

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Susan Paradise Baxter
Former Name: Susan Rose Paradise

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

United States District Judge for the Western District of Pennsylvania

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

United States District Court for the Western District of Pennsylvania
17 South Park Row, Room A280
Erie, Pennsylvania 16501

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

1956; Latrobe, Pennsylvania

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

1980 – 1983, Temple University School of Law; J.D., 1983
1978 – 1980, Temple University; M.Ed., 1980
1974 – 1978, Pennsylvania State University; B.S., 1978

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.

1995 – present
United States District Court for the Western District of Pennsylvania

17 South Park Row, Room A280
Erie, Pennsylvania 16501
United States Magistrate Judge (1995 – present)
Chief United States Magistrate Judge (2005 – 2009)

1994
Court of Common Pleas of Erie County
140 West Sixth Street
Erie, Pennsylvania 16501
Court Solicitor

1983 – 1992
Cole, Raywid & Braverman (now Davis Wright Tremaine LLP)
1919 Pennsylvania Avenue, NW
Washington, District of Columbia 20006
Partner (1989 – 1992)
Associate (1983 – 1989)

1982 – 1983
Honorable Clifford Scott Green
United States District Court for the Eastern District of Pennsylvania
601 Market Street
Philadelphia, Pennsylvania 19106
Part-Time Student Law Clerk

Summer 1982
Obermayer Rebmann Maxwell & Hippel
One Penn Center, 19th Floor
1617 John F. Kennedy Boulevard
Philadelphia, Pennsylvania 19103
Summer Associate

Summer 1981
Honorable Howard F. Reed, Jr.
Delaware County Court of Common Pleas
1068 West Baltimore Pike
Media, Pennsylvania 19063
Law Clerk Intern

1978 – 1981
Wallingford-Swarthmore School District
200 South Providence Road
Wallingford, Pennsylvania 19086
Teacher

Summer 1978
Sears
Granite Run Mall
1067 West Baltimore Pike
Media, Pennsylvania 19063
Part-Time Sales Clerk

Other Affiliations (uncompensated):

2013 – present
Erie Arts & Culture (formerly ArtsErie)
Three East Fourth Street, Suite Ten
Erie, Pennsylvania 16507
Board of Directors Member

2012 – present
Villa Maria Elementary School
2551 West Eighth Street
Erie, Pennsylvania 16505
Trustee (2012 – present)
Secretary (2013 – present)

2012 – present
DramaShop
Renaissance Centre, Second Floor
1001 State Street
Erie, Pennsylvania 16501
Board of Directors Member

2009 – present
Evelyn Lincoln Institute for Ethics & Society
Mercyhurst University
501 East 38th Street
Erie, Pennsylvania 16546
Board of Directors Member

2009 – 2011
Mercyhurst Prep Creative Arts Boosters
Mercyhurst Preparatory School
538 Grandview Boulevard
Erie, Pennsylvania 16504
President

2003 – 2006
Erie Playhouse
13 West Tenth Street
Erie, Pennsylvania 16501
Board of Directors Member (2003 – 2006)
President (2004 – 2006)

2003 – 2005
Erie County Bar Association
302 West Ninth Street
Erie, Pennsylvania 16502
Board of Directors Member

1998 – 2000
Governor's Pennsylvania Commission for Women
508E Main Capitol Building
Harrisburg, Pennsylvania 17120
Commission Member

1996 – 2000
Federal Magistrate Judges Association
224 Blue Jay Way
Stanardsville, Virginia 22973
Board of Directors Member

1993 – 1994
Sarah Reed Retirement Center
227 West 22nd Street
Erie, Pennsylvania 16502
Board of Directors Member

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 and have not registered for selective service, as I was not required to do so.

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.

Honorary Lifetime Membership, Federal Bar Association (2015)

Laker Legend Award (co-recipient), Mercyhurst Preparatory School (2013)

Woman of the Year Award, The Women's Roundtable of Erie (2008)

Congressional Certificate of Achievement (2008)

Erie County Executive Commendation for Community Service (2008)

Honorary Chair, 12th Annual Woman's Day Festivities (2008)

Applause Award (co-recipient), Arts Council of Erie (2006)

Alumni "Hero of Imagination," Derry Area Senior High School (2001)

Outstanding Young Women in America (1997)

Alumni Graduation Award, Temple University School of Law (1983)

Winner, Polsky Moot Court Competition (1982)

Omicron Delta Kappa, Pennsylvania State University (1977)

Parmi Nous Honor Society, Pennsylvania State University (1977)

Mortar Board, Pennsylvania State University (1976)

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.

Erie County Bar Association

Women's Division, Chair (2014 – present)

Board of Directors (2003 – 2005)

Mediation Program Development Committee, Chair (2003 – 2004)

Federal Bar Association, Member

Federal Magistrate Judges Association

Board of Directors Member (1996 – 2000)

Long Range Planning Committee Member (2009 – present, Co-Chair, 2011 – 2012, 2014 – 2015)

Civil Rules Committee Member (2011 – present)

Magistrate Judges Advisory Board, Ex-Officio Member
Administrative Office of the United States Courts (1996 – 2000)

Magistrate Judges Committee, Member
Third Circuit Governance Committee (2006 – 2009)

Northwest Pennsylvania American Inn of Court, Member
Program Director (1999 – 2000)

Pennsylvania Bar Association, Member
Commission on Women in the Profession (1992 – present)

Space and Security Advisory Council, Member
Administrative Office of the United States Courts (2009 – 2010)
Third Circuit Governance Committee (2010 – present)

10. **Bar and Court Admission:**

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

Pennsylvania, 1992
District of Columbia, 1983

Following my taking the bench in January 1995, I allowed my membership in the District of Columbia Bar to lapse that year. There has been no other 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.

Supreme Court of the United States, 1987
United States Court of Appeals for the District of Columbia Circuit, 1984
United States District Court for the District of Columbia, 1984
District of Columbia Court of Appeals, 1983
Supreme Court of Pennsylvania, 1992

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.

Arts Council of Erie (1999)

Chi Omega Fraternity (1975 – present)

Croatian Fraternal Union (1956 – present)

DramaShop

Board of Directors (2012 – present)

Education Task Force for Sisters of St. Joseph, Erie, Co-Chair (2007 – 2008)

Erie Arts & Culture (formerly ArtsErie)

Board of Directors (2013 – present)

Erie Club (1995 – present)

Erie County Medical Society Alliance (1992 – present)

Erie Playhouse

Board of Directors (2003 – 2006)

President (2004 – 2006)

Erie Philharmonic Orchestra (various support committees) (1997 – 2001)

Erie Zoological Society (1993 – 2002)

Evelyn Lincoln Institute for Ethics & Society, Mercyhurst University

Board of Directors (2009 – present)

ExpERIEnce Children's Museum (Earned Income Committee) (1994)

Governor's Pennsylvania Commission for Women (1998 – 2000)

Mercyhurst Prep Creative Arts Boosters (2003 – 2011)

President (2009 – 2011)

National Association for the Advancement of Colored People – Erie Branch
(2014 – present)

Oratorio Society of Washington, D.C. (1984 – 1986)

Order of Sons of Italy in America - Lake Erie Lodge (2000 – 2003)

Pennsylvania Medical Society Alliance (1992 – present)

The Pennsylvania Society (2014 – present)

Sarah Reed Retirement Center
Board of Directors (1993 – 1994)

Villa Maria Elementary Parent Association (1995 – 2007)

Villa Maria Elementary School Board
Trustee (2012 – present)
Secretary (2013 – present)

The Women’s Roundtable of Erie (2008 – present)

- b. The American Bar Association’s Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, 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 my knowledge, the Women’s Roundtable of Erie and the Governor’s Pennsylvania Commission for Women are comprised of only women working on behalf of women’s issues. Chi Omega Fraternity is a sorority I joined in college whose membership is restricted to women. Prior to my becoming a member, the Erie Club restricted 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 one (1) electronic copy of all published material to the Committee.

None.

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

The Rules Committee of the Federal Magistrate Judges Association, of which I was a member, filed comments on the then-proposed amendments to the Federal Rules of Civil Procedure in February 2014. A copy is supplied.

The Education Task Force for Sisters of St. Joseph, which I co-chaired from 2007 to 2008, submitted a final report to the Congregation of Sisters of St. Joseph of Northwestern Pennsylvania, providing options for the future of Villa Maria Academy. A copy is supplied.

