

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Christy Criswell Wiegand

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 Attorney's Office
Western District of Pennsylvania
Joseph F. Weis Jr. United States Courthouse
700 Grant Street, Suite 4000
Pittsburgh, Pennsylvania 15219

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

1975; Pittsburgh, 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.

1997 – 2000, Cornell Law School; J.D. (*cum laude*), 2000
1993 – 1997, Princeton University; A.B. (*cum laude*), 1997

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.

2004 – present
United States Attorney's Office
Western District of Pennsylvania
Joseph F. Weis Jr. United States Courthouse

700 Grant Street, Suite 4000
Pittsburgh, Pennsylvania 15219
Assistant U.S. Attorney, Criminal Division, Major Crimes (April 2018 – present)
Deputy Chief, Civil Division (November 2013 – April 2018)
Assistant U.S. Attorney, Civil Division (January 2004 – April 2018)
Project Safe Childhood Task Force Member (June 2018 – present)
Professional Responsibility Officer (2007 – present) (collateral duty)

Fall 2003
University of Pittsburgh
School of Arts and Sciences
Department of English
526 Cathedral of Learning
4200 Fifth Avenue
Pittsburgh, Pennsylvania 15260
Instructor, Writing in the Legal Profession

2002 – 2003
The Honorable D. Brooks Smith
United States Court of Appeals for the Third Circuit
(Now at) Allegheny Professional Center, Suite 203
1798 Plank Road
Duncansville, Pennsylvania 16635
Judicial Law Clerk

2000 – 2002
Arnold & Porter
(Now) Arnold & Porter Kaye Scholer
(Now at) 601 Massachusetts Avenue NW
Washington, DC 20001
Associate, Antitrust and Trade Regulation

Summer 1999
Latham & Watkins LLP
(Now at) 555 Eleventh Street NW
Washington, DC 20004-1304
Summer Associate

Summer 1998
The Honorable Donald E. Ziegler (deceased)
(Then) Chief Judge
United States District Court for the Western District of Pennsylvania
Judicial Intern

Other Affiliations (uncompensated):

2013 – present
Princeton University Rowing Association
Princeton University
Princeton, NJ 08544
Board Member

2009 – 2018
Pittsburgh Parks Conservancy
45 South 23rd Street, Suite 101
Pittsburgh, Pennsylvania 15203
Board Member (2009 – 2018)
Co-Chair, Hat Luncheon (2014 – 2017)
Vice-Chair, Hat Luncheon (2011 – 2013)

2010 – 2011 (approximate dates)
Pittsburgh History & Landmarks Foundation
100 West Station Square Drive, Suite 450
Pittsburgh, Pennsylvania 15219
Board Member

2006 – 2008 (approximate dates)
Three Rivers Rowing Association
300 Waterfront Drive
Pittsburgh, Pennsylvania 15222
Board 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. 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.

Federal Bureau of Investigation Director's Certificate of Commendation for outstanding prosecutive skills and assistance provided to the FBI (2019)

National Science Foundation Inspector General's Letter of Commendation for False Claims Act grant fraud settlement in *United States v. Christian Schunn, Ph.D.* (2018)

United States Department of Education Inspector General's Certificate of Appreciation "For the landmark \$95.5 million settlement with Education Management Corporation, the largest civil settlement in ED-OIG history" (2016)

Assistant Attorney General for Civil Rights Certificate of Commendation for outstanding performance and invaluable assistance in support of the Civil Rights Division (2012)

United States Attorney's Office Executive Committee Member (2011 – 2012)

Executive Office for United States Attorneys Director's Award for Superior Performance as an Assistant United States Attorney (2007)

Pittsburgh Federal Executive Board Excellence in Government Bronze Award for Outstanding Professional Employee (2007)

Cornell Law Review, Articles Editor (1999 – 2000)

Cornell Law Review, Member (1998 – 2000)

CALI Excellence Awards for American Legal History, American Legal Theory, and Legal Research, Cornell Law School (1997 – 1999)

National Champion, Second Varsity Eight, NCAA Women's National Collegiate Rowing Championship, Princeton University (1997)

First Place, T.T. Chen Memorial Speech Contest (for spoken Mandarin Chinese), Princeton University (1994)

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.

Allegheny County Bar Association
Federal Court Section Council (2015 – present)

American Bar Association (past member)

American Inns of Court (past member)

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.

Massachusetts, 2001

District of Columbia, 2001

There have been no lapses in membership.

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

United States Court of Appeals for the Third Circuit, 2003

United States District Court for the Western District of Pennsylvania, 2003

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.

