

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Raúl Manuel Arias-Marxuach

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

United States Circuit Judge for the First Circuit Court of Appeals

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

Office: Clemente Ruiz Nazario United States Court House
150 Carlos Chardón Avenue, CH-133
San Juan, Puerto Rico 00918

Residence: Guaynabo, Puerto Rico

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

1967; San Juan, Puerto Rico

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.

1993 – 1994, Harvard Law School; LL.M, 1994

1989 – 1992, University of Puerto Rico School Law; J.D., (*magna cum laude*), 1992

1985 – 1989, Boston College; B.A., 1989

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

2019 – Present

United States District Court for the District of Puerto Rico
Clemente Ruiz Nazario United States Court House
150 Carlos Chardón Avenue, CH-133
San Juan, Puerto Rico 00918
United States District Judge

1995 – 2019

McConnell Valdés LLC
270 Muñoz Rivera Avenue
San Juan, Puerto Rico 00918
Capital Member (2003 – 2019)
Income Partner (1999 – 2003)
Associate (1995 – 1999)

2011, 2013, 2016

Inter American University of Puerto Rico School of Law
Federico Costas Street, Number 170
San Juan, Puerto Rico 00918
Adjunct Professor

1994 – 1995

Fiddler González & Rodríguez P.S.C.
(*Firm is now defunct*)
Litigation Associate (1994 – 1995)
Summer Associate (1990, 1991)

1992 – 1993

Supreme Court of Puerto Rico
Ponce de León Avenue, Parada 8
San Juan, Puerto Rico 00919
Judicial Law Clerk

1990 – 1991

University of Puerto Rico School of Law
7 University Avenue, Suite 701
San Juan, Puerto Rico 00925
Research Assistant

Other affiliations (uncompensated):

2012 – 2019

Asociación para la Educación Integral, Inc.
1761 José Ferrer y Ferrer Street
Santiago Iglesias Urbanization
San Juan, Puerto Rico 00921

Vice President (2016 – 2019)
Member, Board of Directors (2012 – 2019)
2010 – Present
Asociación de Fomento Educativo, Inc.
Villa Caparra Urbanization
Street A, Number 48
Guaynabo, Puerto Rico
Member, Board of Directors

2003 – 2007
Federal Bar Association, Puerto Rico Chapter
American International Plaza
250 Muñoz Rivera Avenue, Suite 800
San Juan, Puerto Rico 00918
Member, Board of Directors

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 registered for selective service upon turning 18.

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

American College of Trial Lawyers
Fellow (2018 – 2019)
Judicial Fellow (2019 – Present)

Chambers & Partners Global Guide - Recognized for Dispute Resolution in Puerto Rico
(2006 – 2019)

Degree from the University of Puerto Rico School of Law conferred *magna cum laude*
(1992)

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

American Bar Association (2006 – Present)

Colegio de Abogados de Puerto Rico (1993 – 2009)

Federal Bar Association, Puerto Rico Chapter (1997 – 2007)

Board of Directors (2003 – 2007)

Forum on Franchising (2006 – 2019)

Maritime Law Association of the United States (2003)

Republican National Lawyers Association (2003)

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.

Puerto Rico, 1993

Massachusetts, 2009

There have been no lapses in membership.

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

United States Court of Appeals for the First Circuit, 1993

United States District Court for the District of Puerto Rico, 1995

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.

Asociación de Fomento Educativo, Inc. (2010 – Present)

Member, Board of Directors

Asociación para la Educación Integral, Inc. (2012 – 2019)

Vice President (2016 – 2019)

Member, Board of Directors (2012 – 2019)

PR-7, Inc. (1994 – 2005)

Member, Board of Directors

Royal Sun Alliance Insurance (Puerto Rico), Inc. (1994 – 2003)
Member, Board of Directors

Phi Sigma Alpha (1985 – 1987) (Estimated)
Member

- 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.

Phi Sigma Alpha is a fraternity that limits its membership to men. To the best of my knowledge, none of the other organizations listed above currently discriminates or formerly discriminated on the basis of race, sex, religion or national origin, either through formal membership requirements or the practical implementation of membership policies.

12. Published Writings and Public Statements:

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

Maria C. Cartagena-Cancel, *Puerto Rico Procurement Rules and Regulations*, Am. Bar Ass'n (Spring Meeting 2016) (I provided editorial assistance). Copy supplied.

Oral Argument: A Somewhat Grumpy Primer, Fed. Bar Ass'n, Puerto Rico Chapter, Newsletter (San Juan, Puerto Rico), Summer 2006. Copy supplied.

With Rafael Vizcarrondo, Jay A. Garcia Gregory, and Heriberto J. Burgos, *Civil Appeal Procedures in the Commonwealth of Puerto Rico, in Civil Appeal Procedures Worldwide* (Charles Platto ed., Graham & Trotman and Int'l Bar Ass'n, 1996). Copy supplied.

- 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.

I was one of over 200 United States judges who signed a letter dated March 12, 2020, to the Assistant General Counsel to the Administrative Office of the United States Courts which provided comments to an exposure draft of Advisory Opinion No. 117 issued by the Judicial Conference's Code of Conduct Committee. Copy supplied.

Letter to Chairman Lindsay Graham and Ranking Member Diane Feinstein (January 25, 2019). Copy supplied.

June 20, 2018: Testimony Before the Senate Judiciary Committee Regarding Nomination to be United States District Judge for the District of Puerto Rico. Committee hearing recording available at: <https://www.judiciary.senate.gov/meetings/06/20/2018/nominations>. My responses to questions for the record available at: <https://www.judiciary.senate.gov/imo/media/doc/Arias-Marxuach%20Responses%20to%20QFRs.pdf>.

Letter to Chairman Charles Grassley and Ranking Member Diane Feinstein (June 15, 2018). Copy supplied.

- 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.

August 27, 2020: Speaker, Virtual Naturalization Ceremony, United States District Court for the District of Puerto Rico, San Juan, Puerto Rico. Copy supplied.

December 17, 2019: Speaker, "Remarks Before the Federal Bar Association," Federal Bar Association, Puerto Rico Chapter, San Juan, Puerto Rico. Copy supplied.

September 17, 2019: Speaker, "Constitution and Citizenship Day," United States District Court for the District of Puerto Rico, San Juan, Puerto Rico. Copy supplied.

September 3, 2019: Speaker, Attorney Admission Ceremony, Bar of the United States District Court for the District of Puerto Rico, San Juan, Puerto Rico. Copy supplied.

August 30, 2019: Speaker, Remarks on the Retirement of Frances Rios de Moran, Esq. As Clerk of the Court, United States District Court for the District of Puerto Rico, San Juan, Puerto Rico. Copy supplied.

August 16, 2019: Investiture Speaker, United States District Court for the District of Puerto Rico, San Juan, Puerto Rico. Copy supplied.

July 18, 2019: Speaker, Naturalization Ceremony, United States District Court for the District of Puerto Rico, San Juan, Puerto Rico. Copy supplied.

July 3, 2019: Speaker, Naturalization Ceremony, United States District Court for the District of Puerto Rico, San Juan, Puerto Rico. Copy supplied.

October 5, 2018: Speaker, Discurso de Investidura de la Junta Editorial del Volumen X del "University of Puerto Rico Business Law Journal," University of Puerto Rico School of Law, San Juan, Puerto Rico. Copy supplied.

- 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.

Laura M. Quintero, *ExJuez Presidente del Supremo en la Silla Testifical por la UCA*, Noticel.com, Oct. 30, 2015. Copy supplied.

Manuel Ernesto Rivera, *Piden a Juez que Detenga Cuota*, Noticel.com, Jan. 4, 2011. Copy supplied.

Sigue Vista Judicial Sobre Demanda de Estudiantes Contra Presidente de UPR, Primeral-Hora.com, Dec. 16, 2010. Copy supplied.

Juez Plantea Alternativa en Caso de UPR, WAPA.tv, Dec. 16, 2010. Copy supplied.

Un Mediador Entra a Escena, ElNuevoDia.com, June 12, 2010. Copy supplied.

