

UNITED STATES SENATE  
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Madeline Cox Arleo (previously known as Madeline Elizabeth Cox)

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

United States District Judge for the District of New Jersey

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: United States District Court  
District of New Jersey  
Martin Luther King Building & U.S. Courthouse  
50 Walnut Street  
Newark, New Jersey 07102

Residence: Caldwell, New Jersey 07006

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

1963; Jersey City, New Jersey

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.

1986 – 1989, Seton Hall University School of Law; J.D. (*summa cum laude*), 1989  
1985 – 1986, Rutgers University, The Eagleton Institute of Politics; M.A., 1986  
1981 – 1985, Rutgers College; B.A., 1985

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.

2000 – present  
United States District Court  
District of New Jersey  
Martin Luther King Building & U.S. Courthouse  
50 Walnut Street  
Newark, New Jersey 07102  
United States Magistrate Judge

1998 – 2000  
Tompkins, McGuire, Wachenfeld & Barry, LLP  
Four Gateway Center  
Newark, New Jersey 07102  
Litigation Partner

1994 – 1998  
Barry & McMoran  
One Newark Center  
Newark, New Jersey 07102  
Associate (1994 – 1998)  
Litigation Partner (1998)

1990 – 1994, Summer 1988  
Clapp & Eisenberg  
One Newark Center  
Newark, New Jersey 07102  
Associate (1990 – 1994)  
Summer Associate (1988)

1990 – 1994  
Seton Hall University School of Law  
One Newark Center  
Newark, New Jersey 07102  
Instructor, Legal Writing and Research (part-time)

1989 – 1990  
New Jersey Supreme Court  
William J. Brennan Courthouse  
483 Newark Avenue  
Jersey City, New Jersey 07306  
Law Clerk to the Honorable Marie L. Garibaldi

Summer 1987  
Waters, McPherson, McNeil, P.C.  
300 Lighting Way  
Secaucus, New Jersey 07094  
Summer Associate

Summer 1986, Summer 1985  
McCarter & English, LLP  
Four Gateway Center  
Newark, New Jersey 07102  
Legal Secretary

February – May 1986  
Office of the Public Defender  
Division of Inmate Advocacy  
Richard Hughes Justice Complex  
25 Market Street  
Trenton, New Jersey 08611  
Graduate Intern

Other Affiliations

2013 – present  
Mount Saint Dominic Academy  
3 Ryerson Road  
Caldwell, New Jersey 07006  
Board of Trustees

2007 – present  
Montclair State University Paralegal Program  
Montclair State University  
1 Normal Avenue  
Montclair, New Jersey 07043  
Advisor

2005 – present  
The Association of the Federal Bar of New Jersey  
P.O. Box 172  
West Allenhurst, New Jersey 07711  
Advisor

2008 – present  
Notre Dame Church  
359 Central Avenue  
North Caldwell, New Jersey 07006  
Finance Council

2008 – 2012  
Saint Dominic Academy  
2572 Kennedy Boulevard  
Jersey City, New Jersey 07106

Board of Trustees (2008 – 2012)  
Vice-Chair (2010 – 2012)  
Acting Chairperson (2010)

1994 – 1997  
District Ethics Committee, V-A, New Jersey Supreme Court  
Office of Attorney Ethics  
P.O. Box 963  
Trenton, New Jersey 08625  
Secretary

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.

Peter Rodino Society Distinguished Leadership Award, Seton Hall University School of Law (2011)

New Jersey Women Lawyers Association, Women's Initiative and Leaders in Law Platinum Award (2009)

C. Willard Heckel Inn of Court, Graduate (focusing on criminal trial practice) (1991 – 1993)

Seton Hall Law Review, Editor-in-Chief, Volume 19 (1988 – 1989) (full tuition scholarship)

Seton Hall Appellate Moot Court Competition, semi-finalist, Best Respondent's Brief (1988)

Andrew B. Crummy Memorial Scholarship (law school) (1987)

Hudson County Bar Foundation Scholarship (law school) (1986 – 1987)

Eagleton Institute of Politics, Full Graduate Fellowship (1985 – 1986)

Dean's List, Rutgers College (1983 – 1985)

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 Foundation, New Jersey Chapter  
Fellow (2007 – present)  
The Association of the Federal Bar of New Jersey  
Essex County Bar Association  
New Jersey State Bar Association

**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.

New Jersey, 1989

There has been no lapse 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.

District of New Jersey, 1989  
United States Court of Appeals for the Third Circuit, 1994  
Supreme Court of the United States, 2005

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.

American Bar Foundation, New Jersey Chapter (2007 – present)  
Fellow

The Association of the Federal Bar of New Jersey (2005 – present)  
Advisor

District Ethics Committee, V-A, New Jersey Supreme Court (1994 – 1997)  
Secretary

Historical Society for the United States District Court, District of New Jersey  
Advisor (1999 – present)

Montclair State University Paralegal Studies Program (2007 – present)  
Advisor

Mount Saint Dominic Academy (2013 – present)  
Board of Trustees

Notre Dame Church (1997 – present)  
Finance Council (2008 – present)

Saint Dominic Academy  
Board of Trustees (2008 – 2012)  
Vice Chair (2010 – 2012)

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

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

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

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

Public Employees’ Right To Free Speech in the Workplace Expanded, 19 Seton Hall L. Rev. 380 (1989). 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 of which I am aware.

- 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.

October 20, 2009: Meeting of the District of New Jersey Lawyers' Advisory Committee, regarding the amended Local Rule 301.1(c): "Compensation to Mediators." Minutes 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.

I have searched my files and publicly available information in seeking to list below all speeches or talks I have delivered. There may, however, be others I have been unable to remember or identify. In particular, since becoming a judge, I have sought to participate in educational programs for attorneys and non-attorneys when asked.

April 17, 2014: Panelist, Prisoner Reentry Conference: "The Hudson County Model of Partnership and Collaboration," St. Peter's University, The Jersey City Employment and Training Program, Integrity House, New Jersey American Correctional Association, CFG Health Systems, The Hudson County Community Reintegration Program, New Jersey County Jail Wardens Association, Johnston Communications Voice and Data, GTL, Hudson County Department of Corrections, Jersey City, New Jersey. Video recordings available at: <http://goo.gl/Vc7mTn> and <http://goo.gl/ftpUch>.

March 25, 2014: Mistress of Ceremonies, "Women's Initiative and Leaders in the Law, Platinum Gala," New Jersey Women Lawyers Association, Cedar Grove, New Jersey. Remarks supplied.

March 20, 2014: Moderator, "Why Women Should Stay in the Game: A View From The Bench and Bar," The Association of the Federal Bar of New Jersey, 38<sup>th</sup> Annual United States District Court Judicial Conference, West Orange, New Jersey. Video supplied.

May 9, 2013: Panelist, Newark Court House Lunch Series: "The Do's and Don'ts in Federal Practice, An Insider's Guide From The Bench," District Court of New Jersey, Newark, New Jersey. This was a continuing legal education program in which judges and lawyers discussed federal practice in New Jersey. I have no notes, transcripts, or recordings. The event was sponsored by The Association of the Federal Bar of New Jersey, P.O. Box 172, West Allenhurst, New Jersey 07711.

March 20, 2013: Mistress of Ceremonies, "Women's Initiative and Leaders in the Law, Platinum Gala," New Jersey Women Lawyers Association, Cedar Grove, New Jersey. Remarks supplied.

March 14, 2013: Panelist, "The Work-Life Balance and Federal Court," The Association of the Federal Bar of New Jersey, 37<sup>th</sup> Annual United States District Court Judicial Conference, West Orange, New Jersey. Video supplied.

December 3, 2012: Remarks to newly admitted members of the Bar, Seton Hall University School of Law, Newark, New Jersey. Remarks supplied.

September 13, 2012: Panelist, Women's Bench Bar Conference, New Jersey Law Center, New Brunswick, New Jersey. I served on a panel with other federal and state court judges in which we discussed issues facing women in the legal profession. I have no notes, transcripts, or recordings. The event was sponsored by the Women In The Profession Section of the New Jersey State Bar Association, The New Jersey Law Center, One Constitution Square, New Brunswick, NJ 08901-1520.

May 23, 2012: Panelist, Newark Court House Lunch Series: "The Do's and Don'ts in Federal Court: An Insider's Guide From The Bench," District Court of New Jersey, Newark, New Jersey. This was a continuing legal education program in which judges and lawyers discussed federal practice in New Jersey. I have no notes, transcripts, or recordings. The event was sponsored by The Association of the Federal Bar of New Jersey, P.O. Box 172, West Allenhurst, New Jersey 07711.