Duquesne Club, Member (2004 – present)

Fox Chapel Racquet Club, Member (2013 – present)

North Haven Casino (summer sailing club in Maine), Member (intermittent 2002 – present)

Pittsburgh History & Landmarks Foundation
Board Member (2010 – 2011) (approximate dates)

Pittsburgh Parks Conservancy
Board Member (2009 – 2018)
Co-Chair, Hat Luncheon (2014 – 2017)
Vice-Chair, Hat Luncheon (2011 – 2013)

Princeton University Rowing Association
Board Member (2013 – present)

Three Rivers Rowing Association
Board Member (2006 – 2008) (approximate dates)

- b. The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, religion, or national origin. Indicate whether any of these organizations listed in response to 11a

above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

I am not aware that any of the above-listed organizations currently discriminates or during my tenure of membership 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.

During my tenure on the Cornell Law Review, I edited articles to conform to Cornell Law Review standards. I do not recall the titles of specific articles I edited.

- 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.

I am not aware of any materials responsive to this request.

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

I am not aware of any materials responsive to this request.

- 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 an electronic copy of any outline or notes from which you spoke.

April 12, 2019: Panelist, "Preparing for and Handling an Initial Appearance, Bail, and Arraignment," Allegheny County Bar Association, Federal Court Section Skills Training Series, Pittsburgh, Pennsylvania. Copy of notes supplied.

February 8, 2019: Moderator, "Preparing for and Handling Rule 16 Initial Case Management Conferences in Federal Court," Allegheny County Bar Association, Federal Court Section Skills Training Series, Pittsburgh, Pennsylvania. Copy of video and notes supplied.

Fall 2003: Instructor, "Writing in the Legal Profession," University of Pittsburgh Department of English. As the instructor for this class, I regularly lectured and spoke extemporaneously throughout the semester. I have no notes, transcripts, or recordings. The address for the University of Pittsburgh Department of English is 526 Cathedral of Learning, 4200 Fifth Avenue, Pittsburgh, Pennsylvania 15260.

- 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.

Bruce and Barbara Wiegand Family Foundation Donates \$1 Million to the New Center for Science and Innovation, Shady Side Academy Alumni Magazine, Winter 2015 – 2016 Issue. Copy supplied.

Mike Drummond, *Widow Wouldn't Let Fight Die, Guardsman's Firing Complaint Hit Roadblocks with 2 Agencies before Settlement*, Charlotte Observer, May 27, 2007. Copy supplied.

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

I have not held any judicial office.

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

Of these, approximately what percent were:

- | | | |
|-----|-----------------------|----------------------|
| i. | jury trials: | _____ % |
| | bench trials: | _____ % [total 100%] |
| ii. | civil proceedings: | _____ % |
| | criminal proceedings: | _____ % [total 100%] |

- b. Provide citations for all opinions you have written, including concurrences and dissents.
 - c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (4) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).
 - d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.
 - e. Provide a list of all cases in which certiorari was requested or granted.
 - f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.
 - g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.
 - h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.
 - i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.
14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal. (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

I have not been a judge.

- a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;

- b. a brief description of the asserted conflict of interest or other ground for recusal;
- c. the procedure you followed in determining whether or not to recuse yourself;
- d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

15. Public Office, Political Activities and Affiliations:

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

I have not held any public offices, nor have I had any unsuccessful candidacies for elective office or unsuccessful nominations for appointed 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 been a member of or held any office in 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;

From September 2002 to August 2003, I was a law clerk for the Honorable D. Brooks Smith, then-Judge, now Chief Judge, for the United States Court of Appeals for the Third Circuit.

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

I have not practiced law alone.

- iii. the dates, names and addresses of law firms or offices, companies or

governmental agencies with which you have been affiliated, and the nature of your affiliation with each.

2000 – 2002

Arnold & Porter

(Now) Arnold & Porter Kaye Scholer

(Now at) 601 Massachusetts Avenue NW

Washington, DC 20001

Associate, Antitrust and Trade Regulation

Fall 2003

University of Pittsburgh

School of Arts and Sciences

Department of English

526 Cathedral of Learning

4200 Fifth Avenue

Pittsburgh, Pennsylvania 15260

Instructor, Writing in the Legal Profession

2004 – present

United States Attorney's Office

Western District of Pennsylvania

Joseph F. Weis Jr. United States Courthouse

700 Grant Street, Suite 4000

Pittsburgh, Pennsylvania 15219

Assistant U.S. Attorney, Criminal Division, Major Crimes (2018 – present)

Deputy Chief, Civil Division (2013 – 2018)

Assistant U.S. Attorney, Civil Division (2004 – 2018)

Project Safe Childhood Task Force Member (2018 – present)

Professional Responsibility Officer (2007 – present) (collateral duty)

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

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

b. Describe:

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

After graduating from law school, I worked as an associate in the Antitrust and Trade Regulation practice group at Arnold & Porter in Washington,

DC for approximately two years.