Otro Alto al Pleito Universitario, ElNuevoDia.com, May 26, 2010. 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.

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

Three.

- i. Of these, approximately what percent were:

jury trials:	70%
bench trials:	30%
civil proceedings:	100%
criminal proceedings:	0%

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

Iturrino Carrillo v. Marina Puerto del Rey Operations, LLC, 432 F.Supp.3d 7 (D.P.R. July 26, 2019)

Arana-Santiago v. Univ. de P.R., 2019 U.S. Dist. LEXIS 198869 (D.P.R. November 15, 2019)

Stericycle of P.R., Inc. v. Central General de Trabajadores, 2019 WL 6999672 (D.P.R. December 19, 2019)

Santa Cruz Bacardi v. Metro Pavia Hosp., Inc., 2020 WL 249433 (D.P.R. January 15, 2020)

Ginzburg v. Martinez-Davila, Civil No. 19-1254, 2020 U.S. Dist. LEXIS 8902 (D.P.R. January 17, 2020)

López-Ramírez v. Grupo Hima San Pablo, Inc., 2020 WL 365554 (D.P.R. January 22, 2020)

United States v. Rivera-Sepulveda, 2020 WL 402277 (D.P.R. January 24, 2020)

González Berrios v. Mennonite Gen. Hosp., Inc., 2020 WL 502333 (D.P.R. January 30, 2020)

Clemente-Vizcarrondo v. United States, 2020 WL 748840 (D.P.R. February 14, 2020)

United States v. Figueroa-Rivera, 2020 WL 777504 (D.P.R. February 18, 2020)

Medina-Carmona v. XLD Invs. (P.R.), LLC., 2020 WL 813687 (D.P.R. February 18, 2020)

Zampierollo-Rheinfeldt v. Ingersoll-Rand de P.R., Inc., 2020 WL 882174 (D.P.R. February 21, 2020) Slip Copy 2020 WL 882174

Zampierollo-Rheinfeldt v. Ingersoll-Rand de P.R., Inc., 2020 WL 881011 (D.P.R. February 21, 2020)

Román-Huertas v. Hospital Episcopal San Lucas Guayama, 2020 WL 1042043 (D.P.R. March 3, 2020)

Díaz v. Gazmey-Santiago, 2020 WL 1042041 (D.P.R. March 3, 2020)

United States v. Rivera-Rivera, 2020 WL 1181978 (D.P.R. March 10, 2020)

Outter v. Marriott P.R. Mgmt. Corp., 2020 WL 1429205 (D.P.R. March 18, 2020)

Lebron-Yero v. Lebron-Rodriguez, 2020 WL 1493897 (D.P.R. March 24, 2020)

Cruz-Berrios v. P.R. Dep't of Corr. and Rehab., 2020 WL 1493907 (D.P.R. March 25, 2020)

Scalia v. Evolution Quality Guard, Inc., 2020 WL 1492782 (D.P.R. March 27, 2020)

Alicea v. Wilkie, 2020 WL 1547064 (D.P.R. March 31, 2020)

United States v. Lidinilah, Slip Copy 2020 WL 1674250 (D.P.R. April 3, 2020)

Guerríos-Flores v. S.M. Med. Servs., C.S.P., 2020 WL 1698993 (D.P.R. April 7, 2020)

Alicea v. Wilkie, 2020 WL 2297144 (D.P.R. May 7, 2020)

Ramos-Irizarry v. Cruz-Berrios v. P.R. Dep't of Corr. and Rehab., 2020 WL 2393976 (D.P.R. May 11, 2020)

Cruz-Berrios v. Cruz-Berrios v. P.R. Dep't of Corr. and Rehab., 2020 WL 2614630 (D.P.R. May 22, 2020)

Galarza-Cruz v. Grupo HIMA San Pablo, Inc., 2020 WL 2843028 (D.P.R. May 28, 2020)

Galarza-Cruz v. Grupo HIMA San Pablo, Inc., 2020 WL 2845357 (D.P.R. May 28, 2020)

United States v. Flecha-Maldonado, 2020 U.S. Dist. LEXIS 94549 (D.P.R. May 28, 2020)

Jackie's Rest., LLC v. Plaza Carolina Mall, L.P., 2020 WL 3048192 (D.P.R. June 8, 2020)

Jackie's Rest. LLC v. Plaza Carolina Mall, L.P., 2020 U.S. Dist. LEXIS 100676 (D.P.R. June 8, 2020)

Prime Venture Corp. v. Fennix Glob. Holdings, Inc., 2020 WL 3244333 (D.P.R. June 15, 2020)

Hernández-González v. Manatí Med. Ctr., 2020 WL 3547943 (D.P.R. June 30, 2020)

Álvarez-Cabrera v. Toyota Motor Sales, U.S.A., Inc., 2020 WL 3620204 (D.P.R. July 2, 2020)

Disaster Sols., LLC v. City of Santa Isabel, 2020 WL 4037338 (D.P.R. July 17, 2020)

Marina PDR Operations, LLC v. MASTER Link Corp., Inc., 2020 WL 4379541 (D.P.R. July 29, 2020)

Estate of Leavitt Rey v. Marrero-Gonzalez, 2020 WL 4464467 (D.P.R. August 4, 2020)

González-Arroyo v. Doctor's Ctr. Hosp. Bayamón, Inc., 2020 WL 4516012 (D.P.R. August 5, 2020)

Zamot v. Municipality of Utuado, 2020 WL 4574926 (D.P.R. August 6, 2020)

Lopez-Ramos v. Cemex de P.R., Inc., 2020 WL 4674269 (D.P.R. August 12, 2020)

Valentín-Marrero v. Puerto Rico, 2020 WL 4820593 (D.P.R. August 19, 2020)

Bankr. Estate of Quintana v. Rushmore Loan Mgmt. Servs., 2020 WL 4905733 (D.P.R. August 19, 2020)

Martinez v. United States, 2020 WL 5039242 (D.P.R. August 26, 2020)

Lopez-Ramos v. Cemex de P.R., Inc., 2020 WL 5224190 (D.P.R. September 1, 2020)

López-Ramírez v. Grupo HIMA San Pablo, Inc., 2020 WL 5351851 (D.P.R. September 4, 2020)

Martell-Rodríguez v. Rolón-Suárez, 2020 WL 5525969 (D.P.R. September 14, 2020)

Miro-Rodriguez v. MetroHealth, Inc., 2020 WL 5580132 (D.P.R. September 17, 2020)

Miro-Rodriguez v. Metrohealth, Inc., 3:19-cv-01177 (Dkt.65) (D.P.R. September 18, 2020)

Gandia-Maysonet v. United States, 2020 WL 5646457 (D.P.R. September 22, 2020)

Sánchez-Rosa v. Municipality of San Juan, 2020 WL 5821063 (D.P.R. September 30, 2020)

Valentín-Marrero v. Puerto Rico, 2020 WL 6126383 (D.P.R. October 9, 2020)

Valentín-Marrero v. Puerto Rico, 2020 WL 5992019 (D.P.R. October 9, 2020)

Maldonado-Cabrera v. Anglero-Alfaro, 2020 WL 6047748 (D.P.R. October 13, 2020)

Simmon-Roman v. ABC Ins. Co., 2020 WL 6115122 (D.P.R. October 15, 2020)

Sánchez-Rosa v. Municipality of San Juan, 2020 WL 6286503 (D.P.R. October 27, 2020)

Birth of a New World Monument LLC v. González-Freyre, 2020 WL 6342634 (D.P.R. October 29, 2020)

Estate of Leavitt-Rey, v. Marrero-Gonzalez, 2020 WL 6376649 (D.P.R. October 30, 2020)

United States v. Muis-Lidinilah, 2020 WL 6542005 (D.P.R. November 6, 2020)

- 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. *Jelú-Iravedra v. Municipality of Guaynabo*, No. 3:16-cv-01585

This was an action for sex discrimination, retaliation, wrongful discharge and damages pursuant to Title VII and Puerto Rico law. It was brought against the Municipality of Guaynabo by a former member of its legal staff and arose out of acts committed against plaintiff by the son of the former Mayor of the Municipality. I ruled on multiple evidentiary issues. I presided over the jury trial of the matter. The jury returned a verdict for plaintiff on November 4, 2019. I entered a judgment for plaintiff upon allocation of the amounts awarded by the Jury between her Title VII claim and Puerto Rico-law based claims and application of Title VII's damages caps. *See Jelú-Iravedra v. Municipality of Guaynabo*, 2019 WL 5101210 (D.P.R. October 10, 2019); *Jelú-Iravedra v. Municipality of Guaynabo*, 2019 WL 5086955 (D.P.R. October 10, 2019); *Jelú-Iravedra v. Municipality of Guaynabo*, 2019 WL 5088563 (D.P.R. October 10, 2019); *Jelú-Iravedra v. Municipality of Guaynabo*, 2019 WL 5459167 (D.P.R. October 23, 2019); *Jelú-Iravedra v. Municipality of Guaynabo*, 2019 WL 6002104 (D.P.R. November 13, 2019).