March 22, 2012: Panelist, "Sealing Orders, Confidentiality, Public Access and the Press," The Association of the Federal Bar of New Jersey, 36<sup>th</sup> Annual United States District Court Judicial Conference, West Orange, New Jersey. Video supplied.

March 21, 2012: Mistress of Ceremonies. "Women's Initiative and Leaders in the Law, Platinum Gala," New Jersey Women Lawyers Association, Jersey City, New Jersey. Remarks supplied.

February 8, 2012: Presiding Judge, Mock Trial, Saint Paul Inside the Walls,

Madison, New Jersey. This was a continuing legal education program in which lawyers participated in a mock trial based on a hypothetical involving a last will and testament dispute. I have no notes, transcripts, or recordings, but press coverage is supplied. The event was sponsored by Saint Paul Inside the Walls, 205 Madison Avenue, Madison, NJ 07940.

October 26, 2011: Acceptance Speech, "Peter Rodino Distinguished Leadership Award," Seton Hall University School of Law, Newark, New Jersey. Remarks supplied.

October 18, 2011: Panelist, "Professionalism in the United States District Court," District Court of New Jersey, Newark, New Jersey. This was a panel of federal judges and practicing lawyers in which professionalism and ethics in daily practice was addressed. I have no notes, transcripts, or recordings. The event was sponsored by the District Court of New Jersey, c/o William T. Walsh, Clerk, Martin Luther King Building and U.S. Courthouse, 50 Walnut Street, Newark, New Jersey 07102.

July 28, 2011: Speaker, NJ LEEP (New Jersey Law and Education Empowerment Project), District Court of New Jersey, Newark, New Jersey. I presented an overview of the federal court system and discussed various opportunities in the legal profession. I have no notes, transcripts, or recordings. The event was sponsored by NJ LEEP, Inc., Seton Hall Law School, 1109 Raymond Blvd., Newark, New Jersey 07102.

March 30, 2011: Mistress of Ceremonies, "Women's Initiative and Leaders in the Law, Platinum Gala," Somerset, Women Lawyers Association, New Jersey, New Jersey. Remarks supplied.

March 24, 2010: Mistress of Ceremonies, "Women's Initiative and Leaders in the Law, Platinum Gala," New Jersey Women Lawyers Association, Somerset, New Jersey. I introduced each of the award recipients, keynote speaker, and scholarship recipients. I have no notes, transcripts, or recordings. The event was sponsored by the New Jersey Women Lawyers Association, 633 Franklin Avenue, PMB #118, Nutley, New Jersey 07110.

November 12, 2009: Panelist, "Professionalism and Ethics in the Courts," District Court of New Jersey, Newark, New Jersey. This was a panel of women judges and practitioners addressing ethics issues in practice. I have no notes, transcripts, or recordings. The event was sponsored by the New Jersey Women Lawyers Association, 633 Franklin Avenue, PMB #118, Nutley, New Jersey 07110.

May 15, 2009: Panelist, "Pharma Industry Forum, Recent Developments on Pharmaceutical Industry," Rutgers Law School, Newark, New Jersey. This was a panel of federal judges, professors and in-house lawyers addressing recent legal

developments affecting the pharmaceutical industry. I have no notes, transcripts, or recordings. The event was sponsored by Rutgers School of Law–Newark, S.I. Newhouse Center for Law and Justice, 123 Washington Street, Newark, New Jersey 07102.

April 2, 2009: Acceptance Speech, “2009 Women’s Initiative and Leaders In The Law, Platinum Award,” New Jersey Women Lawyers Association, North Brunswick, New Jersey. Remarks supplied.

June 25, 2008: Judge, Fourth Annual Intercollegiate Business, Legal Ethics Case Competition, Berkeley College, Newark, New Jersey. Together with a panel of business leaders and lawyers, I sat as a judge in a moot court competition. I have no notes, transcripts or recordings. The event was sponsored by Berkeley College, 536 Broad Street, Newark, New Jersey 07102.

June 1, 2008: Speaker, Saint Dominic Academy Commencement, Jersey City, New Jersey. Remarks supplied.

June 7, 2007: Speaker, introduction of the Honorable Marie Garibaldi, New Jersey Supreme Court, for presentation of the William J. Brennan Award. The Association of the Federal Bar of New Jersey, West Orange, New Jersey. Remarks supplied.

March 7, 2007: Speaker, Career Day, Saint Dominic Academy, Jersey City, New Jersey. I spoke to high school students about careers in the law. I have no notes, transcripts or recordings. The event was sponsored by Saint Dominic Academy, 2572 Kennedy Blvd., Jersey City, New Jersey 07002.

February 1, 2007: Speaker, Career Day, Trinity Academy, Caldwell, New Jersey. I spoke to elementary students about careers in the law. I have no notes, transcripts, or recordings. The event was sponsored by Trinity Academy, 235 Bloomfield Ave, Caldwell, New Jersey 07006.

November 15, 2006: Panelist, “Nuts and Bolts of Federal Practice, A View from District Court Judges, Magistrates and Lawyers,” West Orange, NJ. This was a panel of federal judges and lawyers discussing issues ranging from discovery disputes to summary judgment motions to trial. I have no notes, transcripts, or recordings. The event was sponsored by the The Association of the Federal Bar of New Jersey, P.O. Box 172, West Allenhurst, New Jersey 07711.

May 10, 2006: Speaker, presentation of the Distinguished Service Award to the Honorable William Bassler, District Court of New Jersey, Newark, NJ, District Court Historical Society. Remarks supplied.

October 14, 2004: Panelist, The 8<sup>th</sup> Annual Litigating Employment Cases: Views From The Bench, New York, New York. I sat on a panel entitled “Pre-Litigation

Phase II” with several lawyers and judges in which pre-litigation legal issues were discussed. I have no notes, transcripts, or recordings. The event was co-sponsored by Fordham University School of Law, 140 West 62nd Street, New York, New York 10023, and Georgetown University Law Center Continuing Legal Education, 600 New Jersey Avenue NW, Washington, District of Columbia 20001.

March 2004: Panelist, “Electronic Discovery in Federal Court Litigation,” The Association of the Federal Bar of New Jersey, 28<sup>th</sup> Annual United States District Court Judicial Conference, West Orange, New Jersey. This was a panel of federal judges and practitioners discussing the federal rules regarding electronic discovery and case law developments. I have no notes, transcripts or recordings, but press coverage is supplied. The event was sponsored by The Association of the Federal Bar of New Jersey, P.O. Box 172, West Allenhurst, New Jersey 07711.

March 2003: Speaker, “ABC’s of Federal Practice,” The New Jersey Institute for Continuing Legal Education, Newark, New Jersey. Outline supplied.

November 7, 2002: Speaker, Seton Hall Law Review Alumni Reception, Seton Hall University School of Law, Newark, New Jersey. Remarks supplied.

January 2002: Panelist, “Practice Before United States Magistrate Judges,” New Jersey Law Center and the New Jersey Institute for Continuing Legal Education New Brunswick, New Jersey. Audio supplied.

January 31, 2001: Speaker, “Investiture Ceremony of United States Magistrate Judge Madeline Cox Arleo,” District of New Jersey, Newark, New Jersey. Remarks supplied.

September 20, 2000: Speaker, Federal Civil Pro Bono Educational Program, New Brunswick, New Jersey. I participated in a panel discussion with federal judges and lawyers regarding issues in federal pro bono cases. I have no notes, transcripts, or recordings. The event was sponsored by the New Jersey Institute for Continuing Legal Education, One Constitution Square, New Brunswick, New Jersey 08901.

September 22, 1999: Speaker, Federal Civil Pro Bono Educational Program, New Brunswick, New Jersey. I participated in a panel discussion with federal judges and lawyers regarding issues in federal pro bono cases. I have no notes, transcripts, or recordings. The event was sponsored by the New Jersey Institute for Continuing Legal Education, One Constitution Square, New Brunswick, New Jersey 08901.

December 11, 1998: Speaker, “Employment Law In Federal Courts, Pendent Jurisdiction Over State Claims,” New Jersey Institute for Continuing Legal

Education, New Brunswick, New Jersey. Outline 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.

Ecumenical Israel Pilgrimage Trip - Day 3, Notre Dame Catholic Church, North Caldwell, New Jersey and Agudath Israel Synagogue, Caldwell, New Jersey, January 2012. Video available at:  
<https://www.youtube.com/watch?v=zh1ROb7PUkM>.