The Mediation Program Development Committee for the Erie County Bar Association, which I chaired from 2003 to 2004, submitted proposed procedures and forms as a final report. This is the Mediation Program currently offered by the Erie County Bar Association. A copy is supplied.

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

None.

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

I have not maintained a comprehensive list of the speeches or talks that I have delivered. To discover the presentations described below, I have searched my personal files and the Internet, and contacted the organizations sponsoring these events.

May 1995 – June 2015 (various dates): Speaker, Naturalization Ceremonies, United States Courthouse for the Western District of Pennsylvania, Erie, Pennsylvania. I delivered short remarks in the ceremonies in which I was not presiding and administered the oath of citizenship and delivered lengthier remarks as the presider, at the dates listed below. Both sets of remarks are supplied.

Presiding: June 5, 2015; March 6, 2015; December 5, 2014; September 5, 2014; June 6, 2014; March 7, 2014; December 6, 2013; September 6, 2013.

Not presiding: June 7, 2013; March 1, 2013; December 7, 2012; September 7, 2012; June 1, 2012; March 2, 2012; December 2, 2011; June 3, 2011; March 18, 2011; November 12, 2010; September 24, 2010; June 25, 2010; March 26, 2010; November 13, 2009; August 14, 2009; June 26, 2009; March 27, 2009; November 21, 2008; September 12, 2008; August 8, 2008; June 20, 2008; March 28, 2008; December 7, 2007; November 16, 2007; August 3, 2007; June 22, 2007; March 23, 2007; November 17, 2006; August 4, 2006; June 23, 2006; May 5, 2006; March 24, 2006; December 2, 2005; November 18, 2005; August 5, 2005; June 24, 2005; May 5, 2005; November 19, 2004; August 6, 2004; June 25, 2004; May 7, 2004; November 14, 2003; August 1, 2003; May 2, 2003; February 28, 2003; November 15, 2002; November 1, 2002; September 27, 2002; August 2, 2002; May 1, 2002; November 2, 2001; August 3, 2001; June 29, 2001; May 1, 2001; November 3, 2000; July 28, 2000; May 1, 2000; March 17, 2000; December 17, 1999; November 19, 1999; August 6, 1999; May 14, 1999; November 3, 1998; October 16, 1998; August 7, 1998; May 1, 1998; October 24, 1997; July 18, 1997; May 1, 1997; October 25, 1996; April 30, 1996; November 3, 1995; May 1, 1995.

April 28, 2015: Moderator, “A View from the Bench: Third Circuit Judges Present Notable Cases of the Past Year,” Allegheny County Bar Association, Pittsburgh, Pennsylvania. The presentation was a review of recent decisions by the Third Circuit Court of Appeals. I have no notes, transcript or recording. The address for the Allegheny County Bar Association is 400 Koppers Building, 436 Seventh Avenue, Pittsburgh, Pennsylvania 15219.

November 26, 2014: Panelist, “How to Effectively Use Alternative Dispute Resolution in the Western District of Pennsylvania,” sponsored by the Federal Bar

Association and the Erie County Bar Association, Erie, Pennsylvania. The panel discussed the Alternative Dispute Resolution program offered by the Western District of Pennsylvania. I have no notes, transcript or recording. The address for the Federal Bar Association is 1220 North Fillmore Street, Suite 444, Arlington, Virginia 22201.

September 26, 2014: Master of Ceremonies, "Overcoming Challenges for Women Lawyers: Myths about Women in Law, Why Women Lawyers Leave and How to Survive as Women Lawyers," Erie County Bar Association – Women's Division, Erie, Pennsylvania. I gave an extemporaneous introduction of the keynote speaker, Susan Smith Blakely. I have no notes, transcript or recording. The address for the Erie County Bar Association is 302 West Ninth Street, Erie, Pennsylvania 16502.

June 3, 2014: Master of Ceremonies, Women's Bar Association, Erie County Bar Association, Erie, Pennsylvania. I gave welcoming remarks. I have no notes, transcript or recording. The address for the Erie County Bar Association is 302 West Ninth Street, Erie, Pennsylvania 16502.

October 15, 2013: Panelist, Women in Criminal Justice Leadership, Mercyhurst University, Erie, Pennsylvania. The panel answered a set of questions provided by Mercyhurst University, a copy of which is supplied. I have no notes, transcript or recording. The address for Mercyhurst University is 501 East 38th Street, Erie, Pennsylvania 16504.

April 23, 2013: Keynote Speaker, Induction Ceremony, Alpha Phi Sigma Honor Society, Mercyhurst University, Erie, Pennsylvania. Notes are supplied.

November 4, 2012: Speaker, Open House, Mercyhurst Preparatory High School, Erie, Pennsylvania. Notes are supplied.

September 28, 2012: Panelist, "Mediation of Prisoner's Civil Rights Cases – Pro Se Prisoner Mediation Pilot Program," Mediation Council of Western Pennsylvania, Pittsburgh, Pennsylvania. I spoke about mediation of prisoners' civil rights cases. I have no notes, transcript or recording. The address for the Mediation Council of Western Pennsylvania is Post Office Box 23698, Pittsburgh, Pennsylvania 15222.

June 28, 2011: Keynote Speaker, Scholarship Banquet, Erie Community Foundation, Erie, Pennsylvania. Notes are supplied.

March 8, 2010: Keynote Speaker, Celebration of International Women's Day, Women's Council, Erie, Pennsylvania. Notes are supplied.

May 13, 2009: Speaker, Woman of the Year Banquet, hosted by the Woman's Roundtable, Erie, Pennsylvania. Remarks are supplied.

January 31, 2008: Speaker, Portrait Dedication, United States Courthouse for the Western District of Pennsylvania, Pittsburgh, Pennsylvania. Notes are supplied.

May 8, 2007: Keynote Speaker, Volunteer Banquet, State Correctional Institution, Albion, Pennsylvania. Notes are supplied.

2006 – 2007: Speaker, Alternative Dispute Resolution Pilot Program, United States Court for the Western District of Pennsylvania, Erie, Pennsylvania. I spoke at various large local law firms about the initiation of the Alternative Dispute Resolution pilot program and the new local rules. I have no notes, transcripts or recording. The address for the United States Court for the Western District of Pennsylvania is 17 South Park Row, Erie, Pennsylvania 16501.

May 2006: Speaker, Law Enforcement Memorial Service, Erie, Pennsylvania. Notes are supplied.

May 9, 2003: Speaker, Role of a Magistrate Judge, Erie County Bar Association, Erie, Pennsylvania. Notes are supplied.

November 9, 2001: Speaker, Investiture Ceremony, United States Courthouse for the Western District of Pennsylvania, Erie, Pennsylvania. Notes are supplied.

Spring 2001: Speaker, "The Federal Courts," Erie County Bar Association, Erie, Pennsylvania. Notes are supplied.

March 20, 2001: Speaker, Kiwanis Club of Golden K, Erie, Pennsylvania. Notes are supplied.

December 12, 2000: Speaker, "Federal Court Nuts and Bolts," Practicum for New Attorneys, Erie County Bar Association, Erie, Pennsylvania. My comments focused on practical matters such as where and how to file a federal action, subpoenas, and service of process. I have no notes, transcript or recording. The address for the Erie County Bar Association is 302 West Ninth Street, Erie, Pennsylvania 16502.

September 2000: Speaker, Harding Elementary School, Erie, Pennsylvania. I spoke to the seventh and eighth grade classes about the U.S. Constitution. I have no notes, transcript or recording. The address for Harding Elementary School is 820 Lincoln Avenue, Erie, Pennsylvania 16505.

May 4, 2000: Speaker, League of Women Voters of Crawford County, Conneaut Lake, Pennsylvania. Notes are supplied.

March 23, 2000: Speaker, "Responding to a Habeas Corpus Petition," Erie County Bar Association, Erie, Pennsylvania. My remarks focused on preparing a response to a federal habeas corpus petition for the criminal defense lawyer. I have no notes, transcript or recording. The address for the Erie County Bar Association is 302 West Ninth Street, Erie, Pennsylvania 16502.

December 10, 1999: Speaker, "Federal Court Nuts and Bolts," Practicum for New Attorneys, Erie County Bar Association, Erie, Pennsylvania. My comments focused on practical matters such as where and how to file a federal action, subpoenas, and service of process. I have no notes, transcript or recording. The address for the Erie County Bar Association is 302 West Ninth Street, Erie, Pennsylvania 16502.