Counsel for Plaintiff:

José F. Quetglas
Quetglas Law Office
Post Office Box 16606
San Juan, Puerto Rico 00908
787-722-7745

Pedro R. Vázquez, III
Pedro R. Vázquez Law Office
405 Esmeralda Avenue, Suite 2
Private Mail Box 153
Guaynabo, Puerto Rico 00969
787-925-4669

Counsel for the Municipality of Guaynabo:

Claudio Aliff-Ortíz
Aldarondo & López Brás
ALB Plaza
16 Road 199, Suite 400
Guaynabo, Puerto Rico 00969
787-474-5447

David R. Rodríguez-Burns
Aldarondo & López Brás, PSC
ALB Plaza Suite 400
16 Road 199
Guaynabo, Puerto Rico 00969
787-474-5447

2. *Estate of Leavitt-Rey v. Marrero-Gonzalez*, No. 3:16-cv-02769

This was a complex litigation for copyright infringement. It was brought by the Estate of the leader of a locally renowned Salsa-music band known as “La Selecta.” The principal defendants were the band’s former musicians who performed and made derivative works of copyrighted songs without a license. The case settled and I issued a stipulated judgment. Before it settled, the case required ruling on: (a) whether defendants had waived the right to a jury trial; (b) multiple evidentiary issues. Entry of judgment required analyzing whether the parties’ settlement agreement precluded a finding of willful infringement against defaulted non-settling defendants. *See Estate of Leavitt-Rey v. Marrero-Gonzalez*, 2019 WL 4391443 (D.P.R. September 13, 2019); *Estate of Leavitt-Rey v. Marrero-Gonzalez*, 2020 WL 4464467 (D.P.R. August 4, 2020); *Estate of Leavitt-Rey v. Marrero-Gonzalez*, 2020 WL 6376649 (D.P.R. October 30, 2020). Proceedings to enforce the judgment are ongoing.

Counsel for Plaintiff:

Maristella Collazo-Soto
Víctor Rodríguez-Reyes
Jean Gabriel Vidal-Font
Ferraiuoli LLC
Post Office Box 195168
San Juan, Puerto Rico 00919
787-766-7000

Counsel for Defendants:

Ramon G. Vela-Córdova
Vela Córdova Law Office
Post Office Box 9021604
San Juan, Puerto Rico 00902

787-759-3180

Peter John Porrata
Peter John Porrata Law Office
Capital Center Building, South Tower, Suite 602
239 Arterial Hostos Avenue
San Juan, Puerto Rico 00918
787-763-6500

3. *Galarza-Cruz v. Grupo HIMA San Pablo, Inc.*, No. 3:17-cv-01606

This was an action for sex discrimination, retaliation, wrongful discharge and damages pursuant to Title VII and Puerto Rico law against the holding company of a local hospital chain Grupo HIMA San Pablo, its subsidiaries, a major shareholder and the latter's brother. Plaintiff was an employee of the subsidiary tasked with providing services to the hospitals. Plaintiff alleged that the brother committed the acts of sexual harassment. I denied summary judgment for defendants. I granted defendant's insurer's motion for summary judgment on its lack of coverage defense. *See Galarza-Cruz v. Grupo HIMA San Pablo, Inc.*, 2020 WL 2843028 (D.P.R. May 28, 2020); *Galarza-Cruz v. Grupo HIMA San Pablo, Inc.* 2020 WL 2845357 (D.P.R. May 28, 2020). The case settled in the wake of these rulings.

Counsel for Plaintiff:

Jaime E. Picó-Rodríguez
Carlos R. Paula
Labor Counsels LLC
Post Office Box 195343
San Juan, Puerto Rico 00919
787-758-1400

Counsel for Defendants:

Ada Nurie Pagán-Isona
Carlos Concepción-Castro
Collazo Concepción & Collazo
Private Mail Box 223
B-5 Tabonuco, Suite 216
Guaynabo, Puerto Rico 00968
787-753-8585
787-354-2727

4. *Scalia v. Evolution Quality Guard*, No. 3:17-cv-01210

This was an action brought by the Secretary of Labor against several security

companies and their managers to recover unpaid back wages, liquidated damages, civil money penalties, and to enjoin acts and practices that violate the provisions of the Fair Labor Standards Act. Defendants defaulted and I entered judgment upon the Secretary's Motion for Default Judgment. *See Scalia v. Evolution Quality Guard, Inc.*, 2020 WL 1492782 (D.P.R. March 27, 2020).

Counsel for Plaintiff

Amy Tai
United States Department of Labor
Office of the Solicitor
201 Varick Street, Room 983
New York, New York 10014
646-264-3653

5. *United States v. Ortega-Lugo*, No. 3:19-cr-00453

This is a multi-defendant case arising from a drug-trafficking conspiracy at the Villa Evangelina Public Housing Project in Manatí, Puerto Rico. The case was transferred to my docket on February 10, 2020. I took the changes of plea of several of the defendants and at this time have sentenced 12 of the 14 defendants.

Counsel for the United States:

David Thomas Henek
United States Department of Justice
District of Puerto Rico
Torre Chardón, Suite 1201
350 Carlos Chardón Avenue
San Juan, Puerto Rico 00918
787-772-3961

Richard T. Passanisi , Jr.
United States Department of Justice
350 Carlos Chardón Avenue, Suite 1201
San Juan, Puerto Rico 00918
787-772-4073

Counsel for Defendants:

Francisco J. Adams-Quesada
Post Office Box 361252
San Juan, Puerto Rico 00936
787-598-9543

Víctor J. González-Bothwell

Federal Public Defender's Office
Patio Gallery Building
241 Franklin D. Roosevelt Ave.
Hato Rey, Puerto Rico 00918
787-281-4922

Anita Hill-Adames
Anita Hill Law Office
Post Office Box 16224
San Juan, Puerto Rico 00908
787-531-8888

Rafael F. Castro-Lang
Castro & Castro Law Office
Post Office Box 9023222
San Juan, Puerto Rico 00902
787-723-3672
787-644-1448

Raúl S. Mariani-Franco
Mariani Franco Law Office
Post Office Box 9022864
San Juan, Puerto Rico 00902
787-620-0038

Joseph A Boucher-Martínez
100 del Muelle Street
Capitolio Plaza, Apartment 3401
San Juan, Puerto Rico 00901
787-407-5065

Jose Agustín Arce-Díaz
Post Office Box 270157
San Juan, Puerto Rico 00928
787-720-3116
787-647-7007

Julio Cesar Alejandro-Serrano
100 Plaza Pradera Shopping Center, Suite 20
Private Mail Box 130
Toa Baja, Puerto Rico 00949
787-647-6632

Ramón M González-Santiago
Ramón M. González Law Office
Post Office Box 195493

San Juan, Puerto Rico 00919
787-722-6930

José R. Aguayo
José R. Aguayo Law Office
569 Teniente Cesar González Street
San Juan, Puerto Rico 00918
787-765-0814

Carlos M. Sánchez-La-Costa
Post Office Box 9023027
San Juan, Puerto Rico 00901
787-729-4646