New Jersey Women Lawyers Association ("NJWLA"). *Women in the Profession*, February 2011. Video supplied.

Saint Dominic Academy Viewbook, Comment as alumna, 2011. Copy supplied.

Mitchel Maddux, *At The Top of Their Profession: N.J. Women Changing The Look of Federal Bench*, *The Record*, April 26, 2003. Copy supplied.

*Alum Judges Find Hectic Days The Norm*, *Pentimento*, St. Dominic Academy, Volume 36, Summer 2001. Copy supplied.

Evelyn Apgar, *Civil Litigator Gets The Nod As Magistrate*, *New Jersey Lawyer: The Weekly Newspaper*, Volume 9, Issue 41, October 9, 2000. Copy supplied.

Rocco Cammarere, *Marie Garibaldi: What A Legacy!*, *New Jersey Lawyer: The Weekly Newspaper*, Volume 9, Issue 1, January 3, 2000. 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 December 2000, I was appointed as a United States Magistrate Judge for the District of New Jersey. I was reappointed to a second term in December 2008. I preside over all pre-trial proceedings, including discovery, non-dispositive motion practice and settlement negotiations in civil cases. Where all parties consent, I preside over civil actions in full. In addition, I preside over the initial phase of all criminal matters, including initial appearances and bail hearings, and over certain criminal matters, including petty offenses and misdemeanors, in full. Since 2008, I have also served as the compliance judge for the Court's district-wide mediation program pursuant to Local R. 301.1. In January 2013, I started the first reentry court in the District of New Jersey and serve as the presiding Judge.

- 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 five 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 misdemeanor and petty offenses, only a small percentage of the thousands of cases I have handled have gone to trial.

1. Of these, approximately what percent were:

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

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

See attached list of opinions.

- 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).

I have listed the cases in alphabetical order.

1. Campbell v. United States, et al., No. 02-2871 (MCA).

This action was brought by Plaintiff Campbell against the United States of America pursuant to the Federal Tort Claims Act, 28 U.S.C. §§ 2671-80, and the Federally Supported Health Centers Assistance Act, 42 U.S.C. § 239(g)-(n), seeking damages for personal injuries she and her son sustained during his delivery on July 26, 1999 at Muhlenberg Regional Medical Center. Campbell claimed that the doctors and nurse midwives employed by the Plainfield Neighborhood Health Center, a federally funded health center, deviated from accepted standards of care with respect to the delivery of her baby. The parties consented to my jurisdiction. I presided over a six-day bench trial. Thereafter, I issued Findings of Fact and Conclusions of Law, entering judgment in favor of Defendant, the United States of America, and against Plaintiff, which is available at Campbell v. United States, et al., No. 02-2871 (MCA), 2005 WL 1387652 (D.N.J. June 10, 2005). No appeal was taken from my decision.

Counsel for Plaintiff:

Peter A. Bogaard (now Judge of the Superior Court)

Morris County Courthouse  
Washington & Court Streets, 5<sup>th</sup> Floor  
Morristown, New Jersey 07960  
Tel: 973-656-4003

Counsel for Defendant:

Pamela R. Perron, AUSA  
Office of the United States Attorney  
970 Broad Street, Room 700  
Newark, New Jersey 07102  
Tel: 973-645-2700

Yanet Perez Noble, Esq.  
Kluger Healey, LLC  
219 Broad Street  
Red Bank, New Jersey 07932  
Tel: 732-852-7500

2. Celgene Corp., et al. v. KV Pharm. Co., No. 07-4819 (SDW).

This case involved a Hatch-Waxman patent dispute between Celgene, which was the assignee of two patents related to treatment using methylphenidate in an extended release form, and KV Pharmaceutical Company (“KV”), which sought to market generic extended release capsules. After KV submitted an Abbreviated New Drug Application to the FDA that included a paragraph IV Certification regarding Celgene’s patents, Celgene sued KV for patent infringement. Celgene made a motion to disqualify KV’s counsel, the Buchanan Ingersoll law firm, on the grounds that it concurrently represented Celgene in a separate matter and that Celgene did not give informed consent to the dual representation. Following oral argument, I granted the motion to disqualify counsel and issued a written opinion, which is available at Celgene Corp., et al. v. KV Pharm. Co., No. 07-4819 (SDW), 2008 U.S. Dist. LEXIS 58735 (D.N.J. July 18, 2008). The decision was not appealed. I continued to handle all aspects of case management until the case was reassigned to the Trenton vicinage.

Counsel for Celgene:

Charles M. Lizza, Esq.  
Saul Ewing, LLP  
One Riverfront Plaza  
Newark, New Jersey 07102  
Tel: 973-286-6715

Counsel for Novartis:

William J. O'Shaughnessey, Esq.  
McCarter and English, LLP  
Four Gateway Center  
100 Mulberry Street  
Newark, New Jersey 07102  
Tel: 973-622-4444

Counsel for KV Pharm.:

Mary Susan Henifin, Esq.  
Buchanan, Ingersoll & Rooney, P.C.  
700 Alexander Park, Suite 300  
Princeton, New Jersey 08540  
Tel: 609-687-6800

3. Miller v. Zimmer Holdings, Inc., No. 09-4414 (SDW) (multi-district litigation).

This case involves more than one hundred centralized state product liability/personal injury cases, all alleging that a medical device, the Zimmer Durom acetabular component ("Durom Hip"), was defectively designed, manufactured, tested, marketed, promoted and sold by Defendant Zimmer, Inc. and other Zimmer entities, causing personal injuries and damages to the Plaintiffs. Zimmer denies that any Durom Hip was defective or caused injuries or that the company breached its duty of care to Plaintiffs in any way.

Since this multi-district litigation was assigned to me in 2009, I have presided over extensive pretrial proceedings, including numerous case management conferences, oral arguments and hearings. I have resolved jurisdictional disputes, including motions to remand; discovery disputes, including claims of privilege over documents held by Zimmer in Switzerland; requests for protective orders, otherwise limiting the production of documents and witnesses; and disputes over production of exemplars for destructive testing by experts. I have also successfully coordinated discovery in the cases before me with similar actions going forward in state courts around the country. In addition, I mediated five cases after private mediation failed. This multi-district litigation is presently ongoing.

Counsel for Plaintiffs' Liaison Counsel:

Wendy R. Fleishman, Esq.  
Lief, Cabraser, Heimann & Bernstein, LLP  
250 Hudson Street, 8<sup>th</sup> Floor  
New York, New York 10013  
Tel: 212-355-9500

Christopher A. Seeger, Esq.  
Seeger Weiss, LLP  
77 Water Street, 26<sup>th</sup> Floor  
New York, New York 10005  
Tel: 212-584-0700

James Cecchi, Esq.  
Carella, Byrne, Cecchi, Olstein, Brody & Agnello, P.C.  
5 Becker Farm Road, 2<sup>nd</sup> Floor  
Roseland, New Jersey 07068  
Tel: 973-994-1700

George G. Tankard, III, Esq.  
Waters & Kraus, LLP  
315 N. Charles Street  
Baltimore, Maryland 21201  
Tel: 410-528-1153

Counsel for Defendants:

J. Joseph Tanner, Esq.  
Faegre, Baker & Daniels, LLP  
300 North Meridian Street, Suite 2700  
Indianapolis, Indiana 46204  
Tel: 317-237-0300

Edward J. Fanning, Jr., Esq.  
McCarter & English, LLP  
Four Gateway Center  
100 Mulberry Street  
Newark, New Jersey 07102  
Tel: 973-622-4444

4. Murdock v. Borough of Edgewater, et al., No. 08-2268 (MCA).

This civil rights action arose from circumstances surrounding the arrest of Plaintiff Murdock, following a domestic dispute at his home in Edgewater, NJ. Plaintiff brought claims for false/unlawful arrest and excessive force in violation of the Fourth and Fourteenth Amendments pursuant to 42 U.S.C. § 1983; state law claims for assault and battery against various police officers; and a *Monell* claim for federal constitutional violations against the Edgewater Police Department and the Chief of Police. I managed all aspects of pretrial discovery, and the parties consented to my jurisdiction for trial. I issued an opinion granting in part and denying in part summary judgment, which is available at Murdock v. Borough of Edgewater, et al., No. 08-2268 (MCA), 2011 U.S. Dist. LEXIS 126428 (D.N.J. Nov. 2, 2011). The case settled on the first day of trial.