From September 2002 through August 2003, I clerked for Judge D. Brooks Smith on the United States Court of Appeals for the Third Circuit.

From August 2003 through December 2003, I taught an undergraduate course called "Writing in the Legal Profession" at the University of Pittsburgh.

I joined the United States Attorney's Office in January 2004, and since then, I have represented the United States and its agencies in federal district court in the Western District of Pennsylvania, as both a criminal and civil Assistant United States Attorney ("AUSA").

From January 2004 through April 2018, I was an AUSA in the Civil Division of the U.S. Attorney's Office. From November 2013 through April 2018, I served as Deputy Chief of the Civil Division.

As a civil AUSA, I defended the United States and its agencies in civil lawsuits in federal court in a wide variety of civil litigation, including employment discrimination, tort, constitutional, Freedom of Information Act, *habeas corpus*, social security, and temporary restraining order/preliminary injunction actions. I also represented the United States as a plaintiff in affirmative civil enforcement cases, including bringing suit on behalf of veterans who had been discriminated against in their civilian employment. As Deputy Chief of the Civil Division, in addition to maintaining an active civil caseload, I supervised AUSAs, served on the United States Attorney's leadership team, developed new office policies, and provided training to other AUSAs. During my time as Deputy Chief of the Civil Division, I also prosecuted several criminal matters.

Since April 2018, when I became a criminal AUSA, I have prosecuted a wide range of violent and white collar crimes, as sole or lead counsel, including child exploitation, large-scale drug trafficking, illegal firearm possession, identity theft, program fraud, and bank robbery cases. I am a member of the Project Safe Childhood Task Force, which consists of a small group of experienced AUSAs who prosecute serious child exploitation cases.

Since 2007, I have also served as a Professional Responsibility Officer, advising both criminal and civil AUSAs on ethical issues that arise in their practices.

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

As an AUSA, my client in criminal prosecutions is the United States of America. In civil litigation, typically the United States or a federal agency was the named party, although in certain circumstances I was authorized to represent individual federal officers and employees, or other individuals such as veterans, who had suffered discrimination in their civilian employment.

At Arnold & Porter, the firm's antitrust and litigation clients were typically corporate entities.

As an AUSA, I have specialized in federal court litigation, although within that broad area I have maintained a diverse practice of both criminal prosecution and civil litigation. I also have significant management experience.

- 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.

From 2004 to the present, my practice as an AUSA has been 100% litigation, all in federal court.

As a criminal AUSA, I appear in federal court very frequently, including for trials, evidentiary hearings, conferences, initial appearances, arraignments, and other proceedings. I also frequently present witness testimony and proposed indictments to the federal grand jury.

As a civil AUSA from January 2004 through April 2018, I typically appeared in federal court frequently, with occasional variations depending on the nature of my caseload at a given time.

For the two years I spent in private practice at Arnold & Porter, my practice was approximately 60% litigation, and I appeared in court infrequently.

My semester of teaching did not directly involve litigation and I did not appear in court during that time.

During my clerkship, I assisted Judge Smith with preparing for oral argument and drafting opinions in cases pending before the Third Circuit, but I did not litigate or appear in court as an advocate.

- i. Indicate the percentage of your practice in:
- | | |
|-----------------------------|-----|
| 1. federal courts: | 99% |
| 2. state courts of record: | 0% |
| 3. other courts: | 0% |
| 4. administrative agencies: | 1% |

ii. Indicate the percentage of your practice in:

(As a civil AUSA from 2004 – April 2018)

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

(As a criminal AUSA from April 2018 – present)

1. civil proceedings: 0%
2. criminal proceedings: 100%

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

I have tried three cases to judgment or verdict in federal court. I was sole counsel for the United States in one federal civil bench trial, chief counsel for the United States in a second federal civil bench trial, and co-lead counsel for the United States in one federal criminal jury trial. In addition to the three trials to verdict or judgment, I was co-lead counsel in a federal criminal jury trial in which the defendant pled guilty on the second day of trial following jury selection and opening statements.

During my 16 years as an AUSA, I have litigated hundreds of civil cases and numerous criminal cases to judgment as sole or lead counsel on behalf of the United States. I am currently an AUSA in the Major Crimes Section of the Criminal Division of the United States Attorney's Office, a position I have held since April 2018. In this capacity, I represent the United States in federal court very frequently, most often as sole counsel. In addition to criminal trials, I present witness testimony, cross examine witnesses, and present oral argument on behalf of the United States during evidentiary hearings such as preliminary examinations, detention, bond violation, and supervised release hearings, suppression hearings, and contested sentencing hearings. I frequently appear in court for other federal criminal hearings such as initial appearances, arraignments, change of plea hearings, and status conferences. I also regularly present witness testimony and proposed indictments to the federal grand jury.

