and again recommended dismissal as time barred. Chick v. Chavez, No. CV 10-6136-DMG (PLA), 2014 WL 8764358 (C.D. Cal. Nov. 13, 2014). The district judge accepted this recommendation, 2015 WL 1967041 (C.D. Cal. Apr. 30, 2015), and the Ninth Circuit denied petitioner's request for a certificate of appealability.

In Vincent v. Mendoza-Powers, 2009 U.S. Dist. LEXIS 128116 (C.D. Cal. Oct. 14, 2009), I recommended that petitioner be granted habeas relief, concluding that the Governor's decision to reverse the grant of parole was not supported by the "some evidence" standard. The district judge adopted my recommendation. 2010 U.S. Dist. LEXIS 1592 (C.D. Cal. Jan. 6, 2010). While the appeal of that decision

was pending, the Supreme Court in Swarthout v. Cooke, 562 U.S. 216 (2011), determined that federal courts cannot review the application of a state's "some evidence" rule in a federal habeas proceeding, but are instead limited to a review of whether minimum procedures adequate for due process protection are met. The grant of habeas relief was thus reversed. Vincent v. Mendoza-Powers, No. 10-55088 (9th Cir. Dec. 9, 2011) (decision supplied).

In Gonzalez v. Lattimore, No. ED CV 08-1336-DSF (PLA), 2009 U.S. Dist. LEXIS 93969 (C.D. Cal. Sept. 3, 2009), the district judge adopted my recommendation to deny habeas relief except for the conclusion pertaining to the "increasing seriousness of crimes." Gonzalez v. Lattimore, 2009 U.S. Dist. LEXIS 93968 (C.D. Cal. Oct. 6, 2009).

In Hardy v. Astrue, No. CV 07-1764-PLA, 2009 U.S. Dist. LEXIS 20152 (Mar. 13, 2009), I affirmed the decision of the Social Security commissioner, finding that remand was not warranted as to the administrative law judge's decision to deny child's survivor benefits. On appeal, the Ninth Circuit found that the administration had not addressed the regulatory language at issue and vacated and remanded to allow the administration the opportunity to provide a more adequate explanation. J.M. H-B v. Astrue, 402 F. App'x 278 (9th Cir. 2010). I then remanded the matter to the commissioner and the administration again found plaintiff not eligible for benefits. Plaintiff challenged that decision, and I affirmed in case number CV 12-284-PLA. Hardy v. Colvin, 930 F. Supp. 2d 1196 (C.D. Cal. 2013).

In Waggoner v. Hernandez, No. ED CV 05-798-GPS (PLA) (C.D. Cal. Sept. 10, 2007), ECF No. 21 (decision supplied), I recommended that the habeas petition be denied. The district judge accepted my recommendation. ECF No. 25 (decision supplied). On appeal, the Ninth Circuit reversed the decision to the extent I concluded that the evidence was sufficient to establish the elements of possession of pseudoephedrine with the intent to manufacture methamphetamine. The Ninth Circuit affirmed judgment as to the other ground for relief. Waggoner v. Hernandez, 393 F. App'x 449 (9th Cir. 2010), cert. denied, 562 U.S. 1189 (2011).

In Gonzalez v. Caden, No. CV 04-4795-GAF (PLA), ECF No. 55 (C.D. Cal. Jan. 4, 2007); ECF No. 59 (C.D. Cal. Feb. 20, 2007), the district court adopted a report and recommendation denying habeas relief. Decisions supplied. The Ninth Circuit vacated an order adopting my recommendation to deny habeas relief and remanded for the district court to hold an evidentiary hearing on the merits of petitioner's claim that his counsel was ineffective for failing to fully investigate and present testimony of an eyewitness. See 357 F. App'x 900 (9th Cir. 2009). I then conducted an evidentiary hearing on this issue, and again recommended that the district judge deny habeas relief. My recommendation was accepted, and the Ninth Circuit affirmed that decision. 2011 U.S. Dist. LEXIS 145211 (C.D. Cal. Dec. 14, 2011); 2011 U.S. Dist. LEXIS 145208 (C.D. Cal. Dec. 14, 2011), aff'd, 513 F. App'x 672 (9th Cir. 2013).

In United States v. Bahna, No. 05-2537M (C.D. Cal. 2005), I signed a criminal complaint, concluding that the allegations of the complaint supported a finding of probable cause that defendant had committed the charged offense. Defendant subsequently made her initial appearance before another magistrate judge and defendant moved to dismiss the complaint for lack of probable cause. Following briefing by the parties, that magistrate judge found that probable cause did not exist, and dismissed the complaint. ECF No. 7 (decision supplied).