Counsel for Plaintiff:

Richard T. Luzzi, Esq.  
Oller & Luzzi, LLC  
35 Green Pond Road  
Rockaway, New Jersey 07866  
Tel: 973-983-7020

Counsel for Defendants:

Harry D. Norton, Esq.  
Norton, Sheehy & Higgins, P.C.  
One Garret Mountain Plaza, 5<sup>th</sup> Floor  
Woodland Park, New Jersey 07424  
Tel: 973-881-1101

5. N. Jersey Brain & Spine Ctr. v. Conn. Gen. Life Ins. Co., No. 10-4260 (SDW).

Plaintiff was a neurosurgical medical practice that provided medical services to individuals covered under healthcare insurance plans of Connecticut General Life Insurance Company (“CGLIC”). As an out-of-network provider, Plaintiff had no contractual agreement with CGLIC for payment of services. Plaintiff alleged that before providing medical services to each plan participant, its representative spoke with CGLIC’s representative, who confirmed out-of-network coverage and agreed that CGLIC would pay Plaintiff’s customary and reasonable fees. Relying on these representations, Plaintiff rendered medical services to the patients, but CGLIC subsequently paid Plaintiff significantly less than the amount it had previously agreed to pay. Plaintiff filed this action in Superior Court of New Jersey, Bergen County, asserting claims for promissory estoppel, unjust enrichment, and negligent and intentional representation. CGLIC removed the case to this court based on federal question jurisdiction due to ERISA preemption. Thereafter, Plaintiff filed a motion for remand. I issued a report and recommendation denying the motion to remand, which is available at N. Jersey Brain & Spine Ctr. v. Conn. Gen. Life Ins. Co., No. 10-4260 (SDW), 2011 U.S. Dist. LEXIS 119762 (D.N.J. June 30, 2011). My report and recommendation was adopted by the district court, which is available at N. Jersey Brain & Spine Ctr. v. Conn. Gen. Life Ins. Co., No. 10-4260 (SDW), 2011 U.S. Dist. LEXIS 119758 (D.N.J. Oct. 6, 2011). Following those opinions, the case settled.

Counsel for Plaintiff:

Eric Katz, Esq.  
Mazie, Slater, Katz & Freeman, LLC  
103 Eisenhower Parkway

Roseland, New Jersey 07068  
Tel: 973-228-9898

Counsel for Defendant:

Eric Evans Wohlforth, Esq.  
Gibbons, P.C.  
One Gateway Center  
Newark, New Jersey 07102  
Tel: 973-596-4879

6. Reilly v. Novartis Pharm. Corp., et al., No. 07-4665 (SDW).

Plaintiff filed this action in New Jersey state court seeking damages for bodily injury, including breast cancer, which she allegedly suffered as a result of using the topical medications Elidel and Protopic, manufactured by the Novartis and Astellas Pharma, Inc. Plaintiff alleged violations of the New Jersey Consumer Fraud Act, N.J.S.A. § 56:8-1 (“NJCFA”), violations of the New Jersey Product Liability Act, N.J.S.A. § 2A:58C-1 (“NJPLA”), and New Jersey common law, and sought punitive damages as well as compensatory damages. Defendants removed the case to federal court and Plaintiff sought remand on the grounds that no federal question was presented. Defendants argued that Plaintiff’s claim for punitive damages under the NJPLA and NJCFA raised a federal question because the claim was based in part on Plaintiff’s assertion that Defendants intentionally withheld information from the Food and Drug Administration. I issued an opinion recommending that Plaintiff’s motion to remand be granted, which is available at Reilly v. Novartis Pharm. Corp., et al., No. 07-4665 (SDW), 2009 U.S. Dist. LEXIS 85516 (D.N.J. July 28, 2009). My report and recommendation was adopted by the district court, which is available at Reilly v. Novartis Pharm. Corp., et al., No. 07-4665 (SDW), 2009 U.S. Dist. LEXIS 85515 (D.N.J., Sept. 18, 2009).

Counsel for Plaintiff:

Christopher A. Seeger, Esq. and David Buchanan, Esq.  
Seeger Weiss, LLP  
77 Water Street, 26<sup>th</sup> Floor  
New York, New York 10005  
Tel: 212-584-0700

Counsel for Defendant Novartis:

Beth S. Rose, Esq.  
Sills, Cummis, & Gross P.C.  
One Riverfront Plaza  
Newark, New Jersey 07102

Tel: 973-643-7000

Ethan D. Stein, Esq.  
Gibbons, P.C.  
One Pennsylvania Plaza, 37<sup>th</sup> Floor  
New York, New York 10119  
Tel: 212-613-2041

Counsel for Defendant Astellas:

Christopher M. Farella, Esq.  
Astellas US, LLC  
1 Astellas Way  
Northbrook, Illinois 60062  
Tel: 224-205-8556

Robert G. Stahl, Esq.  
Law Offices of Robert G. Stahl, LLC  
220 St. Paul Street  
Westfield, New Jersey 07090  
Tel: 908-301-9001

7. The Prudential Co. of Am., et al. v. UBS Real Estate Sec., et al., No. 13-2953 (KM).

This matter stems from Plaintiff's purchase of more than \$208 million in Residential Mortgage-Backed Securities ("RMBS") from the UBS Defendants. Plaintiff originally filed this action in Superior Court of New Jersey, Essex County, alleging that the offering materials made numerous material misrepresentations and omissions regarding the underwriting guidelines followed by the originators of the underlying mortgage loans, as well as material misrepresentations regarding the risk profile and credit quality of the loans. As a result, Plaintiff's alleged default rates on the mortgage loans increased and the value of Plaintiff's certificates decreased. Plaintiff alleged various state law claims including common law fraud and violations of the New Jersey Civil RICO statute, N.J.S.A. 2C:41-1. Defendants removed this case to federal court pursuant to 28 U.S.C. § 1334(b), arguing that the case is related to "several bankruptcy proceedings" and that "the properly joined parties to this action are diverse." I issued a report and recommendation that Plaintiff's motion to remand be granted, which is available at The Prudential Co. of Am., et al. v. UBS Real Estate Sec., et al., No. 13-2953 (KM), 2013 U.S. Dist. LEXIS 183884 (D.N.J. Dec. 16, 2013). My report and recommendation was adopted by the district court, which is available at The Prudential Co. of Am., et al. v. UBS Real Estate Sec., et al., No. 13-02953, 2014 U.S. Dist. LEXIS 6429 (D.N.J., Jan. 16, 2014).

Counsel for Plaintiff:

Robin H. Rome, Esq.  
Nukk-Freeman & Cerra, P.C.  
636 Morris Turnpike, Suite 2F  
Short Hills, New Jersey 07078  
Tel: 973-665-9100

Counsel for Defendants:

Alan S. Naar, Esq.  
Greenbaum, Rowe, Smith & Davis, LLP  
99 Wood Avenue South  
Iselin, New Jersey 08830  
Tel: 732-549-5600

8. Sec. & Exch. Comm'n v. Teo, et al., No. 04-1815 (SDW).

This was a Securities and Exchange Commission ("SEC") enforcement action arising out of Defendant Teo's ("Teo") alleged scheme to conceal his true beneficial ownership of the stock of Musicland Stores Corporation, held by a Trust, and to cause material false and misleading statements and omissions in SEC public filings. The SEC alleged that Teo thereafter sold those shares at a profit of approximately \$22 million. I handled all pretrial aspects of case management, including multiple hearings on the applicability of the crime-fraud exception to the attorney-client privilege. I issued an opinion addressing the attorney-client privilege issue, which is available at Sec. & Exch. Comm'n v. Teo, No. 04-1815, 2009 U.S. Dist. LEXIS 49537 (D.N.J. June 11, 2009). No appeal was taken from my rulings. Following the district court's ruling on summary judgment, the case was appealed to the Third Circuit Court of Appeals, which affirmed.