As an AUSA in the Civil Division of the United States Attorney's Office for fourteen years, I litigated hundreds of civil cases as sole or lead counsel, representing the United States as plaintiff and defendant in a wide range of matters. I appeared in court for bench trials, as well as oral arguments, hearings, and case management conferences. I prepared and filed hundreds of dispositive motions, and if the court requested oral argument, presented such argument. In addition to handling sophisticated e-discovery issues, I took and defended hundreds of depositions, including expert depositions and Rule 30(b)(6)

depositions of corporate designees. I represented the United States at dozens of mediations, including complex multi-party negotiations, many of which resulted in settlements. In my early years as a civil AUSA, I litigated to judgment more than two hundred *habeas corpus* petitions filed by federal inmates, on behalf of the United States Bureau of Prisons ("BOP"). Although these cases did not typically involve discovery, they progressed via significant written briefing, as well as court conferences, oral argument, and temporary restraining order/preliminary injunction hearings to resolve inmates' requests for injunctive relief. I was sole counsel in these cases. As Deputy Chief of the Civil Division for five years, in addition to my own caseload, I supervised other AUSAs and advised them on their case strategy and court appearances.

- i. What percentage of these trials were:
 - 1. jury: 50%
 - 2. non-jury: 50%
- 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 United States Supreme Court.

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

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

1. *United States v. Dara Haynie*, Crim. No. 17-275-DSC (W.D. Pa.) (Sept. 2018 – May 2019)

I represented the United States as co-lead counsel at trial in this federal criminal prosecution charging the defendant with possessing heroin and fentanyl with the intent to distribute them within 1,000 feet of public housing or a playground. I gave the opening statement, examined government witnesses, addressed significant evidentiary issues that arose at trial, and was prepared to cross examine the defendant, had she elected to testify.

The jury rendered a guilty verdict after a three day trial.

Court:

Hon. David S. Cercone
United States District Judge
Western District of Pennsylvania

Co-Counsel:

Craig Haller
Assistant United States Attorney
Joseph F. Weis Jr. United States Courthouse
700 Grant Street, Suite 4000
Pittsburgh, Pennsylvania 15219
412-894-7316

Opposing Counsel:

Steven C. Townsend
Manor Building Penthouse
Pittsburgh, Pennsylvania 15219
412-281-5336

2. *Leon Dorsey v. United States*, Civ. No. 15-246-SHS (W.D. Pa.) (Oct. 2017 – Feb. 2018)

I represented the United States as lead counsel at trial in this Federal Tort Claims Act negligence case, in which the plaintiff sought hundreds of thousands of dollars in damages for physical injuries after allegedly being struck by a United States Postal Service truck. I directed trial strategy and handled all aspects of this federal bench trial, including addresses to the Court, examination of the government's fact and expert medical witnesses, oral argument regarding evidentiary issues, and cross-examination of plaintiff's fact and expert witnesses. Judge Sidney Stein, United States District Judge for the Southern District of New York (sitting by designation in the Western District of Pennsylvania), granted judgment for the United States in a written opinion dated February 8, 2018.

Court:

Hon. Sidney H. Stein
United States District Judge
Southern District of New York (sitting by designation in Western District of Pennsylvania)

Co-Counsel for Trial:

Michael C. Colville
Assistant United States Attorney
United States Attorney's Office
Western District of Pennsylvania
Joseph F. Weis Jr. United States Courthouse
700 Grant Street, Suite 4000

Pittsburgh, Pennsylvania 15219
412-894-7337

Opposing Counsel:

Mark F. Haak
Mark Haak Law Office
7430 Washington Avenue
Pittsburgh, Pennsylvania 15218
412-271-1100

3. *Walter Harris v. United States*, Civ. No. 16-49E-SPB (W.D. Pa. 2019), *aff'd Harris v. Fed. Bur. of Prisons*, No. 19-1177, 779 Fed. Appx. 72 (3d Cir. 2019) (Oct. 2017 – Jan. 2019)

I represented the United States as sole counsel at trial in this Federal Tort Claims Act negligence case in which the *pro se* plaintiff alleged that the federal Bureau of Prisons negligently failed to maintain its sidewalks free of snow and ice, causing plaintiff to fall and require ankle surgery. I directed trial strategy and handled all aspects of this bench trial, including the opening statement, examinations of government witnesses, cross-examination of plaintiff, and closing argument. Judge Susan Paradise Baxter issued an opinion granting judgment for the United States on January 2, 2019, and the Third Circuit affirmed in an opinion dated July 25, 2019.