In Owens v. Lamarque, No. CV 01-8624-DDP (PLA), ECF. No. 45 (C.D. Cal. June 4, 2003); ECF No. 50 (C.D. Cal. Aug. 14, 2003), the district court adopted a report and recommendation denying habeas relief. Decisions supplied. The Ninth Circuit reversed, remanding for an evidentiary hearing on the claim that counsel was ineffective for failing to investigate and present a mental state defense at trial. I then conducted an evidentiary hearing on this issue, and again recommended that the district judge deny habeas relief. My subsequent recommendation was accepted (decisions previously supplied in response to Question 13d), and the Ninth Circuit affirmed, 283 F. App'x 566 (9th Cir. June 26, 2008), cert. denied, 555 U.S. 1016 (2008).

In Gault v. Lewis, No. CV 01-6771-PA (PLA), 2003 U.S. Dist. LEXIS 27515 (C.D. Cal. Feb. 27, 2003), the district judge accepted my recommendation to deny the petition after finding that petitioner's due process rights were not violated when he was charged with a sentencing enhancement under one statute, but had his sentence enhanced under a second, different statute. The Ninth Circuit reversed and remanded for the district court to grant a conditional writ of habeas corpus, ordering that the state release petitioner unless it resentenced him. 489 F.3d 993 (9th Cir. 2007). The United States Supreme Court denied certiorari. 552 U.S. 1245 (2008).

- 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.

As a magistrate judge, I issue orders on non-dispositive matters or orders on dispositive matters in those cases where the parties have consented to my jurisdiction or the matter is referred to me by the district judge for a report and recommendation. Most of my non-dispositive orders address discovery disputes or scheduling issues. I generally issue hundreds of these orders each year. Of the approximately 1,700 substantive decisions I have issued, including reports and recommendations, opinions and orders, approximately 50% are available on electronic databases such as Westlaw and Lexis. Any such decision not found on Westlaw and Lexis is available, along with other orders that I have issued, through the Central District of California's Electronic Case Filing ("ECF") system. Case files are also available through the Central District Clerk's Office.

- 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.

Textile Secrets Int'l, Inc. v. Ya-Ya Brand Inc., 524 F. Supp. 2d 1184 (C.D. Cal. 2007)

Block v. LaMarque, No. CV 01-6344-RSWL (PLA) (C.D. Cal.), ECF No. 21 (copy supplied), aff'd, 107 F. App'x 736 (9th Cir. Aug. 4, 2004). A copy of my decision is supplied.

DeGuzman v. Warden, No. CV 01-712-SJO (PLA) (C.D. Cal. Apr. 19, 2004), ECF No. 59 (copy previously supplied in response to Question 13d)

In re Extradition of Coe, 261 F. Supp. 2d 1203 (C.D. Cal. 2003)

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

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

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

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

In keeping with the Code of Conduct for United States Judges and 28 U.S.C. § 455, I review every new file that is assigned to me to ensure that no conflict of interest exists. I also run the ECF conflicts check program to search for any cases that I may have missed. Currently on my recusal list are a few attorneys with whom I maintain personal relationships. I would also recuse myself if I had a financial

interest in the outcome of the litigation, but I do not recall ever having to do so. In the event of uncertainty, I err on the side of disqualification. I do not maintain a list of cases in which I have recused myself sua sponte. But in a handful of cases, I recall informing the parties that I was acquainted with counsel or one of the parties outside of the court setting. No party ever objected to my continuing on the case.

I have undertaken a search of my cases and did not locate any motions for recusal or decisions related thereto. To the best of my knowledge, no attorneys have filed such an application. While a few pro se litigants have requested that the district judge assigned to their cases disqualify me from the case based on adverse rulings I have issued, no judge has ever found a basis to do so. The list of those pro se requests follows:

Franklin v. Gipson, No. CV 12-7411-R (PLA) (C.D. Cal. Nov. 15, 2012), ECF No. 26 (motion to recuse denied by Hon. Philip S. Gutierrez in pro se state prisoner habeas action)

Brock v. Lea, No. CV 08-557-SJO (PLA) (C.D. Cal. Oct. 31, 2011), ECF No. 169 (motion to recuse denied by Hon. S. James Otero in pro se state prisoner habeas action)