Fall 1999: Speaker, Welcome to the Court, United States Court for the Western District of Pennsylvania, Erie, Pennsylvania. I spoke to the Pfeiffer-Burleigh Elementary School Brownie Troop about the law and courts generally. I have no notes, transcripts or recording. The address for the United States Court for the Western District of Pennsylvania is 17 South Park Row, Erie, Pennsylvania 16501.

May 17, 1999: Speaker, Women's Club, Erie, Pennsylvania. Notes are supplied.

October 9, 1997: Speaker, "Supreme Court in Review," Bench-Bar Conference, Erie County Bar Association, Erie, Pennsylvania. Notes are supplied.

1997 – 2001: Panelist, "Use of Part-time Magistrate Judges," Magistrate Judge Educational Conferences, Federal Judicial Center, Washington, D.C. I spoke about the utilization of part-time magistrate judges in the Western District of Pennsylvania on several panels during this time period. I have no dates, notes, transcripts or recording of any of these panels. The address of the Federal Judicial Center is One Columbus Circle NE, Washington, District of Columbia 20002.

1997 – 2001: Panelist, "Reports and Recommendations on Petitions for Habeas Corpus," Magistrate Judge Educational Conferences, Federal Judicial Center, Washington, D.C. I spoke about petitions for habeas corpus twice during this time period. I have no dates, notes, transcripts or recording of any of these panels. The address for the Federal Judicial Center is One Columbus Circle NE, Washington, District of Columbia 20002.

1995 – 1999: Moderator, "Legal Jeopardy," Bench-Bar Conferences, Erie County Bar Association, Erie, Pennsylvania. I participated in a law-oriented variation of

the game show "Jeopardy." I have no notes, transcript or recording of these events. The address for the Erie County Bar Association is 302 West Ninth Street, Erie, Pennsylvania 16502.

June 1995: Speaker, Criminal Practice, Erie County Bar Association, Erie, Pennsylvania. I spoke on habeas corpus practice in the federal courts. I have no notes, transcript or recording. The address for the Erie County Bar Association is 302 West Ninth Street, Erie, Pennsylvania 16502.

March 8, 1995: Speaker, Investiture Ceremony, United States Courthouse for the Western District of Pennsylvania, Erie, Pennsylvania. Transcript is supplied.

1995 – 2008: Judge, Mock Trial Competitions, Erie County Bar Association, Erie, Pennsylvania. I advised high school students on good trial advocacy during the competition in various years throughout this time period. I have no notes, transcript or recording of these events. The address of the Erie County Bar Association is 302 West Ninth Street, Erie, Pennsylvania 16502.

1995 – 2013: Judge and Coordinator, Trial of the Big Bad Wolf for local elementary school children, which was performed at various times throughout this time period. The script was provided by the Federal Judicial Center. I have no notes, transcript or recording of my remarks. The address for the Federal Judicial Center is One Columbus Circle NE, Washington, District of Columbia 20002.

- 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 one (1) electronic copy of the clips or transcripts of these interviews where they are available to you.

WICU-TV/WSEE-TV News (NBC/CBS television broadcast Jan. 30, 2015). Video supplied.

WJET-TV/FOX 66 News (ABC/Fox television broadcast Jan. 30, 2015). I commented on the reception celebrating my 20th anniversary as Magistrate Judge. Video supplied.

Mackenzie Stasko, *U.S. Magistrate Judge Susan Paradise Baxter Celebrates 20 Years on the Federal Bench*, Erie TV News, January 30, 2015. Copy supplied.

WICU-TV/WSEE-TV News (NBC/CBS television broadcast June 3, 2014). I commented on the kick-off event for the Women's Division of the Erie County Bar Association. I could not locate a copy of this interview.

Tracy Carbasho, *Judge Sean McLaughlin Assumes Role as Chief Judge of U.S. District Court*, Allegheny County Bar Association, June 14, 2013. Copy supplied.

Lindsey Poisson, *100th Anniversary of Titanic's Voyage, Sinking Commemorated With Shows*, Erie Times-News, April 13, 2012. Copy supplied.

Robb Frederick, *Funding Boost*, Erie Times-News, March 6, 2011. Copy supplied.

Cody Switzer and Scott Waldman, *Returning Students Say Airport Security Worth Inconvenience*, Erie Times-News, August 15, 2006. Copy supplied.

Emily Baxter, *Moms, Daughters Cast in New Roles*, Erie Times-News, September 18, 2003. Copy supplied.

Robin Cuneo, *Dermatologist/Minister Heals Skin, Souls*, Erie Times-News, July 5, 2003. Copy supplied.

Julie Gardner, *Kids Help Usher in Baxter as Official U.S. Magistrate Judge*, Erie Times-News, November 11, 2001. Copy supplied.

Albert J. Neri, *Three County Women Are Members of Revived State Commission*, Erie Times-News, January 27, 1998. Copy supplied.

Marisa Moks-Unger, *Ties That Bind... and Trip*, Erie Times-News, June 27, 1997. Copy supplied.

Roses and Thorns, Erie Times-News, March 22, 1996. Copy supplied.

John Guerriero, *Federal Magistrate Sworn In*, Erie Times-News, March 9, 1995. Copy supplied.

WJET-TV News (ABC television broadcast Mar. 8, 1995). I commented on my investiture ceremony. Video 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.

Since January 20, 1995, I have served as United States Magistrate Judge appointed by the United States District Court for the Western District of Pennsylvania. Our court is a federal trial court of general jurisdiction, and my authority is defined by 28 U.S.C. § 636.

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

I have presided over 18 cases that have gone to verdict or judgment.

- i. Of these, approximately what percent were:

jury trials:	66%
bench trials:	34%
civil proceedings:	66%
criminal proceedings:	34%

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

As a magistrate judge since 1995, I have filed thousands of civil reports and recommendations and issued thousands of civil and criminal orders. Since July 1, 2005, the Western District of Pennsylvania has used the Electronic Case Filing docketing system and Westlaw independently publishes nearly every opinion from that system. Before July 1, 2005, I submitted only a few opinions to West for publication. Over 1,150 of my written opinions are available on Westlaw, a list of which is attached. All paper files (from January 20, 1995, through June 30, 2005) are archived at the Federal Records Center in Philadelphia, Pennsylvania.

- 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. *Byrd v. Aaron's, Inc.*, Civil Action 11-101 Erie, 2014 WL 1316055 (W.D. Pa. Mar. 31, 2014) (mem. order adopting report and recommendation on class certification); *rev'd and remanded*, ___ F.3d ___, 2015 WL 1727613 (3d Cir. Apr. 16, 2015). A copy of the unpublished report and recommendation on motions to dismiss and Judge Bissoon's final orders are supplied.

The plaintiffs, a Wyoming couple who leased a laptop computer from an Aaron's Inc. franchisee store, alleged that defendants, the franchisee store and the Aaron's corporation, violated their statutory rights under the Wiretap Act and the Computer Fraud and Abuse Act by installing and using spyware on the computer. The spyware enabled the store's employees to capture and record screenshots and keystrokes from and take photographs through the laptop. This matter is ongoing

with issues of personal jurisdiction, preliminary injunctive relief, and class certification at the fore.

Counsel for Plaintiffs:

Frederick S. Longer
Levin, Fishbein, Sedran & Berman
510 Walnut Street, Suite 500
Philadelphia, PA 19106
215-592-1500

Andrea S. Hirsch
Herman Gerel
230 Peachtree Street, NW, Suite 2260
Atlanta, GA 30303
404-880-9500

Counsel for Defendants:

Richard A. Lanzillo (for Aaron's, Inc.)
Knox, McLaughlin, Gornall & Sennett
120 West Tenth Street
Erie, PA 16501
814-459-2800

Kristine McAlister Brown (for Aaron's, Inc.)
Alston & Bird LLP
1201 West Peachtree Street
Atlanta, GA 30309
404-881-7000

Anthony J. Willcott (for Aspen Way Enterprises, Inc.)
Marshall, Dennehey, Warner, Coleman & Goggin
2900 U.S. Steel Tower
600 Grant Street
Pittsburgh, PA 15219
412-803-1193

Brian M. Mancos (for Designerware, LLC)
First National Bank of Pennsylvania
One FNB Boulevard
Hermitage, PA 16148
724-983-3497
(formerly of Burns White LLC)

David B. White (for Designerware, LLC)
Burns White LLC
Four Northshore Center
106 Isabella Street
Pittsburgh, PA 15212
412-995-3210

2. *Darden-Munsell v. Dutch Maid Logistics, Inc.*, Civil Action 10-103 Erie, 2011 WL 3325863 (W.D. Pa. July 13, 2011) (report and recommendation), 2011 WL 3299087 (W.D. Pa. Aug. 2, 2011) (mem. order adopting report and recommendation); *Liberow v. Dutch Maid Logistics, Inc.*, Civil Action 10-154 Erie; *Azoulay v. Dutch Maid Logistics, Inc.*, Civil Action 10-266 Erie.