- 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. *Iturrino-Carrillo v. Marina Puerto del Rey Operations, LLC*, 432 F.Supp.3d 7 (D.P.R. July 26, 2019)

Counsel for Plaintiff:

Alberto J. Castañer-Padro , III
Castaner Law Offices P.S.C.
MAI Center
2000 Kennedy Avenue, Suite 204
San Juan, Puerto Rico 00920
787-707-0802

Counsel for Defendant:

Alfredo Fernández-Martínez
Delgado & Fernández
Post Office Box 11750
Fernandez Juncos Station
San Juan, Puerto Rico 00910
787-274-1414

Pedro Quiñones-Suárez
Saldana, Carvajal & Velez-Rive, PSC
166 Constitution Avenue
San Juan, Puerto Rico 00901
787-289-9250

Carlos R. Baralt-Suárez
Delgado Fernández LLC
Post Office Box 11750
Fernandez Juncos Station
San Juan, Puerto Rico 00910
787-274-1414
787-525-8311

2. *Prospero Tire Exp., Inc. v. Maersk Line A/S*, Slip Copy 2019 WL 4166356
(D.P.R. August 30, 2019)

Counsel for Plaintiff:

Guillermo De-Guzmán-Vendrell
De Guzman Law Offices
Post Office Box 362738
San Juan, Puerto Rico 00936
787-756-2765

Monica Rivera-Pagán
Post Office Box 9006
San Juan, Puerto Rico 00908
787-604-3497

Manuel San-Juan-DeMartínó
Manuel San Juan Law Office
Post Office Box 9023587
San Juan, Puerto Rico 00902

Counsel for Defendants:

Jorge F. Blasini-González
Jimenez, Graffam & Lausell
Post Office Box 366104
San Juan, Puerto Rico 00936
787-767-1030

Juan Carlos Deliz
Jimenez, Graffam & Lausell
Post Office Box 366104
San Juan, Puerto Rico 00936
787-767-1030

3. *Diaz v. Gazmeyer-Santiago*, 2020 WL 1042041 (D.P.R. March 3, 2020)

Counsel for Plaintiff:

José F. Quetglas
Quetglas Law Office
Post Office Box 16606
San Juan, Puerto Rico 00908
787-722-7745

Counsel for Defendant:

Edwin Prado-Galarza
Prado, Nuñez & Associates, PSC
403 Del Parque Street, 8th Floor
San Juan, Puerto Rico 00907
787-977-1411

Javier A. Méndez-Vidal
403 Calle Del Parque, Suite 8
San Juan, Puerto Rico 00912
787-977-1411

4. *Alicea v. Wilkie*, 2020 WL 1547064 (D.P.R. March 31, 2020)

Counsel for Plaintiff:

Humberto F. Cobo-Estrella
Cobo-Estrella H. Law, LLC
Post Office Box 366451
San Juan, Puerto Rico 09936
787-529-7140

Winston Vidal-Gámbaro
Winston Vidal Law Office
Post Office Box 193673
San Juan, Puerto Rico 00919
787-751-2864

Counsel for Defendant:

Lisa E. Bhatia-Gautier
United States Department of Justice
Torre Chardón, Suite 1201
350 Carlos Chardón Avenue
San Juan, Puerto Rico 00918
787-766-5656

5. *Lebron-Yero v. Lebron-Rodriguez*, 2020 WL 1493897 (D.P.R. March 24,

2020)

Counsel for Plaintiff:

David Efrón
David Efrón Law Offices
Post Office Box 29314
San Juan, Puerto Rico 00929
787-753-6455

Counsel for Defendant:

René J. Avilés-Garcia
Ferraiuoli LLC
Post Office Box 195168
San Juan, Puerto Rico 00919
787-644-5303 787-766-7000

Roberto A. Cámara-Fuertes
Ferraiuoli, LLC
Post Office Box 195168
San Juan, Puerto Rico 00919
787-766-7000

Suleicka Tulier-Vazquez
Ferraiuoli LLC
Post Office Box 195168
San Juan, Puerto Rico 00919
787-766-7000

6. *United States v. Lidinilah*, 2020 WL 1674250 (D.P.R. April 3, 2020)

Counsel for the United States:

Daynelle Maria Alvarez-Lora
United States Department of Justice
Torre Chardón, Suite 1201
350 Carlos Chardón Avenue
San Juan, Puerto Rico 00918
787-282-1817

Jonathan L. Gottfried
United States Department of Justice
350 Carlos Chardón Avenue
San Juan, Puerto Rico 00918
787-409-7558

Counsel for Defendant:

Víctor P. Miranda-Corrada
Federal Public Defender
241 Franklin Delano Roosevelt Avenue
San Juan, Puerto Rico 00918
787-281-4922

Franco Lorenzo Perez-Redondo
Federal Public Defender
241 Franklin Delano Roosevelt Avenue
Patio Gallery Building
San Juan, Puerto Rico 00918
787-281-4922

7. *Jackie's Rest. LLC v. Plaza Carolina Mall, L.P.*, 2020 U.S. Dist. LEXIS 100676 (D.P.R. June 8, 2020)

Counsel for Plaintiff:

Henry Vázquez-Irizarry
Luis M. Rivera Park Street, 5 HH6
Villa Fontana Park Urbanization
Carolina, Puerto Rico 00983
787-724-7514
787-645-2241

Magaly Rodríguez-Quñones
Bufete Vazquez Irizarry, PSC
Villa Fontana Park Urbanization
Luis M. Rivera Park Street, 5 HH6
Carolina, Puerto Rico 00983
787-724-7514

Counsel for Defendants:

Alberto G. Estrella
Estrella, LLC
Post Office Box 9023596
San Juan, Puerto Rico 00902
787-977-5050

Kenneth C. Suria-Rivera
Estrella, LLC
Post Office Box 9023596

San Juan, Puerto Rico 00902
787-977-5050

8. *Marina PDR Operations, LLC v. MASTER Link Corp., Inc.*, 2020 WL 4379541 (D.P.R. July 29, 2020)

Counsel for Plaintiff:

Ian P. Carvajal-Zarabozo
Saldaña, Carvajal & Vélez-Rive, PSC
166 Constitution Avenue
San Juan, Puerto Rico 00901
787-289-9250
787-409-6837

Fernando Sabater-Clavell
Saldaña & Carvajal, P.S.C.
166 Constitution Avenue
San Juan, Puerto Rico 00901
787-289-9250

Counsel for Defendants:

Alberto J. Castañer-Padro, III
Castañer Law Offices P.S.C.
MAI Center
2000 Kennedy Avenue, Suite 204
San Juan, Puerto Rico 00920
787-707-0802

Jean P. Gauthier-Inesta
Post Office Box 8121
San Juan, Puerto Rico 00907
787-725-6625

Vicente Santori-Margarida
1353 Luis Vigoreaux Avenue
Private Mail Box 571
Guaynabo, Puerto Rico 00966
787-725-6625
787-717-0715

9. *Lopez-Ramos v. Cemex de P.R., Inc.*, 2020 WL 5224190 (D.P.R. September 1, 2020)

Counsel for Plaintiff:

Juan Ramón Rodríguez-López
Rodríguez López Law Office
Post Office Box 7693
Ponce, Puerto Rico 00732
787-843-2828
787-487-6461

Counsel for Defendants:

Manuel Porro-Vizcarra
Manuel Porro Vizcarra Law Office
Caparra Heights
382 Escorial Avenue
San Juan, Puerto Rico 00920
787-774-8200

Yesenia M. Varela-Colón
Manuel Porro Vizcarra Law Office
Caparra Heights
382 Escorial Avenue
San Juan, Puerto Rico 00920
787-774-8200

10. *Marrero v. Puerto Rico*, 2020 WL 6126383 (D.P.R. October 9, 2020)

Counsel for Plaintiff:

Antonio Borrés-Otero
Antonio Borrés Law Office
Post Office Box 361608
San Juan, Puerto Rico 00936
787-404-8637

Counsel for Defendant:

Idza Díaz-Rivera
Puerto Rico Department of Justice
Federal Litigation Division
Post Office Box 9020192
San Juan, Puerto Rico 00902
787-721-2900 extension 2647

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

None.