Franklin v. Gipson, No. CV 11-5386-R (PLA) (C.D. Cal. Aug. 31, 2011), ECF No. 19 (motion to recuse denied by Hon. Manuel L. Real in pro se state prisoner habeas action)

Njos v. Norwood, No. ED CV 10-1265-VAP (PLA) (C.D. Cal. Dec. 8, 2011), ECF No. 131 (motion to disqualify denied by Hon. Gary A. Feess in pro se prisoner civil rights action)

Hadley v. Fakhoury, No. ED CV 09-2349-DSF (PLA) (C.D. Cal. May 25, 2010), ECF No. 53 (motion to recuse denied by Hon. Dale S. Fischer in pro se state prisoner habeas action)

Hadley v. Fakhoury, No. ED CV 09-2349-DSF (PLA) (C.D. Cal. February 23, 2010), ECF No. 21 (motion to recuse denied by Hon. Dolly M. Gee in pro se state prisoner habeas action)

Howell v. Willhite, No. CV 06-2014-RSWL (PLA) (C.D. Cal. Apr. 28, 2006), ECF No. 9 (motion to recuse denied by Hon. Ronald S. W. Lew in pro se prisoner civil rights action)

Walker v. Garcia, No. CV 04-9344-SGL (PLA) (C.D. Cal. Dec. 2, 2005), ECF No. 47 (motion to recuse denied by Hon. Nora A. Manella in pro se prisoner civil rights action)

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 not held any public office other than my current judicial office.

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

Aside from walking precincts with my mother when I was seven or eight years old for candidates in local elections, I have not held any offices in or rendered service to any political party or election committee. I have not held a position or played a role in any political campaigns.

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

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

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

I have never served as a law clerk to a judge.

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

I have never 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.

1983 – 1985

Jeffer, Mangels and Butler

1900 Avenue of the Stars, number seven

Los Angeles, California 90067

Litigation Associate

1985 – 1987

Bet Tzedek Legal Services

3250 Wilshire Boulevard, 13th Floor
Los Angeles, California 90010
Director, Valley Rights Project

1987 – 2001

Office of the Federal Public Defender
321 East Second Street

Los Angeles, California 90012

Deputy Federal Public Defender (trial attorney) (1987 – 1992)

Supervising Deputy Federal Public Defender (1992 – 2001)

- 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 never served as a mediator or arbitrator in private practice.

b. Describe:

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

From 1983 to 1985, I was a litigation associate at a medium-sized law firm. I was involved in all aspects of civil business litigation and practice, including discovery and motions work. From 1985 to 1987, I was the director of a branch office of a legal services organization. In that capacity, I administered and managed the office, supervised and trained staff paralegals, clerks and attorneys, and represented low-income clients in civil litigation and at administrative proceedings.

In 1987, I became a deputy federal public defender, where I represented indigent individuals accused of committing federal crimes. All of my practice was devoted to litigation, and I appeared in court on all manner of federal criminal practice, including racketeering, money laundering, drug distribution and attempted murder. In 1992, I became a supervisor in the office and was responsible for overseeing a number of junior attorneys in their preparation for and during their trials and other court appearances in district court.

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

As a litigation associate, my typical clients were business entities involved in civil litigation. While running a legal services office, my typical clients were low-income individuals involved in consumer disputes, eviction proceedings, and administrative determinations. As a deputy and

supervising deputy federal public defender, my typical clients were low-income individuals accused of committing a crime.

- 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.

Virtually 100% of my practice was in litigation. As a deputy federal public defender, 100% of my practice was in federal court, and 100% involved criminal proceedings. While working at a legal services organization, about 90% of my practice was in state court and about 10% was before administrative agencies. All of that practice was in civil proceedings. While at the law firm, my practice was split about 50/50 between federal and state courts, and it was entirely civil in nature. The numbers reflected below represent my best approximation of the percentages when all of my legal practices are combined.

- i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|-----|
| 1. federal courts: | 75% |
| 2. state courts of record: | 20% |
| 3. other courts: | 0% |
| 4. administrative agencies: | 5% |

- ii. Indicate the percentage of your practice in:

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

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

I have tried approximately 25 criminal cases to verdict, judgment, or final decision. I was sole counsel in approximately 20 cases, lead counsel in two cases, and co-counsel in three cases.