Court:

Hon. Susan Paradise Baxter
(Then) United States Magistrate Judge
(Now) United States District Judge
Western District of Pennsylvania

Opposing Counsel:

The plaintiff represented himself at trial.

4. *United States v. Brandon Mlinac*, Crim. No. 18-90-MRH (W.D. Pa.) (May 2018 – Jan. 2019)

I represented the United States as sole counsel in this unusual criminal prosecution charging defendant with unlawfully possessing firearms, including a sawed-off shotgun, while having a protection from abuse order entered against him, and while being a methamphetamine addict. I directed the criminal investigation, presented lay and law enforcement witness testimony to a federal grand jury in support of the superseding indictment, and represented the United States at defendant's guilty plea and sentencing hearings. The case culminated in a contested evidentiary hearing at the sentencing phase, after the defendant sought a substantial downward variance in his sentence. I presented lay and law enforcement witness testimony, and oral argument, at the evidentiary hearing. At the conclusion of the hearing, the Court sentenced the defendant to a higher term of incarceration than the defendant had sought.

Court:

Hon. Mark R. Hornak
Chief Judge
United States District Court
Western District of Pennsylvania

Opposing Counsel:

Leon A. Parker
Assistant Federal Public Defender
(Then) Western District of Pennsylvania
(Now) Eastern District of Michigan
Federal Defender Office
5th Floor, 613 Abbott
Detroit, MI 48226
313-967-5542

5. *United States v. Albert McCall*, Crim. No. 17-341-AJS (W.D. Pa.) (May 2018
– present)

I served as co-counsel for the United States at trial in this identity theft prosecution. The defendant ran a complex multi-state identity theft scheme, including manufacturing fake driver's licenses and state identification cards. In addition to aggravated identity theft, the defendant was charged with transferring false identification documents, conspiracy, mail fraud, and wire fraud. I joined the case as co-counsel for trial, and was prepared to examine over half of the government witnesses at trial, including a fingerprint expert, multiple law enforcement agents, and lay witnesses. However, after we selected the federal jury and my colleague gave the opening statement, the defendant pled guilty to all charges on the morning of the second day of trial.

Court:

Hon. Arthur J. Schwab
United States District Judge
Western District of Pennsylvania

Co-Counsel:

Brendan T. Conway
Assistant United States Attorney
United States Attorney's Office
Western District of Pennsylvania
Joseph F. Weis Jr. United States Courthouse
700 Grant Street, Suite 4000
Pittsburgh, Pennsylvania 15219
412-894-7348

Opposing Counsel:

Marvin Miller
2324 McNary Boulevard
Pittsburgh, Pennsylvania 15235
412-247-9628

6. *United States et al. v. Education Management Corp. et al.*, Civ. No. 07-461-TFM (W.D. Pa.) (May 2011 – May 2018)

871 F. Supp. 2d 433 (W.D. Pa. May 11, 2012) (denying defendants' motion to dismiss as to United States' claims)

2013 WL 3863963 (W.D. Pa. July 23, 2013) (ruling on objections to Special Master's reports and recommendations regarding scope of discovery)

2014 WL 1796686 (W.D. Pa. May 6, 2014) (denying defendants' motion for summary judgment)

I represented the United States as lead counsel in this civil prosecution of the second-largest for-profit college group in the United States, pursuant to the False Claims Act. The United States' complaint in intervention alleged that Education Management Corporation and its four school brands, including the Art Institutes, committed nationwide education fraud by paying their admissions personnel based solely on the number of students they recruited, in violation of Title IV of the Higher Education Act, which prohibits schools from paying such "incentive compensation." Five states joined the United States as co-plaintiffs in this case.

Following intervention, three years of complex litigation ensued. As lead counsel for the United States, I developed the litigation strategy and managed all aspects of the litigation for the joint prosecution team consisting of the United States, five intervened states, and the two whistleblowers.

Due to the scale of discovery in the case and the sophisticated e-discovery issues facing the parties, the Court appointed a Discovery and E-Discovery Special Master. I oversaw the preparation, and drafted significant components, of the hundreds of pleadings, briefs, and other written submissions to the Special Master and the Court. I determined the strategy for, and handled, all conferences and oral arguments before the District Court and the Special Master. I supervised the most comprehensive document preservation and collection effort in the Department of Education's litigation history and defended Federal Rule of Civil Procedure 30(b)(6) depositions of high-level Department of Education and Department of Justice officials covering complicated e-discovery issues.

I played a leadership role in the year-long, multi-party mediation process, including drafting and negotiating the language of the settlement agreement. In November 2015, the case resolved for \$95.5 million.