Counsel for Plaintiff:

David P. Stoelting, Esq.  
United States Securities and Exchange Commission  
3 World Financial Center, Suite 4300  
New York, New York 10281  
Tel: 212-336-0174

Counsel for Defendant:

Paul L. Fishman  
United States Attorney  
970 Broad Street, Room 700  
Newark, New Jersey 07102  
Tel: 973-645-2700

9. United States v. Bergrin, et al., No. 09-369 (WJM).

A criminal indictment was returned against Defendant Bergrin, a criminal defense attorney and former Assistant United States Attorney, charging him with various offenses, including Murdering a Federal Witness and Conspiracy to Murder a Federal Witness, in violation of 18 U.S.C. § 1512, Racketeering and Racketeering Conspiracy, in violation of 18 U.S.C. §§ 1962 (c), (d), Wire Fraud and Wire Fraud Conspiracy, in violation of 18 U.S.C. §§ 1343 and 1349, and violations of the Travel Act, 18 U.S.C. § 1952, and Conspiracy to Violate the Travel Act, in violation of 18 U.S.C. § 371. The parties appeared before me for an initial appearance and for bail. Following a two-day hearing on May 27 and May 28, 2009, I denied bail and issued an opinion and order, which is available at United States v. Bergrin, et al., No. 09-369 (WJM), 2009 U.S. Dist. LEXIS 46607 (D.N.J. May 29, 2009).

Counsel for the United States:

John Gay, AUSA and Joseph N. Minish, AUSA  
Office of the United States Attorney  
970 Broad Street, Room 700  
Newark, New Jersey 07102  
Tel: 973-645-2700

Counsel for Defendant:

Gerald L. Shargel, Esq.  
Law Offices of Gerald L. Shargel  
1790 Broadway, Suite 1501  
New York, New York 10019  
Tel: 212-446-2323

10. United States v. Hill, No. 12-6081.

On June 7, 2012, the United States filed a three-count information against singer/songwriter Hill, charging her with three misdemeanor counts of failure to file tax returns, each in violation of 26 U.S.C. § 1703. The case was transferred to me for sentencing after Magistrate Judge Michael Shipp became a district judge. Defendants sought a non-custodial sentence and the government sought the maximum sentence of three years in prison (one year for each count). Both parties raised procedural and substantive objections to the findings in the Pretrial Sentence Report, and there was substantial briefing on both sides. On May 7, 2013, following lengthy oral argument, I imposed a three month sentence (one month for each count), one year supervised release and three months home confinement with electronic monitoring, as well as a \$60,000 fine and a \$75 special assessment. The sentence was not appealed by either party.

Counsel for United States:

Sandra Moser, AUSA  
Assistant United States Attorney  
970 Broad Street, Room 700  
Newark, New Jersey 07102  
Tel: 973-645-2700

Counsel for Defendant:

Nathan J. Hochman, Esq.  
Bingham McCutcheon, LLP  
The Water Garden, Suite 2050 North  
1601 Cloverfield Boulevard  
Santa Monica, California 90404  
Tel: 310-907-1000

- 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. Campbell v. United States, et al., No. 02-2871 (MCA), 2005 WL 1387652 (D.N.J. June 10, 2005).

Counsel for Plaintiff:

Peter A. Bogaard (now Judge of the Superior Court)  
Morris County Courthouse  
Washington & Court Streets, 5<sup>th</sup> Floor  
Morristown, NJ 07960  
Tel: 973-656-4003

Counsel for Defendant:

Pamela R. Perron, Esq. and Yanet Perez Noble, Esq.  
Office of the United States Attorney  
970 Broad Street, Suite 700  
Newark, NJ 07102  
Tel: 973-645-2700

2. Chabban v. Criscito, No. 08-1567 (SDW), 2013 U.S. Dist. LEXIS 58051 (D.N.J. Apr. 3, 2013).

Counsel for Plaintiff:

John M. Agnello, Esq.  
Carella, Byrne, Cecchi, Olstein, Brody & Agnello, P.C.  
5 Becker Farm Road  
Roseland, NJ 07068  
Tel: 973-994-1700

Counsel for Defendant:

Bonnie M. Weir  
The Weir Law Firm, LLC  
1170 Route 22 East  
Suite 205  
Warren, NJ 07059  
Tel: 908-575-0185

3. Celgene Corp., et al. v. KV Pharm. Co., No. 07-4819 (SDW), 2008 U.S. Dist. LEXIS 58735 (D.N.J. July 18, 2008).

Counsel for Celgene:

Charles M. Lizza, Esq.  
Saul Ewing, LLP  
One Riverfront Plaza  
Newark, NJ 07102  
Tel: 973-286-6715

Counsel for Novartis:

William J. O'Shaughnessey, Esq.  
McCarter and English, LLP  
Four Gateway Center  
100 Mulberry Street  
Newark, NJ 07102  
Tel: 973-622-4444

Counsel for KV Pharm.:

Mary Susan Henifin, Esq.  
Buchanan, Ingersoll & Rooney, P.C.  
700 Alexander Park, Suite 300  
Princeton, NJ 08540  
Tel: 609-687-6800

4. Khrakovskiy v. Denise, No. 06-1033 (MCA), 2009 U.S. Dist. LEXIS 96650 (D.N.J. Oct. 14, 2009).

Counsel for Plaintiff:

Val Mandel, Esq.  
Val Mandel, PC  
80 Wall Street, Suite 1115  
New York, NY 1005  
Tel: 212-668-1700

Counsel for Defendants:

Marc D. Garfinkle, Esq.  
Law Office of Mark D. Garfinkle  
89 Headquarters Plaza  
North Tower, Suite 1212  
Morristown, NJ 07960  
Tel: 973-993-1862

5. Murdock v. Borough of Edgewater, et al., No. 08-2268 (MCA), 2011 U.S. Dist. LEXIS 126428 (D.N.J. Nov. 2, 2011).

Counsel for Plaintiff:

Richard T. Luzzi, Esq.  
Oller & Harding, LLC  
35 Green Pond Road  
Rockaway, NJ 07866  
Tel: 973-983-7020

Counsel for Defendants:

Harry D. Norton, Esq.  
Norton, Sheehy & Higgins, P.C.  
One Garret Mountain Plaza, 5<sup>th</sup> Floor  
Woodland Park, NJ 07424  
Tel: 973-881-1101

6. N. Jersey Brain & Spine Ctr. v. Conn. Gen. Life Ins. Co., No. 10-4260 (SDW), 2011 U.S. Dist. LEXIS 119762 (D.N.J. June 30, 2011).

Counsel for Plaintiff:

Eric Katz, Esq.  
Mazie, Slater, Katz & Freeman, LLC  
103 Eisenhower Parkway  
Roseland, NJ 07068

Tel: 973-228-9898

Counsel for Defendant:

Eric Evans Wohlforth, Esq.  
Gibbons, P.C.  
One Gateway Center  
Newark, NJ 07102  
Tel: 973-596-4879

7. The Prudential Co. of Am., et al. v. UBS Real Estate Sec., et al., No. 13-2953 (KM), 2013 U.S. Dist. LEXIS 183884 (D.N.J. Dec. 16, 2013).

Counsel for Plaintiff:

Robin H. Rome, Esq.  
Nukk-Freeman & Cerra, P.C.  
636 Morris Turnpike, Suite 2F  
Short Hills, NJ 07078  
Tel: 973-665-9100

Counsel for Defendants:

Alan S. Naar, Esq.  
Greenbaum, Rowe, Smith & Davis, LLP  
99 Wood Avenue South  
Iselin, NJ 08830  
Tel: 732-549-5600

8. Reilly v. Novartis Pharm. Corp., et al., No. 07-4665 (SDW), 2009 U.S. Dist. LEXIS 85516 (D.N.J. July 28, 2009).

Counsel for Plaintiff:

Christopher A. Seeger, Esq. and David Buchanan, Esq.  
Seeger Weiss, LLP  
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New York, NY 10005  
Tel: 212-584-0700

Counsel for Defendant Novartis:

Beth S. Rose, Esq.  
Sills, Cummis, & Gross P.C.  
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Tel: 973-643-7000

Ethan D. Stein, Esq.  
Gibbons, P.C.  
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New York, NY 10019  
Tel: 212-613-2041

James D. Hicks, Esq. (no longer at firm)  
Hollingsworth, LLP  
1350 I Street, NW, Suite 900  
Washington, DC 20005  
Tel: 202-898-5800

Counsel for Defendant Astellas:

Christopher M. Farella, Esq.  
Astella US, LLC  
1 Astella Way  
Northbrook, IL 60062  
Tel: 224-204-8556

Robert G. Stahl, Esq.  
Law Offices of Robert G. Stahl, LLC  
220 St. Paul Street  
Westfield, NJ 07090  
Tel: 908-301-9001

9. Sec. & Exch. Comm'n v. Teo, et al., No. 04-1815 (SDW), 2009 U.S. Dist. LEXIS 49537 (D.N.J. June 11, 2009).

Counsel for Plaintiff:

David P. Stoelting, Esq.  
United States Securities and Exchange Commission  
3 World Financial Center, Suite 4300  
New York, NY 10281  
Tel: 212-336-0174

Counsel for Defendant:

Paul L. Fishman  
United States Attorney  
970 Broad Street, Room 700  
Newark, NJ 07102  
Tel: 973-645-2700

10. United States v. Bergrin, et al., No. 09-369 (WJM), 2009 U.S. Dist. LEXIS 46607 (D.N.J. May 29, 2009).

Counsel for the United States:

John Gay, AUSA and Joseph N. Minish, AUSA  
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970 Broad Street, Room 700  
Newark, NJ 07102  
Tel: 973-645-2700

Counsel for Defendant:

Gerald L. Shargel, Esq.  
Law Offices of Gerald L. Shargel  
1790 Broadway, Suite 1501  
New York, NY 10019  
Tel: 212-446-2323

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

To the best of my knowledge, certiorari has not been requested in any of my cases.