These were diversity actions that arose out of multiple automobile/truck accidents on Interstate 80, which resulted in numerous injuries and three fatalities. Counterclaims and cross-claims were included. The three separate cases were consolidated for purposes of discovery. All three cases settled separately.

Counsel for Plaintiffs:	Frank M. Gianola (retired) (for Darden-Munsell)
	Pasquale Ciccodicola (for Darden-Munsell) Law Office of Pasquale Ciccodicola, PLLC 31250 Plymouth Road Livonia, MI 48150 734-427-7999
	Michael Louik (for Liberow) Neil R. Rosen Rosen, Louik & Perry The Frick Building 437 Grant Street, Suite 200 Pittsburgh, PA 15219 412-281-4200
	John P. Gismondi (for Azoulay) Gismondi & Associates 310 Grant Street, Suite 700 Pittsburgh, PA 15219 412-281-2200
Counsel for Defendants:	John T. Pion (for Dutch Maid Logistics and Davis) James M. Girman

Pion, Nerone, Girman, Winslow & Smith,
P.C.
1500 Gateway Center
Pittsburgh, PA 15222
412-281-2288

Gina Zumpella (for Wiers Farm, Inc.)
Paul J. Walsh, III
Walsh, Barnes, Collis & Zumpella, P.C.
707 Grant Street, Suite 1400
Pittsburgh, PA 15219
412-258-2255
(formerly of Litchfield Cavo, LLP)

Brad D. Trust (for Darden-Munsell)
Edgar Snyder & Associates
600 Grant Street, Tenth Floor
Pittsburgh, PA 15219
412-394-5481
(formerly of Dell, Moser, Lane &
Loughney)

3. *Packaging Engineering, LLC v. Werzalit of America, Inc.*, Civil Action
08-170 Erie, 2011 WL 3606884 (W.D. Pa. Aug. 12, 2011) (mem. opinion).

A packaging engineering company brought a breach of contract claim against a manufacturer for failing to design and produce a tool and die set to be used to manufacture wood containers for the storage and shipment of automotive windshields. I granted defendant's motion to exclude evidence of lost profits because the claim was nothing more than speculative. After a four-day jury trial, the verdict was for the defendant company.

Counsel for plaintiff:

Donald F. Fessler, Jr.
Marnen Mioduszewski Bordonaro Wagner
& Sinnott LLC
516 West Tenth Street
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4. *Cauvel v. Schwan Home Service, Inc.*, Civil Action 08-134 Erie, 2009 WL 82489 (W.D. Pa. Jan. 9, 2009) (opinion and order); 2010 WL 5476698 (W.D. Pa. Dec. 31, 2010) (opinion and order), *rev'd and remanded*, 458 Fed. Appx. 131 (3d Cir. Jan. 20, 2012).

A former employee claimed that he was wrongfully terminated because he refused to take a polygraph test when money went missing in the business. The employer counterclaimed for conversion, breach of fiduciary duty and breach of employment contract. I denied the employee's motion to dismiss the counterclaim, and later granted the employer's motion for summary judgment while denying plaintiff's motion for summary judgment. The Third Circuit reversed as to the grant of defendant's motion for summary judgment, and the case was tried in a six-day jury trial. The verdict was for the defendant company with approximately \$21,000 damages awarded. An appeal was subsequently dismissed by agreement of the parties.

Counsel for plaintiff:

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Counsel for defendant:

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5. *Warner v. McVey*, Civil Action 08-55 Erie, 2008 WL 2498137 (W.D. Pa. June 18, 2008) (mem. order adopting report and recommendation on preliminary injunction); 2009 WL 703416 (W.D. Pa. Mar. 16, 2009) (mem. order adopting report and recommendation on motion to dismiss); 2010 WL 3239385 (W.D. Pa. July 9, 2009) (report and recommendation on summary judgment), 2010 WL 3239383 (W.D. Pa. Aug. 16, 2010) (mem. order adopting report and recommendation), *aff'd*, 429 Fed. Appx. 176 (3d Cir. 2011).

An Iowa probationer, who pled guilty to practicing medicine without a license, but in exchange had a charge of sexual abuse in the third degree dropped, filed a § 1983 action alleging that his right to procedural due process was violated when the Pennsylvania parole board designated him a “sex offender” and ordered him to participate in a sex offender treatment program. The case was dismissed on the basis of qualified immunity.

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6. *UPS Freight v. National Union Fire Insurance Co.*, Civil Action 06-137 Erie, 2007 WL 1880962 (W.D. Pa. June 26, 2007) (mem. order declining to adopt report and recommendation), *rev'd and remanded*, 428 Fed. Appx. 168 (3d Cir. 2011), *remanded to* 2012 WL 527650 (W.D. Pa. Feb. 14, 2012) (report and recommendation), 2012 WL 517197 (W.D. Pa. Feb. 16, 2012) (mem. order adopting report and recommendation). Copies of the unpublished reports and recommendations are supplied.

In this declaratory judgment action involving the duty to defend under an insurance contract, I issued a report and recommendation concluding, in part, that the defendant insurance company owed a duty to defend the plaintiff in an underlying state court action, and recommending that the plaintiff be granted judgment accordingly. The district court rejected my report and recommendation. On appeal, the Third Circuit vacated the district court’s opinion and remanded, holding that the insurance company owed the plaintiff a duty to reimburse its defense costs throughout the underlying action. Upon remand, I again recommended that judgment be entered in favor of the plaintiff, consistent with the Third Circuit’s opinion, and my report and recommendation was ultimately adopted by the district court.

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7. *Smith v. United States*, Civil Action 02-264 Erie, 2004 WL 1879212 (W.D. Pa. June 30, 2004) (report and recommendation); 2004 WL 2051218 (W.D. Pa. July 23, 2004) (mem. order adopting report and recommendation).

The plaintiff, a taxpayer, was seeking a refund of gift tax that was collected by the IRS on gifts of family limited partnership interests he made to each of his children during the 1998 tax year. In valuing the gifts, the plaintiff applied a marketability discount to the interests due to a restrictive provision contained in the family limited partnership agreement. The IRS subsequently reassessed the gift tax that

was paid by the plaintiff based upon its application of § 2703(a) of the Internal Revenue Code. Pursuant to § 2703(a), the IRS disregarded the restrictive provision and disallowed the corresponding discount that was taken by the plaintiff, which resulted in the assessment of additional gift tax that the plaintiff paid under protest. The crux of the dispute involved the applicability of § 2703(a) to the restrictive provision at issue. At the time, this was a case of first impression as no other reported case had determined the applicability of § 2703(a) to a restrictive provision in a partnership agreement that fixes the price of a partnership interest at less than fair market value. The determination that § 2703 is applicable to such provisions has subsequently been followed by other courts addressing the same issue.

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8. *Barrier Busters v. City of Erie*, Civil Action 02-203 Erie. Copies of the unpublished reports and recommendations are supplied.

The plaintiffs, a group of persons using “ambulatory devices for mobility,” brought a class action under the Americans with Disabilities Act claiming that the City of Erie failed to install ADA-compliant ramps at intersections of streets and sidewalks from 1992 through 2002. The named plaintiffs sought monetary damages, as well as declaratory and injunctive relief on behalf of the putative class. Amicus briefs were filed by the Civil Rights Division of the Department of Justice. The class was certified and the individual claims for monetary damages

were limited to a two-year period preceding the filing of the action, while the class claims for declaratory and injunctive relief were permitted to relate back to 1992. Settlement negotiations followed in which the plaintiffs agreed to withdraw their individual claims and the parties entered into a consent decree. Following the entry of the first consent decree, the parties consented to the full jurisdiction of a magistrate judge, and I have exercised continuing jurisdiction over the consent decrees filed since 2004.

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9. *DeFoy v. McCullough*, Civil Action 00-110 Erie. A copy of the unpublished report and recommendation on exhaustion is supplied; *rev'd and remanded*, 393 F.3d 439 (3d Cir. 2005) (remanded for merits determination); *cert. denied sub nom.*, *Patrick v. DeFoy*, 545 U.S. 1149 (2005); *remanded to* 2007 WL 2903922 (W.D. Pa. Sept. 28, 2007) (mem. order adopting report and recommendation dismissing petition on the merits), *aff'd*, 301 Fed. Appx. 177 (3d Cir. 2008); *cert. denied sub nom.*, *DeFoy v. Britton*, 129 S. Ct. 2743 (2009).