- 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.

I have been reversed in the following two cases:

Case No. 20-cr-00033: *United States v. Lidinilah*

Defendant Muis Lidinilah (“Defendant” or “Lidinilah”) requested release pending trial alleging that he was not a risk of flight nor a danger to the community. Further, Defendant argued that the COVID-19 pandemic presented health risks that favored release and that the COVID-19 protocol at Metropolitan Detention Center Guaynabo (“MDC”) hindered communication with his legal counsel.

I denied the request for release, holding that the Magistrate found Defendant to be a risk of flight due to his lack of ties with the District of Puerto Rico or the United States and that Lidinilah did not contest this reasoning. As to COVID-19, I indicated that MDC had mechanisms in place for confidential communication with legal counsel and that Defendant’s motion lacked specific information regarding why Lidinilah was at a higher risk of contracting COVID-19 vis-à-vis the general population. Lastly, I also noted that Defendant was at risk of being deported.

Lidinilah appealed this determination. The United States Court of Appeals for the First Circuit issued a Judgment holding that “[t]he record in this case does not disclose a finding that Lidinilah was a “serious” flight risk within the meaning of 18 U.S.C. § 3142(f)(2)(A). The First Circuit vacated this Court’s order denying release and remanded so that the District Court could conduct further bail proceedings and evaluate whether Defendant poses a “serious” flight risk.

United States v. Rivera-Rivera, 2020 WL 1181978 (D.P.R. Mar. 10, 2020)

On September 10, 2018, the Probation Officer filed a motion informing the Court that Defendant Angel Luis Rivera-Rivera (“Defendant” or “Rivera”) had violated various conditions of his supervised release and requesting the issuance of an arrest warrant. Honorable Carmen C. Cerezo, U.S. District Judge, held a final revocation hearing, found that Rivera had committed a Grade A violation of the conditions of supervised release, and imposed a term of imprisonment of twenty-one (21) months. Defendant filed a Notice of Appeal on April 2, 2019 and a Motion for Release Pending Appeal on January 27, 2020. The case was reassigned to my docket on January 29, 2020. On March 10, 2020, I issued an Opinion and Order denying Defendant’s request for release pending appeal on two grounds: (1) Rivera’s failure to preserve his claim that there was an error in

the classification of his release violation; and (2) Judge Cerezo's sentence was not substantively unreasonable. On June 12, 2020, United States Court of Appeals for the First Circuit issued a Judgment holding that although Rivera did not adequately preserve his violation-grading error, the First Circuit had subsequently issued two decisions clarifying the mechanisms of violation grading that should be applied to the case. Thus, the First Circuit vacated the District Court's judgment and remanded for reassignment and resentencing.

- 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.

Only one of my opinions has been published in the Federal Supplement Reporter. My opinions are available through Westlaw, Lexis and CM/ECF.

- 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.

None. All cases are significant to the litigants, but I do not believe I have issued opinions that meet the standard of the question.

- 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.

None.

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.

I review and address any real or potential conflicts by reference to 28 U.S.C. § 455, Canon 3 of the Code of Conduct for United States Judges, and any and all other laws, rules, and practices governing such circumstances.

The Clerk of the Court of the District of Puerto Rico keeps a conflicts list for each judge. The automated system identifies potential conflicts and prompts an order of recusal in any case in which a person or entity identified in my Standing Order of Disqualification is listed. The contents of my Standing Order of Disqualification are discussed in the answer to question 24.a.

Litigants in two cases have filed motions requesting that I recuse:

1. 3:19-cv-01021-SCC, *Montalvo-Figueroa v. DNA Auto Corp.*, Defendants filed an informative motion regarding a potential conflict of interest and requested the Court issue any order it deemed just. The alleged conflict stemmed from the fact that defendants' counsel is the son of plaintiffs' counsel in litigation which pertained to the partition of my late father's Estate and in which I was one of the defendants. That case concluded over 20 years ago. I issued an Opinion and Order analyzing why recusal was not warranted but recused because the case was in its infancy. I returned it to the prior presiding judge in exchange for another case from his docket. See attached copy.

2. 3:19-cv-01762-RAM, *Arana-Santiago v. Univ. de P.R.*, pro se plaintiff filed a motion requesting recusal for having represented the University of Puerto Rico in unrelated litigation more than five years prior to this lawsuit. I issued an opinion and order analyzing why recusal was not warranted and denying the motion. See *Arana-Santiago v. Univ. de P.R.*, 2019 U.S. Dist. LEXIS 198869 (D.P.R. November 15, 2019).

I have recused *sua sponte* in the following cases because of friendship with counsel, or familiarity with the parties or the dispute:

3:14-cv-01201-JAW *Ruiz-Rivera v. United States*

3:17-cv-02286-JAG *Diaz-Oneill v. Estado Libre Asociado de P.R.*

3:17-cv-02288-PAD *Alvarez-Colon v. Bermudez-Vera*

3:18-cv-01005-CCC *Bancredito Int'l Bank Corp. v. Data Hardware Supply Inc.*

3:18-cv-01400-FAB *Martinez v. Law Offices of John F. Nevares & Associates, P.S.C.*

3:18-cv-01703-FAB *Torrado-Reyes v. Triple-S Propiedad*

3:20-mc-00081-FAB (sealed) *In Re Interception of Wire Commc'ns*

3:18-cv-01913-SCC *White v. Maximo Solar Indus., Inc.*

3:20-mc-00035-FAB (sealed) *In Re Interception of Wire Commc'ns*

I recused *sua sponte* from the following case because of securities held by me or family members:

3:17-cv-02243-CCC-BJM *Ponsa-Rabell v. Santander Sec., L.L.C.*

3:18-cv-01896-FAB *Rivera-Narvaez v. Synchrony Bank*

I recused from the following cases because they involved former clients:

3:19-mc-00389-PG *In Re FINRA Arb. 18-03373*

3:19-cv-02019-DRD *Betterroads Asphalt, LLC v. Banco Popular de P.R.*

20-mc-00036-ADC *Alvarado v. Amador*

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.

Volunteer Lawyer, Campaign of Luis G. Fortuño-Burset for Governor of Puerto Rico (2008). I provided advice on election law during the primaries and in the general election.

Volunteer Electoral Observer, Campaign of Luis G. Fortuño-Burset for Resident Commissioner (2004). I monitored election results during primaries for the New Progressive Party.

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 served as a law clerk to the Honorable Antonio S. Negrón-García of the Puerto Rico Supreme Court from 1992 to 1993.

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

I have never practiced alone.

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

1994 – 1995

Fiddler González & Rodríguez P.S.C.

254 Muñoz Rivera Avenue, 6th Floor

San Juan, Puerto Rico 00918

Associate

Firm is defunct

1995 – 2019

McConnell Valdes LLC

270 Muñoz Rivera Avenue

San Juan, Puerto Rico 00918

Capital Member (2003 – 2019)

Income Partner (1999 – 2003)

Associate (1995 – 1999)

- 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.

- b. Describe:

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

My law practice concentrated on complex civil litigation. After clerking and earning my LL.M, I began my career at the law firm of Fiddler

González & Rodríguez P.S.C. in San Juan. At Fiddler, I worked on cases presenting a wide range of issues, including federal subject matter jurisdiction, contracts, personal injury, patents, and trademark.

After approximately a year, I changed firms to McConnell Valdés LLC, where I worked until entering judicial service in 2019. At the beginning of my career at the firm, maritime law formed a significant part of my practice, including cargo claims, fuel spills, and personal injury disputes. I also was responsible for responding to fines imposed by the Coast Guard.

As my career at the firm progressed, I began to develop expertise in other areas. Specifically, I represented clients in distribution and sales disputes, products liability cases, and antitrust matters. I also engaged in litigation regarding various constitutional issues, including First Amendment challenges, equal protection, and the Commerce Clause.

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

My typical clients were businesses and their owners.