- 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 undertaken a search of all decisions on LexisNexis and Westlaw and my internal files to locate any Reports and Recommendations which have been reversed, rejected or modified by a reviewing court. To the best of my knowledge, none of my Reports and Recommendations have ever been rejected or reversed by a District Judge. Please note the following cases where my report and recommendation has been modified:

In Aerogroup Int'l, Inc. v. Ozburn-Hessey Logistics, the district court affirmed the imposition of discovery sanctions, but reduced the monetary amount of the sanction even further than the "drastic reduction" that I made from the amount requested by the moving party. My Report and Recommendation is available at Aerogroup Int'l, Inc. v. Ozburn-Hessey Logistics, No. 08-4217, 2010 U.S. Dist. LEXIS 120931 (D.N.J. Nov. 15, 2010). The district court opinion is available at Aerogroup Int'l, Inc. v.

Ozburn-Hessey Logistics, No. 08-4217, 2011 U.S. Dist. LEXIS 45322 (D.N.J. Apr. 27, 2011).

In United States ex rel. Simring v. Univ. Physician Assocs., the district court affirmed the grant of attorneys' fees, but adopted a "blended rate" for compensation for legal research and modified the monetary amount of the attorneys' fees awarded to Plaintiff. My Report and Recommendation is available at United States ex rel. Simring v. Univ. Physician Assocs., No. 04-3530, 2012 U.S. Dist. LEXIS 187848 (D.N.J. Oct. 2, 2012). The district court opinion is available at United States ex rel. Simring v. Univ. Physician Assocs., No. 04-3530, 2013 U.S. Dist. LEXIS 179451 (D.N.J. Aug. 21, 2013).

In Shandex Indus., Inc. v. Vent Right Corp. & Mario J. Kaseda, the district court affirmed the entry of default against the corporate pro se defendant but, upon balancing discretionary factors, allowed the case to proceed against the pro se individual. My Report and Recommendation is available at Shandex Indus., Inc. v. Vent Right Corp. & Mario J. Kaseda, No. 09-4148, 2011 U.S. Dist. LEXIS 140982 (D.N.J. Dec. 7, 2011). A copy of the district court opinion is supplied.

- 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 consent cases and I issue reports and recommendations on all dispositive matters referred to me. My non-dispositive orders include discovery matters, motions to amend the pleadings, motions to extend the discovery schedule and other miscellaneous civil motions. I issue hundreds of such orders in any given year. Very few of those orders are published, although I have filed all of my orders and opinions with our court's electronic case filing system. With respect to dispositive motions referred to me by the district judge, those reports and recommendations are published electronically on the court's electronic case filing system which is available to the public. In addition, the majority of my decisions addressing substantive issues are published electronically on Westlaw and LexisNexis.

- 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.

Murdock v. Borough of Edgewater, No. 08-2268 (MCA), 2011 U.S. Dist. LEXIS 126428 (D.N.J. Nov. 2, 2011).

- 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, 28 U.S.C. § 455, I review every new file assigned to me to ensure that no conflict of interest exists. I maintain a standing recusal list with the Clerk's Office. Currently on my recusal list are my husband, Frank P. Arleo, Esq., and the other lawyers in his law firm, Arleo & Donohue, LLC, and any case in which either my husband or I has a financial interest. I also recuse myself in any case where I have a significantly close relationship with counsel, parties or witnesses (family, business or social). In the event of uncertainty, I err on the side of disqualification.

I have recused myself *sua sponte* in a civil rights case brought against the Jersey City Police Department, in which my first cousin, Paul Wolleon, served as a Deputy Chief of Police. I disclosed my close familial relationship with Deputy Chief Wolleon at the initial scheduling conference, and when I learned that he could potentially be a party or fact witness, I recused myself *sua sponte*. Razzoli v. Jersey City, No. 06-1504 (SDW).

I have recused myself *sua sponte* in a civil rights case brought against the Bayonne Police Department, in which my first cousin, Drew Niekrasz, serves as a Deputy Chief of Police. I disclosed my close familial relationship with Deputy Chief Niekrasz at the initial scheduling conference, and when I learned that he could potentially be a party or fact witness, I recused myself *sua sponte*. Kimbrell v. City of Bayonne, No. 06-1827 (JAG).

I have undertaken a search of all decisions on LexisNexis and Westlaw and my internal files to locate any motions for recusal and opinions related thereto. To the best of my knowledge, only pro se litigants have filed recusal motions or informal applications against me, with the exception of one lawyer, not licensed in New Jersey, who filed such an application on behalf of his litigant wife, as described below. All motions/applications have been denied, and if appeal was taken, the denial of recusal was affirmed. I have located the following motions/applications:

1. In Shernoff v. Hewlett Packard Co., No. 04-4390 (JAP), Frank Shernoff, a lawyer not licensed in New Jersey, filed a post-hearing brief on behalf of his wife, claiming that I should recuse myself because of personal knowledge of the disputed facts relevant to the terms of settlement. Applying the standard of 28 U.S.C. § 455(b)(1), I denied the recusal motion. The district court affirmed my decision in a written opinion.

2. In Dukes v. Lancer Ins. Co., No. 08-4948 (JAG), a pro se plaintiff filed a recusal motion against me on the grounds that I was prejudiced against him based on his race and his pro se status. Applying the standard of 28 U.S.C. § 455(b)(1), I denied the recusal motion. No appeal was taken.

3. In DIRECTV, Inc. v. Jarvis, No. 04-55 (SDW), a pro se plaintiff made a recusal motion on multiple grounds. Applying the standard of 28 U.S.C. § 455(b)(1), I denied the recusal motion. Plaintiff filed a writ of mandamus with the Third Circuit Court of Appeals, seeking recusal. The Third Circuit denied the writ of mandamus.

4. In Thompson v. Eva's Vill. & Sheltering Program, No. 04-2548, a pro se plaintiff filed a recusal motion against me and the District Judge on multiple grounds. Applying the standard of 28 U.S.C. § 455(b)(1), I denied the recusal motion. The District Court affirmed my decision and denied subsequent applications for recusal of myself and the District Judge. In two separate opinions, the Third Circuit affirmed the denial of recusal.

**15. Public Office, Political Activities and Affiliations:**

- a. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

I have not held public office other than 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.

I have not held any offices in or rendered services to any political party or election committee. I have not held a position or played a role in a political campaign.

**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;

Upon graduation from law school in 1989, I served a one year clerkship for the Honorable Marie Garibaldi of the New Jersey Supreme Court from September 1989 to September 1990.

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.

1990 – 1994, Summer 1988  
Clapp & Eisenberg  
One Newark Center  
Newark, New Jersey 07102  
Associate (1990 – 1994)  
Summer Associate (1988)

1994 – 1998  
Barry & McMoran  
One Newark Center  
Newark, New Jersey 07102  
Associate (1994 – 1998)  
Litigation Partner (1998)

1998 – 2000  
Tompkins, McGuire, Wachenfeld & Barry, LLP  
Four Gateway Center  
Newark, New Jersey 07102

## Litigation Partner

- 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.

As a practicing lawyer, I 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.

Following my clerkship, I joined the firm of Clapp & Eisenberg in 1990, where I engaged in a general litigation practice handling product liability, commercial, antitrust, employment and discrimination cases. After the dissolution of Clapp & Eisenberg in 1994, I joined the newly formed firm of Barry & McMoran as a litigation associate and was elevated to partner in January 1998. At Barry & McMoran, I represented plaintiffs in discrimination cases based on age, race and national origin, defended employment and civil rights cases brought against corporations and government bodies, and negotiated employment and severance agreements. I also handled civil and criminal appeals. In October 1998, Barry & McMoran merged with Tompkins, McGuire, & Wachenfeld to form Tompkins, McGuire, Wachenfeld & Barry (the "Tompkins firm"), where I was a litigation partner until joining the bench in December 2000. At the Tompkins firm, I continued to handle employment and civil rights cases, and also engaged in a general litigation practice.