This case involved a habeas petitioner who challenged the requirement that he admit guilt in order to qualify for the Commonwealth's Sex Offender Treatment Program as violative of the self-incrimination provision of the Fifth Amendment. By report and recommendation, I concluded that it was likely Mr. DeFoy could have filed a petition for a writ of mandamus in the Pennsylvania state courts and so had not exhausted his state court remedies for purposes of federal habeas corpus review. I recommended that a certificate of appealability be granted on this issue. The district judge adopted my report and recommendation in full. The Third Circuit granted a certificate of appealability on the exhaustion question I recommended, answering the question in the negative and remanding for a determination on the merits of the Fifth Amendment claim. By report and recommendation in this case of first impression, I concluded that the Sex Offender Treatment Program did not violate the petitioner's Fifth Amendment rights and recommended that the petition be dismissed. The district judge adopted

the report and recommendation and the Third Circuit affirmed the decision on appeal.

Counsel for Petitioner:	Thomas W. Patton Federal Public Defender's Office 401 Main Street, Suite 1500 Peoria, IL 61602 309-671-7891
Counsel for Respondents:	James K. Vogel Federal Law Enforcement Training Center Townhouse 374 Glynco, GA 31524 912-267-2718 (formerly of the Office of District Attorney of Erie County)
	Scott A. Bradley Office of the Attorney General 564 Forbes Avenue Sixth Floor, Manor Complex Pittsburgh, PA 15219 412-565-7680

10. *Majeed v. Walters*, Civil Action 98-62 Erie. A copy of the unpublished report and recommendation is supplied.

Petitioner, an Iraqi immigrant who had been tortured during the Iran-Iraq war, challenged his conviction in a habeas corpus petition for indecent assault and corruption of a minor based upon ineffective assistance of counsel and involuntariness of guilty plea. Counsel was appointed. Following an evidentiary hearing, I recommended that the writ be granted, and my report and recommendation was adopted by the district judge.

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Counsel for Respondent:	Lisa M. Nelson U.S. Attorney's Office 17 South Park Row, Room A330

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

1. *A.L. v. Value Behavioral Health, Inc.*, 2010 WL 936112 (W.D. Pa. Feb. 24, 2010) (report and recommendation on class certification), 2010 WL 936076 (W.D. Pa. Mar. 12, 2010) (mem. order adopting report and recommendation). Copies of unpublished reports and recommendations regarding motions to dismiss and motion for preliminary injunction are supplied.

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2. *Sutley v. International Paper Co.*, 2009 WL 703555 (W.D. Pa. Mar. 16, 2009)
(mem. order adopting report and recommendation).

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3. *Grier v. Klem*, Civil Action 05-05 Erie. A copy of the unpublished report and recommendation and District Judge Maurice Cohill's order adopting the report and recommendation are supplied. *Vacated and remanded*, 591 F.3d 672 (3d Cir. 2010) (for reconsideration after the United States Supreme Court's decision in *District Attorney's Office for the Third Judicial District v. Osborne*, 557 U.S. 52 (2009)); *remanded to* 2011 WL 4971925 (W.D. Pa. Sept. 19, 2011) (report and recommendation); 2011 WL 5008326 (W.D. Pa. Oct. 19, 2011) (mem. order adopting report and recommendation).

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4. *M. Hill v. LaManna*, 2007 WL 777007 (W.D. Pa. Mar. 12, 2007) & 2007 WL 776991 (W.D. Pa. Feb. 23, 2007); *Siggers v. LaManna*, 2007 WL 791521 (W.D. Pa. Mar. 14, 2007); *Kelly v. Sapko*, 2007 WL 805550 (W.D. Pa. Feb. 23, 2007), *aff'd*, 334 Fed. Appx. 487 (3d Cir. 2009); *Ward v. LaManna*, 2007 WL 791130 (W.D. Pa. Mar. 14, 2007), *aff'd*, 334 Fed. Appx. 487 (3d Cir. 2009); *K. Hill v. LaManna*, 2007 WL 805562 (W.D. Pa. Feb. 23, 2007), *aff'd*, 334 Fed. Appx. 487 (3d Cir. 2009).

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5. *Chang v. Hasbro, Inc.*, Civil Action 04-57 Erie. A copy of the unpublished report and recommendation, adopted by District Judge Sean McLaughlin, is supplied.

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6. *Woods v. United States*, 2003 WL 21791241 (W.D. Pa. June 30, 2003) (mem. order adopting report and recommendation).

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7. *Slutzker v. Johnson*, Civil Action 99-1952 Pittsburgh. A copy of the unpublished report and recommendation, adopted by District Judge Gary L. Lancaster (deceased), is supplied. *Aff'd*, 393 F.3d 373 (3d Cir. 2004).

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8. *Lines v. Wargo*, 271 F.Supp.2d 649 (W.D. Pa. Jan. 10, 2003) (mem. order adopting report and recommendation).

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9. *Nwanze v. Hahn*, 97 F.Supp.2d 665 (W.D. Pa. 2000) (mem. order adopting report and recommendation), *aff'd*, 242 F.3d 521 (3d Cir. 2001).

Counsel for Petitioner: Austen O. Nwanze, pro se

Counsel for Respondents: Tina O. Miller
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10. *Szuchon v. Lehman*, Civil Action 94-195 Erie. A copy of the unpublished report and recommendation, adopted by District Judge William Standish, is supplied. *Aff'd on other grounds*, 273 F.3d 299 (3d Cir. Nov. 20, 2001).

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

Certiorari was requested, but denied, in each of the following cases:

Torrence v. Thompson, Civil Action 10-67 Erie
Northrup v. Quintana, Civil Action 09-155 Erie
Chambers v. Hathaway, Civil Action 08-352 Erie
Arango v. Winstead, Civil Action 08-265 Erie
Lyons v. Superintendent Wilson, Civil Action 07-214 Erie
Felgar v. Burkett, Civil Action 07-268 Erie
F.J.S. v. Commonwealth of Pennsylvania, Civil Action 06-834 Erie
Burkey v. Lappin, Civil Action 06-122 Erie
Latham v. United States, Civil Action 06-128 Erie
Armann v. McKean, Civil Action 04-118 Erie
Brown v. United States, Civil Action 04-379 Erie
Sims v. Sherman, Civil Action 04-381 Erie
Ditch v. Grace, Civil Action 04-164 Erie
DeFoy v. McCullough, Civil Action 00-110 Erie
Sontag v. Mechling, Civil Action 97-349 Erie
Bierley v. Connelly, Civil Action 97-197 Erie

- 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.

Byrd v. Aaron's, Inc. Civil Action 11-101 Erie, 2014 WL 1316055 (W.D. Pa. Mar. 31, 2014). I recommended that the motion for class certification be denied based upon the threshold ascertainability requirement. The district judge adopted the report and recommendation as the opinion of the court. The Third Circuit reversed and remanded, clarifying the inquiry to be conducted on ascertainability. ___ F.3d ___, 2015 WL 1727613 (3d Cir. Apr. 16, 2015).

Henry v. City of Erie, Civil Action 10-260 Erie, 2011 U.S. Dist. LEXIS 110562 (W.D. Pa. Sept. 28, 2011). I recommended that the defendant's motion to dismiss the plaintiff's state-created danger claim be denied, finding that the claim was sufficiently pled. The district court adopted my report and recommendation. On

appeal, the Third Circuit reversed and remanded with instructions to dismiss the state-created danger claim based on qualified immunity. 728 F.3d 275 (3d Cir. 2013).

Tindell v. Commonwealth of Pennsylvania, Civil Action 11-173 Erie. I revoked the prisoner-plaintiff's *in forma pauperis* status based upon the "three strikes" provision of the Prison Litigation Reform Act. The district court adopted my report and recommendation. The Third Circuit reversed acknowledging only two "strikes" at the time of my decision. Decisions supplied.

Torrence v. Sobina, Civil Action 10-217 Erie, 2011 WL 4473122 (W.D. Pa. Sept. 26, 2011). By memorandum opinion, I ruled that the plaintiff's claims against the parole board were barred by Eleventh Amendment immunity and the plaintiff's action against the individual defendants was barred by the doctrine of claim preclusion. The Third Circuit vacated and remanded with instructions to grant the defendants summary judgment instead based upon the plaintiff's failure to exhaust his claims in accordance with the Prison Litigation Reform Act. 455 Fed. Appx. 140 (3d Cir. Dec. 27, 2011).