- i. What percentage of these trials were:

- | | |
|--------------|-----|
| 1. jury: | 92% |
| 2. non-jury: | 8% |

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

While working in the office of the Federal Public Defender, I filed a few petitions for writ of certiorari with the United States Supreme Court. None of the petitions

was granted. I have been able to locate petitions in the following five cases, and they are supplied.

McKay v. United States (In re Grand Jury Proceedings), 21 F.3d 1113 (9th Cir.), cert. denied, 513 U.S. 1051 (1994)

United States v. Chukwubike, 956 F.2d 209 (9th Cir.), cert. denied, 504 U.S. 945 (1992)

United States v. Butcher, 926 F.2d 811 (9th Cir.), cert. denied, 500 U.S. 959 (1991)

United States v. Galindo, 913 F.2d 777 (9th Cir. 1990), cert. denied, 498 U.S. 1039 (1991)

United States v. Johnson, 903 F.2d 1219 (9th Cir.), cert. denied, 498 U.S. 985 (1990)

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

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

1. United States v. Delgado, No. CR 97-139-KMW (C.D. Cal. Nov. 14, 2000), rev'd, 210 F.3d 386 (9th Cir. 2000)

This was a case of arson that resulted in the death of the arsonist. I represented the defendant, the owner of the beauty salon where the fire occurred. In an approximately week-long jury trial, I gave the opening statement and conducted both direct and cross-examination of witnesses. Our client was convicted following trial and sentenced to eight years' imprisonment. The conviction was reversed on appeal on the grounds that the trial court improperly restricted cross-examination of a witness. The case was originally before the Hon. Kim M. Wardlaw, and then after appeal before the Hon. Terry J. Hatter. The appeal was decided by circuit judges Betty Fletcher and Harry Pregerson, and district judge Charles R. Weiner (E.D. Pa.). I believe that on remand, we agreed to a stipulated

facts bench trial and a time-served sentence, with two years of supervised release.

Dates of representation: 1997 – 2000 (approximately)

Prosecuting attorney: Mark Hardiman
Nelson Hardiman LLP (formerly at U.S.
Attorney's Office)
11835 West Olympic Boulevard, Ninth
Floor
Los Angeles, CA 90064
(310) 203-2800

Co-counsel: Marilyn Bednarski (formerly at Office of the
Federal Public Defender)
Kaye McLane Bednarski & Litt LLP
234 East Colorado Boulevard #230
Pasadena, CA 91101
(877) 380-7210

2. United States v. Keating, No. CR 91-1021-MRP (C.D. Cal. Apr. 6, 1999),
new trial granted by 147 F.3d 895 (9th Cir. 1998)

I served as co-counsel for a defendant in this case involving, among other things, bank fraud, RICO allegations, and conspiracy charges against our client and others. A two-month trial resulted in guilty verdicts as to my client and the remaining co-defendant (my client's father). My client was sentenced to 97 months' incarceration. A new trial was granted by the district judge after our appeal to the Ninth Circuit, and the government appealed that decision. The Ninth Circuit affirmed, and the case against our client was then dismissed in its entirety by the government. At trial, I gave the opening statement and conducted both direct and cross-examinations of witnesses. I also worked on the appeals. At the trial level, the case was before the Hon. Mariana R. Pfaelzer. The appeals were decided by circuit judges Charles Wiggins, Alex Kozinski and David Thompson.

Dates of representation: 1991 – 1994 (approximately)

Prosecuting attorney: David Sklansky
Stanford Law School (formerly at U.S.
Attorney's Office)
Room N257, Neukom Building
559 Nathan Abbot Way
Stanford, CA 94305
(650) 843-5182

Co-counsel: Hon. Dennis J. Landin (for defendant)

Keating III)
Superior Court of California (formerly at
Office of the Federal Public Defender)
210 West Temple Street
Department 128
Los Angeles, CA 90012
(213) 974-6909

Co-defendant's counsel: Stephen Neal (for defendant Keating Jr.)
Cooley LLP
3175 Hanover Street
Palo Alto, CA 94304
(650) 843-5182

3. United States v. Guevara, No. CR 91-981-SVW (C.D. Cal. Apr. 7, 1992)

This was a bank robbery case to which my client eventually pleaded guilty. Following the plea, there was substantial litigation concerning a sentencing enhancement that ultimately was decided in my client's favor through a writ of habeas corpus. I handled all aspects of this matter. The case was before the Hon. Stephen V. Wilson.