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

From 1990 to 1994 while at Clapp & Eisenberg, I represented both individuals and corporations in both federal and state court in a range of civil litigation including product liability, commercial, antitrust, employment and discrimination cases. Representative corporate clients included the Trump Organization, Ford New Holland, the Township of Millburn, and the New Jersey Joint Underwriters Fund. From 1994 to 1998, while at Barry & McMoran, I continued to represent individuals and corporations in a range of civil litigation. Representative clients included the Trump Organization, the City of Atlantic City, Shinnihon U.S.A. and various individuals. From October 1998 until December 2000, while at the Tompkins, McGuire, Wachenfeld and Barry firm, I continued to represent individuals and corporations in civil litigation. Representative clients continued to be the Trump Organization and the City of Atlantic City, as well as Vitro Com, Inc., Planet Honda, and various individuals.

- c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

Approximately 90% of my practice as an attorney was in litigation. As a new associate at Clapp & Eisenberg, I frequently appeared in federal and state court for hearings and motions with a senior partner. As my practice developed, and I became more experienced, I frequently handled discovery motions and hearings on my own. When elevated to partner in 1996 at Barry & McMoran, I was often counsel of record and lead attorney in cases pending in both federal and state court. I continued to appear frequently in both state and federal court. These responsibilities continued as a litigation partner at the Tompkins firm.

- i. Indicate the percentage of your practice in:

1. federal courts:	45%
2. state courts of record:	45%
3. other courts:	0%
4. administrative agencies:	10%

- ii. Indicate the percentage of your practice in:

1. civil proceedings:	95%
2. criminal proceedings:	5%

- 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 tried one case to verdict as associate counsel. I also assisted as trial counsel early in my career in a substantial antitrust case tried in New Jersey state court. I was counsel of record in many cases which I handled through discovery, summary judgment motions, and was prepared for trial when the case settled. I also worked on various criminal and civil appeals including one federal case where I had primary responsibility for drafting the brief and handled the argument in the Third Circuit Court of Appeals.

- i. What percentage of these trials were:

1. jury:	100%
2. non-jury:	0%

- 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 have not practiced 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.

I have listed the cases in alphabetical order.

1. Allen v. Computer Scis. Corp., No. 93-1794, Superior Court of New Jersey, Essex County (1993), United States District Court for District of New Jersey, Hon. Dickinson R. Debevoise, U.S.D.J.

I represented thirteen former employees in the staffing and computer services industry who filed this age discrimination case against their former employer. I handled all aspects of pretrial discovery, including numerous party and expert depositions, and extensive pretrial motion practice. I also handled a successful motion to remand after the case was removed to federal court. After extensive discovery, I was able to settle the case for Plaintiffs.

Counsel for Defendants:

Gregory C. Parliman, Esq.  
Day Pitney, LLP  
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Parsippany, New Jersey 07054  
Tel: 973-966-6300

Theresa Donahue Egler, Esq.,  
Ogletree, Deakins, Nash, Smoak & Stewart, P.C.  
10 Madison Avenue, Suite 400  
Morristown, New Jersey 07960  
Tel: 973-656-1600

2. Baldassarre v. Butler, et al., No. A-46790T5, Superior Court of New Jersey, Appellate Division (1992).

Plaintiffs filed this action against their attorney for fraud and negligence, seeking rescission of a real estate contract and damages based on the lawyer's conduct in representing both the buyer and seller in a real estate transaction. I represented the Defendant lawyer and his law firm. Following a bench trial, the court found no fraud or negligence and entered a judgment in favor of the Defendant lawyer. I assisted in defending the appeal in the Superior Court of New Jersey, Appellate Division and the potential claims against the lawyer's malpractice insurance company, which had failed to indemnify and provide a complete defense. After an adverse decision by the Appellate Division, I assisted in drafting the appeal to the New Jersey Supreme Court, which affirmed in part and reversed in part the Appellate Division. Just prior to the issuance of the Supreme Court's opinion, we settled the case. The Appellate Division opinion is found at 254 N.J. Super. 502 (App. Div. 1992), and the Supreme Court's opinion at 132 N.J. 278 (1993).

Counsel for Plaintiffs:

Edwin J. McCreedy, Esq.,  
McCreedy & Cox  
6 Commerce Drive  
Cranford, New Jersey 07016  
Tel: 908-709-0400

3. Barna v. Perth Amboy, No. 92-5133, United States District Court for the District of New Jersey, Hon. Alfred J. Lechner, Jr.

Plaintiffs brought this 42 U.S.C. § 1983 civil rights action against individual police officers in the City of Perth Amboy and the Township of Woodbridge alleging that their constitutional rights were violated as the result of an alleged assault, the subsequent detention of Mrs. Barna, and the arrest and prosecution of Mr. Barna. Following presentation of Plaintiffs' case, the district court granted Defendants' motion for a directed verdict. My firm was retained to handle the appeal on behalf of the Plaintiffs. I drafted the appellate brief and argued on behalf of Plaintiffs before the United States Court of Appeals for the Third Circuit, which affirmed in part and reversed in part the ruling of the district court. The Third Circuit opinion is reported at 42 F.3d 809 (3d Cir. 1994). I also handled the post-appeal motions, including a motion for fees before the district court.

Counsel for Defendants:

John G. Cito, Esq.  
1621 Highway 27  
Edison, New Jersey 08817  
Tel: 732-819-8777

Robert Musto, Esq.

51 Green Street  
Woodbridge, New Jersey 07095  
Tel: 732-750-4600

4. Barone et. al., v. Shinnihon U.S.A. et. al, No. L-656-96, Superior Court of New Jersey, Law Division, Sussex County (1996).

I represented Defendant Shinnihon U.S.A. in a defense of a gender discrimination case brought against it by two former employees. I was lead counsel and handled all aspects of pretrial discovery, including fact and expert depositions and motion practice. On the first day of trial, I was able to successfully resolve the case for Defendant.

Counsel for Plaintiffs:

Robert A. Scirocco, Esq.  
98 Route 46, Suite 6  
Budd Lake, New Jersey 07828  
Tel: 973-691-1188

5. Boutsikaris v. Atl. City, No. 95-3089, United States District Court for the District of New Jersey, Hon. Jerome B. Simandle, U.S.D.J. and Hon. Joel Rosen, U.S.M.J.

On June 27, 1995, this wrongful death action was brought by the estate of a patron at the Trump Plaza Hotel and Casino ("Trump Plaza") who died in police custody after having been arrested for violent behavior at Trump Plaza in Atlantic City, NJ. I represented Trump Plaza and was involved in all aspects of pretrial discovery, including taking and defending numerous fact witness depositions, retention and depositions of medical experts regarding cause of death, and discovery hearings. I prepared the motions for summary judgment on behalf of Trump Plaza, which were granted in part, as well as the Final Pretrial order. Prior to trial, I participated in a successful settlement conference before the Honorable Joel Rosen, U.S.M.J.

Counsel for Plaintiff:

Stephen N. Maskaleris  
Maskaleris and Associates  
248 Columbia Turnpike  
Florham Park, New Jersey 07932  
Tel: 973-377-9200

Counsel for Defendants:

Matthew B. Wielickzo  
Zeller and Wieliczko, LLP  
120 Haddontowne Court  
Cherry Hill, New Jersey 08034

Tel: 856-428-6600

Catherine A. Tuohy, Esq.  
Tuohy & Tuohy, Esqs.  
4707 Atlantic Avenue  
Atlantic City, New Jersey 08401  
Tel: 609-345-0005

6. Boardwalk Props. v. BPHC Acquisition & Trump Plaza Assocs., et al., No. A-2789-90T5F, Superior Court of New Jersey, Law Division, Atlantic County, Hon. Anthony Gibson, J.S.C.