Mutschler v. SCI Albion CHCA, Civil Action 09-265 Erie, 2010 WL 3809849 (W.D. Pa. Sept. 23, 2010). By memorandum opinion, I granted the defendants' motion to dismiss, finding that the plaintiff had failed to state a cause of action upon which relief may be granted. On appeal, the Third Circuit affirmed in part and reversed in part, holding that the plaintiff had stated one Eighth Amendment claim for deliberate indifference. 445 Fed. Appx. 617 (3d Cir. Sept. 27, 2011).

DiLauri v. Mullen, Civil Action 09-198 Erie, 2011 WL 1428092 (W.D. Pa. Apr. 13, 2011). I recommended that part of the plaintiff's claims be dismissed as time barred, and that some defendants be dismissed due to the plaintiff's failure to allege their personal involvement. The district court adopted my report and recommendation. 2011 WL 2415243 (W.D. Pa. June 13, 2011). On appeal, the Third Circuit affirmed in part and vacated in part, finding that the plaintiff had sufficiently alleged the personal involvement of one of the defendants. 477 Fed. Appx. 944 (3d Cir. Apr. 30, 2012).

Cauvel v. Schwan Home Services, Inc., Civil Action 08-134 Erie, 2010 WL 5476698 (W.D. Pa. Dec. 31, 2010). By memorandum opinion, I granted the defendant's motion for summary judgment and denied the plaintiff's cross-motion for summary judgment. On appeal, the Third Circuit reversed and remanded, finding that there was a genuine issue of material fact as to whether the defendant required the plaintiff to submit to a polygraph test in order to retain his employment. 458 Fed. Appx. 131 (3d Cir. Jan. 20, 2012).

Royster v. U.S., Civil Action 07-228 Erie, 2010 WL 936764 (W.D. Pa. Mar. 11, 2010). I recommended that the plaintiff's FTCA claim be dismissed because he failed to timely exhaust his administrative remedies. The district court adopted my report and recommendation and dismissed the case. The Third Circuit reversed and remanded, holding that the date on which the plaintiff's claim accrued was not adequately established in the record. 475 Fed. Appx. 417 (3d Cir. Mar. 30, 2012).

UPS Freight v. National Union Fire Insurance Co., Civil Action 06-137 Erie, 2007 WL 1880962 (W.D. Pa. June 26, 2007). I recommended that declaratory judgment be entered in favor of plaintiff as to the defendant insurance company's duty to defend the plaintiff in an underlying state court action. The district court rejected my report and recommendation. On appeal, the Third Circuit Court vacated the district court's opinion and remanded in line with my recommendation. 428 Fed. Appx. 168 (3d Cir. 2011).

Nicholas v. Corbett, Civil Action 06-129 Erie, 2007 WL 1163694 (W.D. Pa. Apr. 18, 2007); *Nicholas v. Heffner*, Civil Action 06-200 Erie, 2007 WL 1162979 (W.D. Pa. Apr. 18, 2007); *Nicholas v. American Detective Agency*, Civil Action 06-210 Erie, 2007 WL 1173676 (W.D. Pa. Apr. 18, 2007); *Nicholas v. Wood*, Civil Action 06-211 Erie, 2007 WL 1163528 (W.D. Pa. Apr. 18, 2007); *Nicholas v. American Detective Academy*, Civil Action 06-219 Erie, 2007 WL 1164850 (W.D. Pa. Apr. 18, 2007). In each case, after previously denying the prisoner-plaintiff's motion to proceed *in forma pauperis* based upon the "three strikes" provision of the Prison Litigation Reform Act, I recommended the dismissal of each case due to the plaintiff's failure to prosecute after he refused to pay the filing fee. The district court adopted my report and recommendation in each case. The Third Circuit reversed and remanded, indicating that the plaintiff's "strikes" must be counted as of the time the complaint is filed. Decisions supplied.

Alston v. Forsyth, Civil Action 05-168 Erie, 2010 WL 95089 (W.D. Pa. Jan. 6, 2010). I recommended granting the defendant's summary judgment motion and the district court adopted my report and recommendation. On appeal, the Third Circuit reversed and remanded, noting that the plaintiff was not given an opportunity to gather and identify evidence in response to a new argument raised in the reply brief. 379 Fed. Appx. 126 (3d Cir. May 13, 2010).

Grier v. Klem, Civil Action 05-05 Erie. In May of 2006, I recommended that the plaintiff's claim be dismissed based upon *Heck v. Humphrey*, 512 U.S. 477 (1994), and the district judge adopted my report and recommendation. A copy of the report and recommendation is supplied. Subsequently, the Supreme Court decided *District Attorney's Office for the Third Judicial District v. Osborne*, 557 U.S. 52 (2009), and the Third Circuit reversed and remanded, holding that a party

may use a § 1983 action to request access to evidence for post-conviction DNA testing. 591 F.3d 672 (3d Cir. Jan. 12, 2010).

Davila-Bajana v. Holohan, Civil Action 04-253 Erie. I recommended granting a motion to dismiss Eighth Amendment and FTCA claims based on an inmate's failure to exhaust his claims. The report and recommendation was adopted. Copy of report and recommendation and order are supplied. Later, I recommended granting summary judgment on the remaining retaliation claim and my recommendation was adopted. 2007 WL 11633 (W.D. Pa. Sept. 24, 2007). On appeal, the Third Circuit reversed and remanded on the dismissal of the Eighth Amendment claim, finding that the inmate had met the requirement of exhaustion. 309 Fed. Appx. 606 (3d Cir. Feb. 5, 2009).

Armann v. Warden-McKean, Civil Action 04-118 Erie, 2006 WL 2882954 (W.D. Pa. Oct. 6, 2006). I recommended that an evidentiary hearing be held in a habeas case challenging proceedings before a military tribunal. The district court adopted my report and recommendation. 2007 WL 1576407 (W.D. Pa. May 31, 2007). An interlocutory appeal was taken and the Third Circuit reversed, holding that the issue had been raised sufficiently before the appellate level of the military tribunal. 549 F.3d 279 (3d Cir. Nov. 28, 2008).

Cooleen v. LaManna, Civil Action 04-63 Erie. I recommended dismissal of the plaintiff's due process claim, and the granting of summary judgment in favor of the defendants on the plaintiff's Eighth Amendment and FTCA claims. A copy of the report and recommendation is supplied. The district court adopted my report and recommendation. On appeal, the Third Circuit affirmed the dismissal of the due process and FTCA claims, but reversed and remanded the dismissal of the Eighth Amendment claim. 248 Fed. Appx. 357 (3d Cir. Sept. 14, 2007).

Camp v. Brennan, Civil Action 98-180 Erie. I recommended dismissal of the plaintiff's excessive force claims for failure to exhaust administrative remedies. The district court adopted the report and recommendation. (These opinions are not available in the electronic case management system and exist only in the paper files archived at the Federal Records Center in Philadelphia, Pennsylvania.) On appeal, the Third Circuit affirmed that excessive force claims were subject to the statutory exhaustion requirement, but held that the plaintiff had met the exhaustion requirement. 219 F.3d 279 (3d Cir. July 18, 2000).

Jewell v. Reno (aka *Jewell v. Gonzales*, *Wolf v. Reno*, and *Wolf v. Ashcroft*), Civil Action 97-408 Erie. In response to federal prisoners' challenge of two federal statutes, I recommended granting a motion for judgment on the pleadings as to the plaintiffs' facial challenge to the statutes, but denying the motion as to the plaintiffs' as-applied challenge to the statutes because defendants had not met their burden to produce evidence on a *Turner v. Safley* (482 U.S. 78 (1987))

reasonableness analysis. The district court adopted the former recommendation, but rejected the latter and granted defendants' motion for judgment on the pleadings on all bases. (These opinions are not available in the electronic case management system and exist only in the paper files archived at the Federal Records Center in Philadelphia, Pennsylvania.) On appeal, the Third Circuit reversed the district court and remanded in line with my recommendation. 297 F.3d 305 (3d Cir. 2002).

Nelson v. Jashurek, Civil Action 95-97 Erie. I recommended that the plaintiff's claims be dismissed because they were barred by *Heck v. Humphrey*, 512 U.S. 477 (1994). The district court adopted the report and recommendation. (These opinions are not available in the electronic case management system and exist only in the paper files archived at the Federal Records Center in Philadelphia, Pennsylvania.) On appeal, the Third Circuit reversed and remanded, holding that *Heck* does not bar one convicted of resisting arrest from bringing an excessive force claim. 109 F.3d 142 (3d Cir. Mar. 18, 1997).