Dates of representation: 1991 – 1994 (approximately)

Prosecuting attorney: Hon. Edward Moreton
Los Angeles County Superior Court
(formerly at U.S. Attorney's Office)
11701 South La Cienega Boulevard
Los Angeles, CA 90045
(310) 725-3047

4. United States v. Butcher, No. CR 89-217-LEW (C.D. Cal.); 926 F.2d 811 (9th Cir. 1991), cert. denied, 500 U.S. 959 (1991)

This case involved an allegation of felon in possession of a firearm. My client was found guilty after a jury trial lasting approximately three days, and the conviction was affirmed on appeal. The Supreme Court denied certiorari. I handled all aspects of the trial and the appeal, and wrote the petition for certiorari. The trial was before the Hon. Laughlin E. Waters, and the appeal was decided by circuit judges Arthur Alarcon, William Norris and Charles Wiggins.

Dates of representation: 1989 – 1991 (approximately)

Prosecuting attorney: Stefan Stein
ViaSat Inc. (formerly at U.S. Attorney's
Office)

349 Inverness Drive South
Englewood, CO 80112
(855) 894-5665

5. United States v. Hays, No. CR 89-112-RMT (C.D. Cal.)

This case involved a bank robbery and conspiracy to commit bank robbery. My client was acquitted following an approximately three-day jury trial. I handled all aspects of the trial. The case was before the Hon. Robert M. Takasugi.

Dates of representation: 1989

Prosecuting attorney: Hon. Alka Sagar
United States District Court for the Central
District of California (formerly at U.S.
Attorney's Office)
255 East Temple Street, Fifth Floor
Los Angeles, CA 90012
(213) 894-2999

6. United States v. Simmons, No. CR 89-277-WJR (C.D. Cal.)

This case involved a bank robbery, of which my client was found guilty after an approximately three-day jury trial. I handled all aspects of the trial. The case was before the Hon. William J. Rea. The conviction was later vacated and remanded, although I did not handle the appeal. 925 F.2d 1472 (9th Cir. 1991).

Dates of representation: 1989 – 1990 (approximately)

Prosecuting attorney: John Gibbons
Greenberg Traurig (formerly at U.S.
Attorney's Office)
77 West Wacker Drive, Suite 3100
Chicago, IL 60601
(312) 456-8400

7. United States v. Ono, No. CR 88-664-AWT (C.D. Cal.), aff'd in part and rev'd in part, 918 F.2d 1462 (9th Cir. 1990), aff'd after remand, 997 F.2d 647 (9th Cir. 1993), cert. denied, 510 U.S. 1063 (1994)

This case involved charges of manufacturing and distributing a synthetic form of heroin. My client was found guilty after an approximately five-day jury trial, and was sentenced to 240 months' imprisonment. I handled all aspects of the trial as to my client. The conviction was affirmed on appeal, but remanded for resentencing. The sentence was reduced to 14 years after appeal, and was affirmed on a second appeal to the Ninth Circuit. I handled the resentencing, but

not the appeals. The Supreme Court denied certiorari. The case was before the Hon. A. Wallace Tashima.

Dates of representation: 1988 – 1993 (approximately)

Prosecuting attorney: Jeffrey Eglash
General Electric Company (formerly at U.S.
Attorney's Office)
3135 Easton Turnpike W3-E
Fairfield, CT 06828
(203) 373-2825

Co-defendant's counsel: Elliot Stanford (formerly with Criminal
Justice Act indigent defense panel)
15332 Antioch Street, #526
Pacific Palisades, CA 90272
(310) 473-4017

8. United States v. Jenkins, No. CR 88-539-TJH (C.D. Cal.), rev'd, 938 F.2d 934 (9th Cir. 1991)

This was a case involving the attempted murder of federal agents by our client (I was co-counsel with another deputy), as well as possession of a firearm. Following an approximately seven-day jury trial, our client was found not guilty of the attempted murder charge, and guilty of the firearms charge (this conviction was later reversed on appeal). At the trial before the district court, I gave the opening statement and conducted both direct and cross-examination of witnesses. The case was before the Hon. Terry J. Hatter.