Court:

Hon. Terrence F. McVerry
United States District Judge (retired)
Western District of Pennsylvania

Hon. Richard A. Levie
DC Superior Court Judge (retired)
Court-Appointed Discovery and E-Discovery Special Master
JAMS

Hon. James Robertson (now deceased)
United States District Judge, District of Columbia (retired at time of mediation)
Court-Appointed Mediator
JAMS

* Note regarding counsel: Over 70 attorneys entered appearances in this case. I have limited the below listing to those who played a critical role in the case, and with whom I worked most closely, or litigated against most frequently.

Trial Co-Counsel:

Colin J. Callahan
(Then) Assistant United States Attorney
Western District of Pennsylvania
(Now) Partner
Flannery Georgalis
707 Grant Street, Suite 1745
Gulf Tower
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412-339-1336

Settlement Co-Counsel:

Michael A. Comber
(Then) Chief, Civil Division
United States Attorney's Office
Western District of Pennsylvania
(Now) Partner
Reisinger Comber & Miller, LLC
300 Koppers Building
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Pittsburgh, Pennsylvania 15219
412-894-1380

Client Agency Counsel:

Russell Wolff
(Then) Senior Counsel
Department of Education
(Now) Administrative Law Judge

Social Security Administration
Office of Disability Adjudication and Review
Billings, MT
208-695-0163

Whistleblowers' Counsel:

Stuart Rennert
Partner
McKool Smith
1999 K Street NW
Suite 600
Washington, DC 20006
202-370-8305

Lead Defense Counsel:

Laura E. Ellsworth and Matthew R. Divelbiss
Partners
Jones Day
500 Grant Street, Suite 4500
Pittsburgh, Pennsylvania 15219-2514
412-394-7929 and 412-394-7297

7. *McLaughlin v. Newark Paperboard Products*, Civ. No. 04-1648-TFM (W.D. Pa.)
(Feb. 2004 – Mar. 2007)

2006 WL 2571396 (Sept. 5, 2006) (denying defendant's motion for summary judgment)

2007 WL 81059 (Jan. 8, 2007) (denying defendant's motion to strike jury demand and motion to strike liquidated damages)

As sole counsel, I represented Lieutenant Colonel ("Lt. Col.") Michael McLaughlin of the Pennsylvania National Guard as plaintiff in this ground-breaking civil prosecution under the Uniformed Services Employment and Reemployment Rights Act of 1994 ("USERRA"), which prohibits employment discrimination based on military service. After receiving approval for the United States to represent him, I brought suit on behalf of Lt. Col. McLaughlin in federal court alleging that his civilian employer violated USERRA by firing him from his job as a plant manager on the morning that he returned from his annual two-week military training. This case involved significant pre-suit investigation, substantial post-filing discovery, extensive briefing, including on issues of first impression, and trial preparation, all of which I conducted. Specifically, I defended Lt. Col. McLaughlin's deposition, deposed defendant's top executives, and took multiple Federal Rule of Civil Procedure 30(b)(6) depositions, after obtaining a court order overruling defendant's objections to the 30(b)(6) depositions. During discovery, Lt. Col. McLaughlin's National Guard Unit was deployed to active duty in Iraq. Lt. Col. McLaughlin was killed in action, leaving behind a wife and two young daughters. At his widow's request, on an issue of first impression, I successfully opposed dismissal of the

case, arguing that Mrs. McLaughlin, as executrix of his estate, could be substituted as the plaintiff. I also prepared comprehensive briefing opposing defendant's motion for summary judgment. The Court denied the motion for summary judgment, the parties filed pretrial statements, and the Court held a pretrial conference. Defendant then challenged Mrs. McLaughlin's right to seek liquidated damages, and her right to a jury trial. Following additional motions practice, the Court ruled (again on an issue of first impression at the time) in favor of Lt. Col. McLaughlin's estate, holding that Congress did not intend the right to recover liquidated damages under USERRA (which in turn underpins the right to a jury trial) to cease upon a service member's death in combat. Several weeks before trial, the case resolved at a court-supervised settlement conference. I received an Executive Office of United States Attorneys Director's Award for Superior Performance as an Assistant United States Attorney for my work on this case.

Court:

Hon. Terrence F. McVerry
United States District Judge (retired)
Western District of Pennsylvania

Defense Counsel:

James P. Thomas
Member
(Now at) Clark Hill
One Oxford Centre
301 Grant Street, 14th Floor
Pittsburgh, Pennsylvania 15219
412-394-7746

Richard I. Thomas
Of Counsel
(Now at) Burns White
Burns White Center
48 26th Street
Pittsburgh, Pennsylvania 15222
412-995-3066

8. *Shaffer v. Sec'y of the Dept. of Veterans Affairs and the United States*, Civ. No. 07-298-DSC (W.D. Pa.)(Mar. 2007 – Apr. 2011)

Shaffer v. United States, Civ. No. 07-1234-DSC (W.D. Pa.)