- 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.
 - i. Indicate the percentage of your practice in:
 - 1. federal courts: 63%
 - 2. state courts of record: 30%
 - 3. other courts: %
 - 4. administrative agencies: 7%
 - ii. Indicate the percentage of your practice in:
 - 1. civil proceedings: 100%
 - 2. criminal proceedings: 0%
- 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 was involved in three cases in the U.S District Court for the District of Puerto Rico that were tried to verdict. I was lead counsel in one of the cases and associate counsel in the others. In addition, I have acted as lead counsel in seven preliminary injunction proceedings before the Courts of the Commonwealth of Puerto Rico and the U.S. District Court for the District of Puerto Rico. I have

been associate counsel in two other injunction proceedings. Finally, I was lead counsel in an evidentiary rate-making hearing before the Public Service Commission of the Commonwealth of Puerto Rico.

- i. What percentage of these trials were:
 - 1. jury: 46%
 - 2. non-jury: 54%

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

I did not practice before the Supreme Court of the United States.

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. *Schwarz v. Univ. Carlos Albizu, Inc.*, Case No. SJ2015CV00268 (907) (Ct. of First Instance of the Commw. of P.R.), *aff'd*, Case No. KLCE 2016-00940, 2016 WL 5390940 (P.R. Cir. 2016)

I co-led the trial team in the successful defense against a petition for preliminary injunction in an employment dispute whereby plaintiff sought to be reinstated as president of a small private university. The case settled after the Court of First Instance denied plaintiff's request for a preliminary injunction. Even though we prevailed on the preliminary injunction issue, we appealed to set aside prejudicial findings of fact entered by the Court of First Instance and prevailed on the appeal.

Judges:

Court of First Instance of the Commonwealth of Puerto Rico: Hon. Angel R. Pagán-Ocasio

Puerto Rico Circuit Court of Appeals: Hon. Migdalia Fraticelli-Torres, Hon. Laura Ortiz-Flores, Hon. Misael Ramos-Torres

Counsel for plaintiffs Angel Collado Schwarz, et al.:

José Antonio Andreu-Fuentes
Andreu & Sagardia Law
Domenech Avenue, Office 261
San Juan, Puerto Rico 00918
787-754-1777

Carlos E. Díaz-Olivo
San Ignacio Avenue, Number 1395
Altamesa Urbanization
San Juan, Puerto Rico 00921
787-314-6000

Co-counsel for defendant Universidad Carlos Albizu, Inc.:

Miguel Rivera Arce
Alejandro J. Cepeda-Díaz
McConnell Valdés LLC
270 Muñoz Rivera Avenue
San Juan, Puerto Rico 00918
787-250-5634

2. *Quality Cleaning Prods. R.C., Inc. v. SCA Tissue N. Am., LLC*, Case No. 12-2000 (D.P.R.), *aff'd*, 794 F.3d 200 (1st Cir. 2015)

I was lead counsel in the trial court in this contract dispute. We argued that the case was barred by the applicable statute of limitations. The district court granted our motion to dismiss. Plaintiffs appealed, and I co-wrote the brief on appeal. The First Circuit affirmed.

Judges:

U.S. District Court for the District of Puerto Rico: Hon. Carmen C. Cerezo

U.S. Court of Appeals for the Third Circuit: Hon. Jeffrey R. Howard, Hon. Sandra Lea Lynch, Hon. Ojetta Rogerie Thompson

Principal counsel for plaintiffs-appellants:

Miguel Angel Rangel-Rosas
Maymí Rivera LLC
Post Office Box 11897

San Juan, Puerto Rico 00922
787-474-0070

Co-counsel for defendant-appellee SCA Tissue North America LLC:

Alejandro J. Cepeda-Díaz
McConnell Valdés LLC,
270 Munoz Rivera Avenue
San Juan, Puerto Rico 00918
787-250-5637

3. *Carrelo v. Advanced Neuromodulation Sys.*, Civil No. 09-1671, 777 F. Supp. 2d 315 (D.P.R. 2011)

I was the lead defense counsel in this products liability case involving a neuro-stimulator. In addition to taking and defending all depositions, I drafted a motion in limine that resulted in an order striking the report and expected testimony of plaintiffs' proffered expert on the purported defects of the product on Daubert grounds. The case later settled.

Judge:

U.S. District Court for the District of Puerto Rico: Hon. Juan M. Perez-Gimenez

Principal counsel for plaintiffs:

Jorge M. Izquierdo-San-Miguel
Capital Center South Tower, 10th Floor
239 Arterial Hostos, Suite 1005
San Juan, Puerto Rico 00918
787-723-7767

Co-counsel for defendant:

Alejandro J. Cepeda-Díaz
McConnell Valdes LLC,
270 Muñoz Rivera Avenue
San Juan, Puerto Rico 00918
787-250-5637

4. *Shell Co. (P.R.) Ltd. v. Los Frailes Serv. Station, Inc.*, Civil No. 03- 1623 (D.P.R.), *aff'd*, 605 F.3d 10 (1st Cir. 2010)

I acted as lead counsel in the successful defense of counter-claims under the Petroleum Marketing Practices Act and the Robinson-Patman Act arising from a zone-pricing program established by a leading petroleum products wholesaler.

The team obtained summary judgment dismissing the counter-claims and this result was upheld by the First Circuit. In addition to supervising all the work performed after McConnell Valdés assumed Shell's representation from prior counsel, I took the deposition of defendant-counterclaimant's expert economist, drafted a motion in limine to strike the expert's opinions on monopolization and purported damages, and co-wrote the brief on appeal. I also presented argument and evidence before the District Court in support of the client's trademark infringement claims.

Judges:

U.S. District Court for the District of Puerto Rico: Hon. Francisco A. Besosa

U.S. Court of Appeals for the First Circuit: Hon. Sandra Lea Lynch, Hon. Bruce M. Selya, Hon. Kermit V. Lipez

Co-counsel for plaintiff-appellee:

Nannette Berrios-Haddock
Sol Puerto Rico Limited
Torre De La Reina Building
Constitution Avenue, Number 450
San Juan, Puerto Rico 00901
787-721-0150
(Formerly with McConnell Valdes LLC)

Frank La Fontaine
Deputy Compliance Officer & Assistant General Counsel
Comcast Cable
1701 John F. Kennedy Boulevard
Philadelphia, Pennsylvania 19103
215-286-2026
(Formerly with McConnell Valdés LLC)

Principal counsel for defendant-appellant Los Frailes Service Station, Inc.:

Carlos E. Montañez
Carlos E. Montañez Law Office
Post Office Box 362555
San Juan, Puerto Rico 00936
787-726-0961

Jose L. González-Castañer González Castañer, CSP
128 Franklin Delano Roosevelt Avenue, 2nd Floor
San Juan, Puerto Rico 00918
787-758-7819

5. *Univ. of Puerto Rico v. Laborde-Torres*, Case No. K PE 2010-1514 (505) (Ct. of First Instance of the Commw. of P.R.), *rev'd*, Case No. CT 2010-0008, 180 D.P.R. 253 (P.R. 2010)

I was lead litigation counsel to the eleven-campus University of Puerto Rico system during a system-wide student “strike.” I brought and defended multiple petitions for declaratory and injunctive relief filed by and against the University at all levels of the Courts of the Commonwealth of Puerto Rico, including the Puerto Rico Supreme Court. I also prosecuted disciplinary action against students for violations to the University’s code of conduct. The most significant case, *Univ. of Puerto Rico v. Laborde Torres*, reached the Puerto Rico Supreme Court because of the constitutional questions presented. The Supreme Court of Puerto Rico reversed the Court of First Instance’s Judgment dismissing as moot the University’s request for a permanent injunction, and entered an order balancing student and university rights.