- 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 serve as both the presiding judge (in cases in which all the parties have consented to my jurisdiction) and as a referral judge. When cases are referred to the magistrate judge in the Western District of Pennsylvania, the magistrate judge manages all pretrial proceedings and issues opinions and/or reports and recommendations on those matters. All of my opinions and reports and recommendations, whether they are in consent cases or referral cases, were docketed electronically in the court's electronic case management after July 2005. Since that time, I have not submitted any opinions for publication; instead, Westlaw and LEXIS independently publish opinions retrieved from the electronic case management system. Prior to July of 2005, I published only a few of my hundreds of written opinions. All paper case files containing other written opinions are archived in the Federal Records Center in Philadelphia, Pennsylvania.

- h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.

I routinely issue opinions in prisoner civil rights cases arising under 42 U.S.C. § 1983, as well as petitions for writ of habeas corpus under the Antiterrorism and Effective Death Penalty Act, in which federal and state constitutional issues are implicated. These opinions follow well-established precedence on these issues. The following opinions presented unique constitutional questions:

Grier v. Klem, Civil Action 05-05 Erie. 2011 WL 4971925 (W.D. Pa. Sept. 19, 2011) (report and recommendation); 2011 WL 5008326 (W.D. Pa. Oct. 19, 2011) (mem. order adopting report and recommendation).

Lines v. Wargo, 271 F.Supp.2d 649 (W.D. Pa. Jan. 10, 2003) (mem. order and report and recommendation).

- 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.

I follow the federal recusal statutes and the Code of Conduct for United States Judges. Our court utilizes an "automatic" recusal system whereby judges list lawyers and/or other individuals/entities from whose cases they need to recuse due to existing or prior relationships and/or the appearance of impropriety. As such, I may be recused in a small number of cases without my knowledge or intervention. There have been a few cases in which I have recused myself based upon a conflict not readily apparent at the outset. I am asked to recuse myself in many *pro se* prisoner cases, mainly due to an unsuccessful outcome on a motion or a previous case before me. Although I do not have records of most of my decisions regarding *pro se* prisoner recusal requests, I am certain that all such

requests have been denied to the extent they have been based upon my past unfavorable decisions.

Johnson v. Police Officer Mogel, Civil Action 15-35 Erie. I recused myself from this case, *sua sponte*, based on the employment relationship of the defendant court reporter with the district court.

Brown v. Wetzel, Civil Action 14-1204 Pittsburgh. I recused myself from this case, *sua sponte*, because I was the victim of the plaintiff's conduct that was the subject of his pending criminal case and conviction.

Long v. Equicross, Civil Action 13-61 Erie. At the request of both parties, I recused myself from consideration of the parties' motion to enforce settlement due to my knowledge of information disclosed during settlement discussions.

Carrasquillo v. Wetzel, Civil Action 12-21 Erie. I denied the plaintiff's motion for recusal that was based upon his perception that I was biased against him because of my unfavorable rulings on prior motions.

Tindell v. Commonwealth of Pennsylvania, Civil Action 11-173 Erie. I denied the plaintiff's two motions for my recusal based upon his dissatisfaction with my prior rulings against him.

United States of America v. Brown, Criminal Action 11-34 Erie. I recused myself from the preliminary criminal proceedings against this defendant, *sua sponte*, because he was indicted for making threats against me and District Judge McLaughlin.

Hawkins v. Brooks, Civil Action 09-98 Erie. I denied the plaintiff's motion for recusal, which was based on her allegations that I was biased against her.

Ferguson v. Superintendent DiGuglielmo, Civil Action 09-72 Erie. I recused myself from this case, *sua sponte*, because the petitioner's underlying crime included the burglary of my law clerk's home.

Muhammed v. U.S. Marshal Service, Civil Action 07-27 Erie. I recused myself from this case on the request of the plaintiff because he claimed that my being assigned the case thwarted him from naming me as a defendant in it.

Rankine v. Folino, Civil Action 04-100 Erie. I denied the plaintiff's motion for recusal, which alleged that I had recommended that his motion for temporary restraining order be denied previously.

Young v. CNA Insurance Companies d/b/a Continental Casualty Co., Civil Action 02-103 Erie. My recusal is unclear from my personal files. The records of this case were maintained prior to digital storage of docket entries and are now archived by the court at the Federal Records Center in Philadelphia, Pennsylvania.

Whetstone v. Correctional Physicians Services, Civil Action 99-392 Erie. My recusal is unclear from my personal files. The records of this case were maintained prior to digital storage of docket entries and are now archived by the court at the Federal Records Center in Philadelphia, Pennsylvania.

Lassen v. Bozza, Civil Action 97-222 Erie. I recused myself from this case, *sua sponte*, based on the subsequent hiring of defendant Humphrey as a law clerk for District Judge McLaughlin and her friendship with me.

Cozzens v. Brennan, Civil Action 96-366 Erie. I recused myself from this case, *sua sponte*, when I discovered well into the matter that I had some involvement with the petitioner's Post Conviction Relief Act petition in the Erie County Court during the short time I was the court solicitor there.

Millcreek Township v. General Electric Corporation, Civil Action 95-69 Erie. My recusal is unclear from my personal files. The records of this case were maintained prior to digital storage of docket entries and are now archived by the court at the Federal Records Center in Philadelphia, Pennsylvania.

Pearson v. Component Technology Corp, Civil Action 94-293 Erie. My recusal is unclear from my personal files. The records of this case were maintained prior to digital storage of docket entries and are now archived by the court at the Federal Records Center in Philadelphia, Pennsylvania.

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.

In 1998, I was appointed as a member of the Governor's Pennsylvania Commission for Women by then-Governor Tom Ridge, and I served until 2000.

- 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 never worked on any campaign nor have I held any office in a political party or election committee.

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

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

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

I have not served as a law clerk.

- 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.

1983 – 1992

Cole, Raywid & Braverman (now Davis Wright Tremaine LLP)

1919 Pennsylvania Avenue, NW

Washington, District of Columbia 20006

Associate (1983 – 1989)

Partner (1989 – 1992)

1994

Court of Common Pleas of Erie County

140 West Sixth Street

Erie, Pennsylvania 16501

Court Solicitor

- 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.

While in private practice, 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.

From 1983 until 1992, I was a litigator in one law firm during my career in private practice. The standard practice in my former firm was to assign more than one attorney per case. In this capacity, I litigated cases for our clients as plaintiffs and defended them when sued, both almost exclusively in the federal courts because our clients were not from Washington D.C. A number of my cases went to trial, although most settled or were decided on dispositive motions. In 1994, after my family moved to Erie, I became the Court Solicitor for the Erie County Court of Common Pleas, working with the then-President Judge during a conflict with the County Executive and County Council, whose solicitor typically represents the judges of the county court. After a short time in that position, I was appointed United States Magistrate Judge.

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

As an associate and partner in my former firm, I represented a wide range of clients, the majority of which were broadcast or cable television companies, on corporate matters and contract disputes, among other issues. I was an attorney of record on several class-action lawsuits including one that was in trial for six months. At all times, my practice was litigation, mainly focused on corporate clients.

- 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.

Between 1983 and 1992, I was a litigator and appeared in court as required in my civil practice. I typically appeared with at least one other member of my law firm and made arguments or examined witnesses as required. Occasionally our cases were brought in state courts around the country, but mainly the issues and diverse parties required that they be brought in the federal courts.

- i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|-----|
| 1. federal courts: | 97% |
| 2. state courts of record: | 3% |
| 3. other courts: | 0% |
| 4. administrative agencies: | 0% |

- 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 part of a litigation team on approximately 85 to 100 cases over the course of my private practice career. I was co-counsel on each, except for a pro bono matter that went to trial in a small claims court in the District of Columbia, which I handled alone. The majority of the cases were decided on summary judgment or settled. I approximate that my trial team went to trial in no more than ten cases, with one trial lasting for six months in the United States District Court for the District of Columbia. In each trial, I examined witnesses and made oral arguments as required.

- i. What percentage of these trials were:

1. jury: 98%
2. non-jury: 2%

- 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.

United States v. Sperry Corporation, 493 U.S. 52 (1989) (motion to dismiss or affirm; brief for the respondent). Copies supplied.