Shaffer v. Sec'y of the Dept. of Veterans Affairs, Civ. No. 08-1555-DSC (W.D. Pa.)

Shaffer v. Wood et al., Civ. No. 09-17-DSC (W.D. Pa.)

Shaffer v. Sec'y of the Dept. of Veterans Affairs, Civ. No. 09-178 (W.D. Pa.)

2008 WL 794470 (Mar. 24, 2008) (W.D. Pa.) (granting in part defendant's motions to dismiss)

2009 WL 304251 (Feb. 9, 2009) (W.D. Pa.) (denying in part plaintiff's motion for leave to amend complaint)

Over the course of four years, I represented the Department of Veterans Affairs ("VA") as sole counsel (until trial was imminent and I selected a second chair to assist me) in five interrelated employment discrimination and tort cases seeking more than \$14 million in damages against the United States. Plaintiff, a VA dentist in his seventies, brought wide-ranging claims of age and reverse gender discrimination and retaliation, pursuant to Title VII of the Civil Rights Act and the Age Discrimination in Employment Act, as well as various negligence claims under the Federal Tort Claims Act. These five cases involved multiple rounds of significant briefing, substantial discovery, and extensive trial preparation, all of which I conducted. Ultimately, the Court dismissed the tort claims against the United States, eliminating \$12 million in damages from the cases. I took the plaintiff's deposition and defended ten depositions of VA employees. Plaintiff filed several of the cases after discovery was almost complete in the first-filed action, and in October 2010, the Court consolidated all of the cases, indicated that it would not accept summary judgment motions, and set the case for trial. I prepared the pretrial statement and conducted extensive witness preparation. Through significant negotiation, I obtained a settlement for \$250,000 on the cusp of trial.

Court:

Hon. David S. Cercone
United States District Judge
Western District of Pennsylvania

Co-Counsel for Trial:

Jennifer Andrade
Assistant United States Attorney
Joseph F. Weis Jr. United States Courthouse
700 Grant Street, Suite 4000
Pittsburgh, Pennsylvania 15219
412-894-7354

Opposing Counsel:

Anthony Picadio
(Now at) Houston Harbaugh
Three Gateway Center
401 Liberty Avenue, 22nd Floor
412-288-4010

9. *Helomics Corp. v. Novitas Solutions, Inc.*, Civ. No. 15-1667-CB (W.D. Pa.) (Dec. 2015 – Feb. 2016)

2016 WL 374314 (Feb. 1, 2016) (opinion granting defendant's motion to dismiss and denying plaintiff's motion for preliminary injunction as moot)

I represented Novitas Solutions, a Medicare federal contractor, as sole counsel against an emergency request for injunctive relief filed by Helomics Corporation, a Pittsburgh-based company that created and processes a chemotherapy response test called ChemoFx. Helomics sought to enjoin Novitas from implementing its decision to deny Medicare coverage for ChemoFx. On a highly expedited schedule, I prepared comprehensive briefing moving to dismiss the case for lack of subject matter jurisdiction under the Medicare statute, and opposing the demand for a preliminary injunction. The Court granted the United States' motion to dismiss in full and denied the plaintiff's motion for a preliminary injunction as moot.

Court:

Hon. Cathy Bissoon
United States District Judge
Western District of Pennsylvania

Opposing Counsel:

David G. Oberdick
Partner
Meyer, Unkovic & Scott LLP
Henry W. Oliver Building
535 Smithfield Street, Suite 1300
Pittsburgh, Pennsylvania 15222
412-456-2881

10. *Refosco v. United States*, Civ. No. 10-1112-WLS (W.D. Pa.) (Aug. 2010 – Mar. 2012)

I represented the Department of Veterans Affairs ("VA") as lead counsel in this medical malpractice/wrongful death case brought by the wife of a deceased veteran pursuant to the Federal Tort Claims Act. Plaintiff sought \$1.1 million in damages against the United States, alleging that her husband contracted a Methicillin-resistant *Staphylococcus aureus* ("MRSA") infection while having a cardiac device implanted at the VA, and that the VA was negligent in diagnosing and treating his infection, causing his death. I took and defended all depositions, including the depositions of multiple VA treating physicians and the Federal Rule of Civil Procedure 30(b)(6) deposition of a high-level infectious disease specialist. The case also involved a significant expert witness component. I retained and worked with cardiology, electrophysiology, and infectious disease expert consultants. Following the close of fact discovery, the case settled for \$70,000 at a mediation with Donald Ziegler, a retired Western District of Pennsylvania district court judge.