Dates of representation: 1988 – 1989 (approximately)

Prosecuting attorney: Manuel Medrano
Medrano & Carlton (formerly at U.S.
Attorney's Office)
555 West Fifth Street
Los Angeles, CA 90013
(213) 996-8354

Co-counsel: Carlton F. Gunn
Kaye McLane Bednarski & Litt LLP
(formerly at Office of the Federal Public
Defender)
234 East Colorado Boulevard, #230
Pasadena, CA 91101
(877) 380-7210

9. United States v. Galindo, No. CR 88-819-AAH (C.D. Cal.), aff'd, 913 F.2d 777 (9th Cir. 1990), cert. denied, 498 U.S. 1039 (1991)

This case involved the possession of counterfeit traveler's checks. My client was found guilty following an approximately five-day jury trial. I handled all aspects of the trial as to my client and the appeal before the Ninth Circuit, which affirmed my client's conviction, and petition for certiorari, which the Supreme Court denied. The case was before the Hon. A. Andrew Hauk. The appeal was decided by circuit judges Cecil Poole and David Thompson, and district judge Philip Pro (D. Nev.).

Dates of representation: 1988 – 1990 (approximately)

Prosecuting attorney: Jeffrey Eglash
General Electric Company (formerly at U.S.
Attorney's Office)
3135 Easton Turnpike W3-E
Fairfield, CT 06828
(203) 373-2825

Co-defendant's counsel: Michael Treman
Solo Practitioner
P.O. Box 4727
Santa Barbara, CA 93140
(805) 570-5487

10. United States v. Williams, No. CR 88-165-WDK (C.D. Cal.)

This case involved the distribution of a controlled substance. My client was found not guilty at a jury trial lasting approximately three days. I handled all aspects of the trial. The case was before the Hon. William D. Keller.

Dates of representation: 1988

Prosecuting attorney: Mark J. Werksman
Werksman Jackson Hathaway & Quinn LLP
(formerly at U.S. Attorney's Office)
888 West Sixth Street, Fourth Floor
Los Angeles, CA 90017
(213) 688-0460

18. **Legal Activities:** Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s).

(Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

Since early 2014, I have been a participating judicial officer with the Conviction and Sentence Alternatives ("CASA") program offered in the Central District of California. CASA is an intensive post-guilty plea diversion program that offers a blend of treatment, sanction alternatives, and incentives to address offender behavior, rehabilitation and the safety of the community. Those accepted into the program meet weekly with pretrial services officers, deputy federal public defenders and prosecutors, where they discuss their progress and receive access to services. I meet with the participants every other week. Those who successfully complete the program either have their case dismissed in its entirety, or receive a sentence of probation. By providing these offenders with guidance, counseling and encouragement, CASA aims to remove from the criminal justice system those individuals who show they can engage in productive behavior.

I have performed no 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 four (4) copies to the committee.

In Spring 1994, I taught a 12-unit course in lawyering skills and civil procedure at the University of La Verne School of Law. Through demonstration and participation, the students learned skills such as client interviewing, pleading writing, trial skills, and negotiation. Through lecture, we covered civil procedure, both state and federal. I do not have a syllabus for the class.

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

None.

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

I do not have any plans, commitments or agreements to pursue outside employment, with or without compensation, if I am confirmed to be a United States District Judge.

22. **Sources of Income:** List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries,

fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding \$500 or more (if you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here).

See attached Federal 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.

As a magistrate judge, I presently recuse myself in any case in which I have a significantly close relationship with counsel, parties, or witnesses (family, business, or social), or in which my wife or I have a financial interest (although recusal in the latter category has not occurred in 14 years on the bench). I would continue to recuse myself from all such cases if I am confirmed as a district judge.

- 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 as a district judge, I would continue to resolve any potential conflict of interest by adhering to the Code of Conduct for United States Judges, 28 U.S.C. § 455, and all applicable policies and procedures of the United States Courts. I would continue to recuse myself in any matter in which my wife or I hold a financial interest, or where I have a sufficiently close connection with counsel or the parties (family, business, or social). In the event of uncertainty, I would err on the side of disqualification.

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

As a magistrate judge, I am not permitted to represent clients, pro bono or otherwise. All of the legal services I provided to my clients during close to 17 years at Bet Tzedek Legal Services and with the Office of the Federal Public Defender were to low-income and indigent individuals, albeit through salaried positions. I continue to participate in court and bar programs designed to expose elementary through high school students to the

legal system.

26. Selection Process:

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

In 2009, I submitted applications to judicial selection committees for both Senator Boxer and Senator Feinstein. On October 21, 2014, I interviewed with Senator Boxer's judicial selection committee in Los Angeles, California. Since October 2, 2015, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On December 3, 2015, I interviewed with attorneys from the White House Counsel's Office and the Department of Justice in Washington, D.C. On December 16, 2015 the President submitted my nomination to the Senate.

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

No.