Foltz v. U.S. News & World Report, Inc., et al, No. 88-1766 (petition for a writ of certiorari, 1989 WL 1174217 (May 1, 1989), *cert. denied*, 490 U.S. 1108 (June 12, 1989)).

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.

Because I have been on the bench for over twenty years, my private practice is dated. My former law firm was unable to access all of the matters on which I worked because the materials are archived and stored off-site. I have listed the cases where I am of record and where opinions are readily accessible.

1. *Kearney v. Prudential-Bache Securities Inc.*, Case No. 84-1625 (United States District Court for the Southern District of New York, Mukasey, J.).

I represented a commodities customer who sued traders for violations of the Commodities Exchange Act and the Securities Exchange Act of 1934. Summary judgment was granted for the defendant, 701 F. Supp. 416 (S.D.N.Y. 1988). I was part of the litigation team from approximately 1987 to 1988, particularly involved in depositions and briefing.

Co-Counsel: Margaret Haering
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(formerly of Davis Wright Tremaine LLP)

Opposing Counsel: Joel Miller
Miller & Wrubel
570 Lexington Avenue
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212-336-3501

2. *Celia Anderson v. Department of Health and Human Services, et al.*, Case No. C-84-861-J (United States District Court for the District of Utah, Central Division, Jenkins, C.J.)

I represented the intervenor-defendant Dow Corning Corporation in a lawsuit alleging that defendant Food and Drug Administration wrongfully withheld documents under the Freedom of Information Act, 5 U.S.C. § 552(b)(4), provided by Dow Corning regarding their product, which was a type of injectable silicone. Specifically, Dow's position was that the documents were exempt from disclosure under Exemption 4 of the Freedom of Information Act for trade secrets and confidential commercial information. Dow prevailed on summary judgment in the District Court. That judgment was reversed in part

and remanded for more evidence, 907 F.3d 936 (10th Cir. 1990). I was part of the litigation team, from approximately 1989 to 1992, but did not argue before the Tenth Circuit. (There are other record citations for this case in the District Court in Utah and the Tenth Circuit, but they post-date my departure from the firm).

Co-Counsel: Burt A. Braverman
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202-973-4210

Harvey L. Steinberg (retired)

Ray R. Christensen
Christensen & Jensen
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801-355-3472

Government Counsel: The Honorable Dee V. Benson
Senior District Judge
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Stephen Sorenson
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801-524-5682

Opposing Counsel: Edward T. Wells
Solo Practitioner
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801-284-7278
(formerly of Robert J. DeBry & Associates)

Robert DeBry
Robert J. DeBry & Associates
4252 South 700 East
Salt Lake City, UT 84107

800-574-5602

3. *Foltz v. U.S. News & World Report, Inc.*, Case No. 84-447 (United States District Court for the District of Columbia, Parker J.)

I represented the plaintiff class of two hundred and class representatives who were former employees and stockholders of U.S. News & World Report during a particular time period and who liquidated their stock and profit-sharing interests as required at termination under an employee stock ownership plan at alleged undervalued rates in violation of ERISA. Many other issues were addressed, particularly when the magazine was sold during the pendency of the case. The non-jury trial lasted for six months. Judgment was for the defendants. I was part of the litigation team during the entirety of the matter from 1984 to 1987, including the lengthy six-month trial. I examined witnesses at trial and argued motions before the trial judge. I was on the brief to the District of Columbia Circuit on two appeals.

Co-Counsel: Alan Raywid (deceased)

John Seiver
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Margaret Haering
Counsel and Assistant Director
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Opposing Counsel: Richard Wertheimer
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704-895-1792
(formerly of Arnold & Porter)

Leslie A. Nicholson (retired)

Willis Snell (deceased)

Lawrence Latto (deceased)

4. *Hagerty v. Covell*, Case No. 83-Civ-2148 (United States District Court for the District of Columbia, Harris, J.)

I represented the president of a client company from 1983 to 1986 in a personal lawsuit against the builder of his multi-million dollar residence. Another associate and I took the case to a jury trial where we shared trial duties and won a verdict of \$69,000, plus costs, for our client.

Co-Counsel: John Seiver
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202-973-4210

Opposing Counsel: James C. Gregg (deceased)

5. *Sperry Corporation v. United States*, Case No. 660-82C (United States Claims Court, Kozinski, C.J., Smith, C.J.)

After Sperry Corporation appeared at The Hague before the Iran-United States Claims Tribunal and secured an award for the confiscation of Sperry computer equipment in Iran after the U.S. Embassy there was seized in 1979, a percentage was automatically deducted as reimbursement for the expenses incurred during The Hague proceedings. Sperry sought to recover the amount as an unconstitutional taking, an improper user fee, and violative of the Origination Clause. The Federal Circuit held that the deduction was a per se taking of property without compensation and unconstitutional, reversing the United States Claims Court, 853 F.2d 904 (Fed. Cir. 1988). The Supreme Court reversed and remanded, holding that the deduction was not an unconstitutional taking, but remanding on the Origination Clause issue because the House of Representatives attempted to pass a retroactive bill to authorize the deduction. 493 U.S. 52 (1989). On remand, the Federal Circuit ruled that the Senate Act did not violate the Origination Clause because the law was not for raising revenue. 925 F.2d 399 (Fed. Cir. 1991). I was part of the litigation team on this case throughout its stages, from approximately 1983 to 1991, arguing in the Claims Court and on briefs on appeal and remand.

Co-Counsel: Alan Raywid (deceased)

John D. Seiver
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202-973-4214

Opposing Counsel: Terrence S. Hartman
Administrative Judge – ASBCA
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(formerly of the U.S. Department of Justice)

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.)

Prior to 1995, I was an active member of the District of Columbia Bar Association, the Pennsylvania Bar Association, its Commission on Women in the Profession, and the Erie Bar Association. Since coming to the bench in 1995, I served on the National Advisory Council for Space and Security of the Judiciary and the circuit governance Space and Security Committee. I served on the Magistrate Judges Committee of the circuit. I served on the Civil Rules Committee of the Federal Magistrate Judges Association when comments to proposed rule changes were drafted and published in 2013 and 2014. I chaired the Erie County Bar Association Mediation Committee, which drafted and implemented its current mediation program in 2003 and 2004. I also served a term on the Erie County Bar Association's Board of Directors. I developed and implemented, and currently administer, the legal intern program for the United States District Court for the Western District of Pennsylvania, in Erie, Pennsylvania. I was a member of the Northwest Pennsylvania American Inn of Court and served as its Program Director from 1999 to 2000.

I have never engaged 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.

I have not taught any courses.

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.

No.

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 currently recuse myself from litigation involving close family friends, as well as cases involving the entities on whose boards I sit. I err on the side of recusal. If confirmed to be a district judge, I would continue to recuse myself should conflicts arise.

- 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 follow the federal recusal statutes and the Code of Conduct for United States Judges, just as I do in my current position. I will continue to recuse myself from cases in which I perceive there is any appearance of impropriety. To date, I have had no issues arise concerning our District Court's recusal system.

Should one arise, I will err on the side of recusal.

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

As a sitting judge, I am not permitted to perform pro bono legal work. In private practice, I handled a pro bono case for a Mali citizen employed by his embassy as a chauffeur, who was sued by the purchasers of his used car prior to his returning to Mali. The case went to trial in the District of Columbia Small Claims Court, and we prevailed. Despite contacting my former law partners, and reviewing my personal files, I do not have the case number or a recollection of the name of the case. Since my appointment to the bench, I have volunteered in non-legal ways in my community from washing supper dishes at least once a month at the Emmaus Soup Kitchen run by the Benedictine Sisters to sewing costumes for theatrical productions at my children's high school alma mater, among others.

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.

I applied to fill the Erie Division vacancy when I became aware from the websites of Senator Robert Casey and Senator Patrick Toomey that they were soliciting applicants for the vacancy. I submitted my application electronically on August 23, 2013. On October 24, 2013, I interviewed with the senators' selection committee in Pittsburgh, Pennsylvania. On January 27, 2015, I interviewed with Senator Casey and a staff member by videoconference. On February 17, 2015, I received a telephone call from Senator Casey's staff, who informed me that my name was being sent to the White House as the Senator's recommendation to fill the vacancy. On March 17, 2015, I met with Senator Casey and a staff member at the Senator's office in Washington, D.C. On that same day, I also met with Senator Toomey at his office in Washington, D.C. Since April 22, 2015, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On June 18, 2015, I interviewed with attorneys from the White House

Counsel's Office and the Department of Justice in Washington, D.C. On July 30, 2015, the President submitted my nomination to the Senate.

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

No.