Court:

Honorable William L. Standish (deceased)

United States District Judge
Western District of Pennsylvania

Co-Counsel:

Philip P. O'Connor
Assistant United States Attorney
Joseph F. Weis Jr. United States Courthouse
700 Grant Street, Suite 4000
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412-894-7405

Opposing Counsel:

Robert O. Lampl
James R. Cooney
960 Penn Avenue
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Pittsburgh, Pennsylvania 15222
412-392-0330

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.)

In addition to the civil litigation matters described in Question 17, during my first several years as an AUSA, I litigated to judgment more than two hundred *habeas corpus* petitions filed by federal inmates, on behalf of the BOP. Pursuant to 28 U.S.C. § 2241, federal inmates may bring suit in federal court to challenge the terms and conditions of their confinement. The inmates' concerns in these cases were wide-ranging, including challenges to disciplinary proceedings, BOP's handling of inmates' legal materials, revocations of good conduct time credits, calculation of sentencing credit, and challenges to military convictions. Although these cases did not typically involve discovery, they progressed via significant written briefing, as well as court conferences, oral argument, and temporary restraining order/preliminary injunction hearings to resolve inmates' requests for injunctive relief. I was sole counsel in these cases.

In addition to the civil litigation matters described in response to Question 17, I have represented the United States and its agencies in dozens of mediations, many of which involved complex negotiations and resulted in settlements.

I have not engaged in any lobbying activities.

19. **Teaching:** What courses have you taught? For each course, state the title, the institution

at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide four (4) copies to the committee.

In the Fall of 2003, I taught a course called "Writing in the Legal Profession" at the University of Pittsburgh. The course was an upper-class undergraduate writing seminar in the Department of English. I no longer have a syllabus for the course, and the University of Pittsburgh confirmed it no longer has a copy of the syllabus.

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

Upon retirement, I expect to receive benefits from the Federal Thrift Savings Program. I have no other arrangements to receive deferred income or other future benefits from previous business relationships, professional services, firm memberships, former employers, clients or customers.

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

I have no plans, commitments, or agreements to pursue outside employment, with or without compensation, during service with the court.

22. **Sources of Income:** List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding \$500 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).

When my nomination is formally transmitted to the Senate, I will file my mandated Financial Disclosure Report and will supply a copy to this Committee.

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

Please see attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

- a. Identify the family members or other persons, parties, categories of litigation, and financial arrangements that are likely to present potential conflicts-of-

interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

If confirmed, I would recuse myself from cases in which I was involved as an Assistant United States Attorney, either directly or as a supervisor, consistent with 28 U.S.C. § 455(b)(3). My husband is currently a lawyer at Babst, Calland, Clements and Zomnir, P.C. and I would recuse myself from any litigation involving that firm, as required or appropriate, consistent with 28 U.S.C. § 455(b)(5).

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

If confirmed, I will carefully review and address any real or potential conflicts of interest by applying 28 U.S.C. § 455, Canon 3 of the Code of Judicial Conduct for United States Judges, and any other applicable ethical rules, statutory provisions, or precedent governing such issues.

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 work load, 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.

Although as an AUSA I am constrained from practicing law on behalf of entities other than the United States government, I have enjoyed being involved in the community through a number of non-profit organizations. From approximately 2006 through 2008, I served on the board of the Three Rivers Rowing Association, a community boathouse whose mission is to teach and promote the benefits of rowing and paddling to a diverse community in Pittsburgh, including underprivileged girls and athletes with disabilities. I currently serve on the board of the Princeton University Rowing Association, to help ensure that future generations of young women can benefit from an athletic program that provided an extraordinary experience for me as a college athlete. From 2009 through 2018, I also served on the board of the Pittsburgh Parks Conservancy, which is dedicated to restoring and improving Pittsburgh's parks to improve the quality of life of all Pittsburghers.

During my time as an associate at Arnold & Porter, I did pro bono legal research, under the direction of partners of the firm, on behalf of a non-profit public interest organization.

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.

United States Senators Toomey and Casey have established a bipartisan panel to consider candidates for nomination to the United States District Court for the Western District of Pennsylvania. In April 2017, I applied for consideration. In May 2017, I interviewed with the panel. In March 2019, I submitted updated application materials to the panel.

On October 3, 2019, I was interviewed by Senator Toomey and members of his staff. On October 24, 2019, I was interviewed by Senator Casey and members of his staff. On November 25, 2019, members of the White House Counsel's Office and the Office of Legal Policy at the Department of Justice interviewed me, and then contacted me in December 2019 regarding my potential nomination for this position. Since that time, I have communicated regularly with the Department of Justice Office of Legal Policy regarding the preparation of my answers to this questionnaire and the completion of other related materials.

- 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.