This action was filed against Trump Plaza Associates and Trump (the “Trump Defendants”) for antitrust damages for allegedly interfering with the contract between Plaintiff Sands Hotel and Casino and Penthouse Properties. In addition to the antitrust claims, Plaintiff sought damages for breach of contract and tortious interference. I was part of a trial team for the Trump Defendants that was involved in extensive pretrial discovery including an appeal to the New Jersey Appellate Division on the issue of whether Plaintiffs were entitled to a jury trial. Discovery was intensive, with millions of documents produced, many depositions taken, and preparation of complex expert reports on anti-competitive conduct and antitrust injury. Following a ten-month non-jury trial before the Honorable Anthony Gibson, the Court ruled that the Trump Defendants were not liable for any wrongdoing. While the trial decision is unreported, the appeal to the Appellate Division is found at 253 N.J. Super 515 (App. Div. 1991).

Counsel for Penthouse:

Alan S. Naar, Esq. and Paul A. Rowe, Esq.  
Greenbaum, Rowe, Smith & Davis, LLP  
P.O. Box 5600  
Woodbridge, New Jersey 07095  
Tel: 732-549-5600

Counsel for Sands Hotel and Casino:

David J. Sheehan, Esq.  
Baker & Hostetler  
45 Rockefeller Plaza  
New York, New York 10111  
Tel: 212-589-4200

7. Hurley v. The Atl. City Police Dep’t, et al., Nos. 93-260, 94-1122, United States District Court for the District of New Jersey, Hon. Joseph E. Irenas, U.S.D.J. and Hon. Robert B. Kugler, U.S.M.J.

This was a sexual harassment and discrimination case brought by a female police sergeant against the Atlantic City Police Department and her supervisors. I represented Defendant Police Captain Madamba. I managed all aspects of pretrial discovery. Discovery was intensive, with more than 100 deposition days, multiple expert reports on liability and damages, and countless discovery hearings and motions before the court. I prepared summary judgment motions, which were granted in part. I tried the case to a jury for 36 trial days spanning a three-month period. The jury found for Plaintiff and awarded compensatory damages but did not award any punitive damages against my client. I also handled numerous post-trial motions and settlement conferences before the district judge. Ultimately, the case was affirmed in part and reversed in part by the Third Circuit Court of Appeals and a final judgment was entered in August 2000. The opinions in this case are reported at 1995 U.S. Dist. LEXIS 20608 (D.N.J. 1995); 933 F. Supp. 396 (D.N.J. 1996); 944 F. Supp. 371 (D.N.J. 1996); and 1996 U.S. Dist. LEXIS 14088 (D.N.J. 1996).

Counsel for Plaintiffs:

Clifford L. Van Syoc, Esq.  
Van Syoc Chtd.  
401 S. Kings Highway, Building 1  
Cherry Hill, New Jersey 08034  
Tel: 856-429-6444

Counsel for other Defendants:

Catherine A. Tuohy, Esq.  
Tuohy & Tuohy, Esqs.  
4707 Atlantic Avenue  
Atlantic City, New Jersey 08401  
Tel: 609-345-0005

Michael J. Blee (now Judge of the New Jersey Superior Court, Law Division)  
Civil Courts Building  
1201 Bacharach Boulevard  
Atlantic City, New Jersey 08401  
Tel: 609-594-3260

Richard L. Goldstein, Esq.  
Marshall, Dennehey, Warner, Coleman & Goggin  
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Cherry Hill, New Jersey 08002  
Tel: 856-414-6013

Robert S. Sandman, Esq.  
Hankin, Sandman & Palladino  
30 S. New York Avenue

Atlantic City, New Jersey 08401  
Tel: 609-344-5161

8. Marzano v. Computer Scis. Corp., No. 94-3102, United States District Court for the District of New Jersey, Hon. Clarkson S. Fisher, U.S.D.J.

I represented the Plaintiff in this gender and pregnancy discrimination case brought against a computer consulting firm. I handled all aspects of pretrial discovery, including fact and expert depositions, pretrial motion practice and preparation of summary judgment motions. After the district court granted summary judgment in favor of Defendants, I prepared a successful appeal to the Third Circuit Court of Appeals. The Third Circuit opinion is found at 91 F.3d 497 (3d Cir. 1996). Following reversal and remand, I settled the case.

Counsel for Defendants:

Gregory C. Parliman, Esq.  
Day Pitney, LLP  
1 Jefferson Road  
Parsippany, New Jersey 07054  
Tel: 973-966-6300

Theresa Donahue Egler, Esq.,  
Ogletree, Deakins, Nash, Smoak & Stewart, P.C.  
10 Madison Avenue, Suite 400  
Morristown, New Jersey 07960  
Tel: 973-656-1600

9. Petrillo v. Borough of Surf City, No. 92-3602, United States District Court for the District of New Jersey, Hon. Mary L. Cooper, U.S.D.J.

Plaintiff filed this action after suffering serious injuries while swimming off the New Jersey shore. He asserted state law claims for failure to warn of a dangerous condition, failure to train and negligence. Defendants denied liability and asserted immunity under the New Jersey Tort Claims Act. On behalf of Plaintiff, I handled the motion for summary judgment before the district court and the subsequent appeal to the Third Circuit Court of Appeals. The Third Circuit opinion is found at 72 F.3d 385 (3d Cir. 1995). The Third Circuit affirmed the grant of summary judgment by the district court.

Counsel for Defendants:

Michael J. McKenna, Esq. (and Ronald E. Hoffman, Esq., no longer at firm)  
Hiering, Gannon & McKenna  
29 Hadley Ave.  
Toms River, New Jersey 08753  
Tel: 732-349-1800

10. Zultowsky v. CCH Inc., No. 97-1249, United States District Court for the District of New Jersey, Hon. William G. Bassler, U.S.D.J. and Hon. Dennis M. Cavanaugh, U.S.M.J.

This was a gender discrimination and sexual harassment case brought by Plaintiff Zultowsky against her employer, CCH, Inc. and filed on March 18, 1997. On behalf of Plaintiff, I handled all aspects of pretrial discovery, including fact and expert depositions, discovery motion practice before the magistrate judge and drafted a motion for summary judgment. Following the denial of summary judgment, I successfully settled this case on behalf of Plaintiff.

Counsel for Defendant:

Suzanne M. Cerra, Esq.  
Nukk-Freeman & Cerra  
636 Morris Turnpike, Suite 2F  
Short Hills, New Jersey 07078  
Tel: 973-564-9100

- 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.)

As a magistrate judge, in January 2013, I began the first reentry court for the District of New Jersey, together with a team of Assistant United States Attorneys, Public Defenders, Probation Officers and various community outreach professionals. In exchange for voluntary enhanced supervision and a reduced probationary term, we provide, in a collaborative effort, extra services, support and guidance to our participants, as well as sanctions when needed. We will be graduating our first class in July 2014.

I have not performed any lobbying activities on behalf of any clients or organizations.

- 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.

From 1990 to 1994, I served as an Adjunct Instructor of Legal Writing and Research at Seton Hall University School of Law. This was an introductory level course taken by all first-year law students and taught by adjuncts, such as myself, once a week. It involved fundamental principles of legal writing and research. I have no syllabus for the course.

**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 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.

My husband is a partner at the law firm of Arleo & Donohue, LLC in West Orange, NJ. As a magistrate judge, I presently recuse myself in any cases in which my husband or any attorneys at his firm are counsel; in any case in which my husband or I has a financial interest; and in any case where I have a significantly close relationship with counsel, parties or witnesses (family, business or social). I would continue to so recuse myself were I confirmed as a district court 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 court 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 recuse myself in any matter in which my spouse or lawyers at his firm are counsel; where myself or my husband 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. However, I am a regular contributor to various continuing legal education organizations and participate in educational seminars sponsored by local bar associations and law schools.

As a practicing attorney, in approximately 1992, I handled pro bono criminal cases to help reduce the backlog in the Essex County Criminal Courts. In addition, I served as the Secretary to the District V-A Ethics Committee from 1994 to 1997.

**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 March 2014, I submitted my resume to Senator Menendez for consideration for the district court. On April 22, 2014, I interviewed with Senator Menendez and members of his staff in Newark, New Jersey. On or about May 6, 2014, Senator Menendez advised me that he would be recommending me to the President. Since that time, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On May 28, 2014, I interviewed with Senator Booker in Newark, New Jersey. On June 20, 2014, I interviewed with attorneys from the White House Counsel's Office and the Department of Justice in Washington, D.C. On June 26, 2014, 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.

AFFIDAVIT

I, Madeline Cox Arleo, do swear  
that the information provided in this statement is, to the best  
of my knowledge, true and accurate.

June 26, 2014

(DATE)

Madeline Cox Arleo

(NAME)

Amanda D. Laufer

(NOTARY)

Amanda D. Laufer, Esq.  
Attorney-at-law  
State of NJ  
Attorney id: 902142012