Judges:

Court of First Instance, San Juan Superior Part: Hon. José R. Negrón Fernández *now in private practice with Marichal Hernández, Santiago & Juarbe, LLC*

Supreme Court of Puerto Rico: Hon. Rafael L. Martínez Torres, Hon. Edgardo Rivera García, Hon. Midred G. Pabón Charneco, Hon. Erick V. Kolthoff Caraballo, Hon. Annabelle Rodríguez Rodríguez (dissenting), Hon. Liana Fiol Matta (dissenting)

Co-counsel for the University of Puerto Rico:

Maralyssa Alvarez-Sánchez
Jackson Lewis
American International Plaza
250 Muñoz Rivera Avenue, Suite 404
San Juan, Puerto Rico 00918
787-522-7314
(Formerly with McConnell Valdés LLC)

Counsel for defendants:

Harry Anduze
1454 Fernández Juncos Avenue
San Juan, Puerto Rico 00909
787-723-7171

Carlos Cotto Cartagena
Post Office Box 4980

Caguas, Puerto Rico 00726
787-444-3060

Enrique G. Julia Ramos
Post Office Box 20016
Río Piedras Station
San Juan, Puerto Rico 00928
787-763-1309

Gaspar Martínez Mangual
Post Office Box 194422
San Juan, Puerto Rico 00919
787-250-0575

José Juan Nazario de la Rosa
Santa Rita Urbanization
867 Domingo Cabrera Street
San Juan, Puerto Rico 00925
787-759-0315

Hans S. Perl Matanzo
2 Madrid Street, Apartment 5-J
San Juan, Puerto Rico 00907
105 Arterial Hostos Avenue
Bayside Cove Condominium, Box 210
San Juan, Puerto Rico 00918
787-725-5839

Edgardo Luis Rivera Rivera
Post Office Box 360764
San Juan, Puerto Rico 00936
787-257-5757

Manuel Rodríguez Banchs
Post Office Box 368006
San Juan, Puerto Rico 00936
787-764-8896

Alex O. Rosa Ambert
100 Boulevard de la Media Luna, Number 508
Carolina, Puerto Rico 00987
787-764-6752

Luis J. Torres Asencio
Floral Park Urbanization
463 Padre Rufo Street, Apartment 4

San Juan, Puerto Rico 00917

Frank Torres Viada
Bufete Frank Torres Viada, C.S.P.
Post Office Box 192084
San Juan, Puerto Rico 00919
787-754-1102

6. *Next Step Med. Co., Inc. v. Johnson & Johnson Int'l*, Civil No. 09-1198 (D.P.R.), *aff'd*, 619 F.3d 67 (1st Cir. 2010)

This case involved a dealer's contract dispute arising out of defendant's decision to terminate plaintiffs' exclusivity while continuing to do business. I wrote (or co-wrote) all pleadings and motions in the case. I represented my client at the preliminary injunction hearing, which resulted in a favorable order. I subsequently represented my client on appeal, both writing the brief in the First Circuit and delivering oral argument.

Judges:

U.S. District Court for the District of Puerto Rico: Hon. Francisco A. Besosa and Hon. Marcos E. López

U.S. Court of Appeals for the First Circuit: Hon. Michael Boudin, Hon. Ojetta Rogerie Thompson, Hon. Timothy B. Dyk (by designation)

Counsel for plaintiffs-appellants:

Benjamin Morales-Del-Valle
Morales Morales Law Offices
Town Park Urbanization
Marginal 181 A-1
San Juan, Puerto Rico 00924
787-755-1570

7. *R & G Mortg. Corp. v. Fed. Home Loan Mortg. Corp.*, Case No. 08-2542, 584 F.3d 1 (1st Cir. 2009)

After R&G Mortgage Corporation and the Federal Home Loan Mortgage Corporation settled a contractual dispute, Doral Mortgage Corporation sought to intervene to challenge the settlement agreement. The district court denied the intervention, and the First Circuit affirmed this order. I co-wrote the brief and presented oral argument before the First Circuit on behalf of R & G Mortgage Corporation.

Judges:

U.S. District Court for the District of Puerto Rico: Hon. Jay A. García Gregory

U.S. Court of Appeals for the First Circuit: Hon. Jeffrey R. Howard, Hon. Bruce M. Selya, Hon. Kenneth F. Ripple (by designation)

Co-counsel for plaintiff-appellee:

Francisco G. Bruno-Rovira
Post Office Box 16831
San Juan, Puerto Rico 00908
787-378-3556
(Formerly with McConnell Valdes, LLC)

John L. Oberdorfer
Timothy Vanderver, Jr.
2550 M Street, N.W.
Washington, D.C. 20037
202-457-6000
(Formerly with Patton Boggs LLP)

Counsel for putative intervenor-appellant Doral Bank:

Nelson N. Córdova-Morales
Córdova Morales Law Offices
220 Domenech Avenue
Private Mail Box 255
San Juan, Puerto Rico 00918
787-302-0163
(Formerly with Vicente & Cuebas)

Harold D. Vicente-González
Vicente & Cuebas
Post Office Box 11609
San Juan, Puerto Rico 00910
787-751-8000

Counsel for defendant-appellee Federal Home Loan Mortgage Corporation:

Ricardo F. Casellas
Casellas, Alcover & Burgos, PSC
Post Office Box 364924
San Juan, Puerto Rico 00936
787-756-1400

8. *Adrian-Silva v. Manley Berenson Montehiedra Mgmt.*, Case No. 03-1890

(D.P.R. 2007)

This was a premises-liability case arising out of a shooting at the parking lot of a shopping center, which left the plaintiff paraplegic. The case was tried in 2007. I was part of the trial team for the shopping center manager. I drafted a motion in limine, which resulted in plaintiff's voluntary withdrawal of its security expert. I co-wrote and argued a motion for judgment as a matter of law at the close of plaintiff's evidence. The case settled the day after the argument. An appeal was subsequently taken from an order refusing to set aside the settlement. The appeal settled, after the company's brief, which I helped to draft, was filed.

Judge:

U.S. District Court for the District of Puerto Rico: Hon. Francisco A. Besosa

Counsel for plaintiff:

Paul H. Hulsey
Hulsey Law Group, Inc.
1156 104-C
Mount Pleasant, South Carolina 29464
843-723-5303

José F. Quetglas
Quetglas Law Office, P.S.C.
1353 Luis Vigoreaux Avenue
Private Mail Box 669
Guaynabo, Puerto Rico 00966
787-722-0635

Manuel San-Juan-DeMartín
Manuel San Juan Law Office
Post Office Box 9023587
San Juan, Puerto Rico 00902
787-723-6669

Co-counsel:

Gustavo A. Gelpí-Benitez
McConnell Valdés LLC
Post Office Box 364225
San Juan, Puerto Rico 00936
787-250-5605

Sonia I. Torres-Pabón
Mélendez Torres Law, PSC

255 Ponce de Leon Avenue
MCS Plaza, Suite 1200
San Juan, Puerto Rico 00917
787-281-8100
(Formerly with McConnell Valdés LLC)

Francisco E. Colón-Ramírez
Colón Ramírez LLC
Post Office Box 361920
San Juan, Puerto Rico 00936
888-760-1077

Arturo Díaz-Angueira
Cancio, Nadal, Rivera & Diaz
Post Office Box 364966
San Juan, Puerto Rico 00936
787-767-9625

Hon. Roberto Feliberti
Associate Justice, Puerto Rico Supreme Court
Post Office Box 9022392
San Juan, Puerto Rico 00919
787-724-4547
(Formerly with Cancio, Nadal, Rivera & Díaz)

Counsel for defendant Ace Insurance Company:

José H. Vivas
Vivas & Vivas
Post Office Box 330951
Ponce, Puerto Rico 00733
787-841-5359

9. *Matosantos Commer. Corp. v. Georgia Pac. Corp.*, Civil No. 02-2661,
369 F. Supp. 2d 191 (D.P.R. 2005)

This was a contract dispute that arose in the wake of George-Pacific Corporation's acquisition of Fort James Corporation and the ensuing DOJ-mandated divestiture of the assets of Georgia Pacific Tissue LLC. I was lead counsel and first chair in the two-week jury trial representing SCA Tissue North America LLC. Prior to trial, I obtained an order in limine striking plaintiffs' expert witness' two reports on damages and barring plaintiff from presenting evidence that the client was being indemnified by Georgia Pacific Corporation. The case settled during trial.

Judge:

U.S. District Court for the District of Puerto Rico: Hon. Jay A. García-Gregory

Counsel for plaintiff Matosantos Commercial Corporation:

Héctor Saldaña-Egozcue
Carlos Lugo-Fiol
Saldaña & Saldaña-Egozcue PSC
Banco Popular Center, Suite 1420
208 Ponce de Leon Avenue
San Juan, Puerto Rico 00918
787-758-7565

Co-counsel for defendant SCA Tissue North America LLC:

Francisco G. Bruno-Rovira
Post Office Box 16831
San Juan, Puerto Rico 00908
787-378-3556
(Formerly with McConnell Valdes, LLC)

Henry O. Freese-Souffront
McConnell Valdés LLC
Post Office Box 364225
San Juan, Puerto Rico 00936
787-250-5608

10. *Wal-Mart Stores, Inc. v. Rodríguez*, Case No. 02-2778, 238 F. Supp. 2d 395 (D.P.R. 2002), *vacated*, 322 F.3d 747 (1st Cir. 2003)

This was a complaint for injunctive and declaratory relief alleging Commerce Clause violations by the Secretary of Justice of the Commonwealth of Puerto Rico in her review of the acquisition of a supermarket chain by a Wal-Mart subsidiary. Among other tasks, I presented the testimony of an antitrust lawyer who was a fact witness and drafted the opposition to the Secretary of Justice's motion to dismiss on *Burford* abstention grounds. We obtained a preliminary injunction blocking the Secretary's lawsuit challenging the acquisition by a Wal-Mart subsidiary of a local supermarket chain. The case settled while on appeal. As part of the settlement agreement, the appeal was remanded with instructions to vacate.

Judges:

U.S. District Court for the District of Puerto Rico: Hon. Juan M. Pérez-Giménez

U.S. Court of Appeals for the First Circuit: Hon. Sandra Lea Lynch, Hon. Levin

Hicks Campell, and Hon. Jeffrey R. Howard

Co-counsel for plaintiffs-appellees:

Rubén T. Nigaglioni
Nigaglioni Law Offices PSC
Post Office Box 9023865
San Juan, Puerto Rico 00902
787-765-9966

Verónica Ferraiuoli-Hornedo
Estudio Legal Ferraiuoli, PSC
Post Office Box 195384
San Juan, Puerto Rico 00919
787-296-4733

Michael H. Byowitz
Damien G. Didden
Wachtell Lipton Rosen & Katz
51 West 52nd Street
New York, New York 10019
212-403-1000

Lead counsel for Wal-Mart Stores, Inc. on appeal:

Bernard W. Nussbaum
Michael H. Byowitz
George T. Conway
Wachtell Lipton Rosen & Katz
51 West 52nd Street
New York, New York 10019
212-403-1000

Principal Counsel for defendant-appellant Hon. Annabelle Rodríguez-Rodríguez:

Harry Anduze
1454 Fernández Juncos Avenue
San Juan, Puerto Rico 00909
787-723-7171

Carlos Del-Valle-Cruz
(*Deceased*)

Counsel for interested parties:

Néstor Méndez-Gómez

Pietrantonio Méndez & Alvarez
Banco Popular Center
208 Muñoz Rivera Avenue, Suite 1901
San Juan, Puerto Rico 00918
787-274-4909

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.)

While litigation was the mainstay of my practice, I worked on non-litigation matters in which my training and experience as a litigator have proven valuable. In particular, I worked on drafting contracts and structuring transactions so that clients were able to preserve their rights and avoid future problems that might lead to litigation. My work as a counselor to a client was particularly important during the system-wide student strike at the University of Puerto Rico, where I helped to analyze issues and develop responses that would help bring long-term stability to the situation.

I also used my litigation skills to help the broader Puerto Rico community. In particular, I previously worked as a member of the Board of Directors of the Puerto Rico Chapter of the Federal Bar Association. This experience gave me an excellent opportunity to help raise the standard for Puerto Rico practitioners. I have also served on board of several Puerto Rico non-profit organizations, where I have utilized my analytical skills to benefit their educational missions.

Although I was a member of McConnell Valdés LLC's Government Affairs Practice Group, I did not engage in lobbying activities.

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

In 2013 and 2016, I taught a class at the Inter American University School of Law in Puerto Rico. In particular, I taught pre-trial techniques in Civil Litigation to graduate students in the LL.M in Advocacy Program (*Litigación Civil en las Etapas Anteriores al Juicio*). Syllabi supplied.

In 2014, I taught a week-long course at the University of Puerto Rico sponsored by the National Institute for Trial Advocacy (*Building Trial Skills: Puerto Rico*). My co-instructors and I taught trial techniques in a NITA-run course. I do not have a syllabus.

In 2011, I taught a class at the Inter American University School of Law in Puerto Rico. In particular, I taught about litigation and counseling concerning Puerto Rico's relationship statutes, which protect distributors and exclusive sales representatives from termination or impairment of their relationship with their principals without just cause. (*Protección de los Intermediarios Mercantiles: Distribuidores y Representantes de Ventas*). Syllabus supplied.

From 2010 until 2018, I taught Federal Civil Procedure twice a year for the Federal Bar Association's Puerto Rico Chapter Bar Review Course. I do not have a syllabus.

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

I was Capital Member of McConnell Valdés LLC until May of 2019 and had invested capital in the firm and in a related entity called McConnell Valdés Consulting. Per firm policy, McConnell Valdés LLC aspires to repay a former member's capital within three years of the member's withdrawal from the firm. I have already been repaid the capital invested in McConnell Valdés Consulting.

I still have deposits in McConnell Valdés LLC's profit-sharing retirement plan and in its 401(k) plan. I intend to transfer such funds into other retirement savings vehicle(s).

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 hope to return to teaching a law school course, to the extent that my judicial duties would permit. I have no commitments or agreements to do so, and no other plans for outside activities.

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

See attached Financial Disclosure Report.

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

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

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

I have entered a Standing Order of Disqualification where I permanently disqualify myself from matters in which the following persons appear as counsel of record or as a party: (a) my half-brother Amancio Ramón Arias-Guardiola; (b) Francisco G. Bruno-Rovira, a former colleague; (c) Henry O. Freese-Souffront, a former colleague; and (d) Gilberto J. Marxuach-Torrós, a cousin.

In the Standing Order of Disqualification, I have also disqualified myself from all cases which the following persons appear as counsel of record or as a party; (a) McConnell Valdés LLC or its subsidiaries; (b) Saldaña & Saldaña-Egozcue, P.S.C., as they handle the partition of my wife's late great-aunt's Estate; (c) certain former clients; (d) individual stocks I still own; and (e) Universidad del Sagrado Corazón, a non-profit private university which Mr. Marxuach-Torrós presides.

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

I will continue to carefully review and address any real or potential conflicts by reference to 28 U.S.C. § 455, Canon 3 of the Code of Conduct for United States Judges, and any and all other laws, rules, and practices governing such circumstances. I will also update my standing order of disqualification when warranted.

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.

My former firm, McConnell Valdés LLC, actively encouraged pro bono work and provided free legal advice to non-profit civic and charitable entities. I took on several pro bono assignments on my own initiative and through the firm. For example, in 2004, I assisted a disadvantaged elderly client with a petition to change her name. I estimate that this case required approximately fifteen hours of work. Also, I was involved in two court-assigned pro bono cases before the District of Puerto Rico: *Almonte-Bautista v. Rosario-Batista*, Case No. 16-2393 and *Finance of America Reverse LLC v. Santiago Santos*, Civil No. 16-01921. I acted as a supervisory attorney in both cases, which required approximately ten hours of work.

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.

To my knowledge, there is no selection commission in Puerto Rico to recommend candidates for nomination to the federal courts.

On November 4, 2020, I was contacted by a member of the White House Counsel's Office to discuss the vacancy in the First Circuit. I was contacted again on November 11, 2020 and was advised that I had been selected as the preliminary candidate.

Since November 11, 2020, I have been in contact with officials from the White House Counsel's Office and the Office of Legal Policy. On November 13, 2020, the President announced his intent to nominate me.

- 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.