

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Melissa Damian
Melissa Damian Visconti
Melissa Jean Damian

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

United States District Judge for the Southern District of Florida

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.

C. Clyde Atkins United States Courthouse
301 North Miami Avenue, Fifth Floor
Miami, Florida 33128

Residence: Coral Gables, Florida

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

1968; Coral Gables, Florida

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.

1992 – 1995, University of Miami School of Law; J.D. (*cum laude*), 1995

1986 – 1990, Princeton University; B.A., 1990

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.

2022 – present

United States District Court for the
Southern District of Florida
C. Clyde Atkins United States Courthouse
301 North Miami Avenue, Fifth Floor
Miami, Florida 33128
United States Magistrate Judge

2013 – 2022
Melissa Damian Visconti, P.A.
910 Algaringo Avenue
Coral Gables, Florida 33134
Owner, President

2013 – 2021
Damian & Valori, LLP
1000 Brickell Avenue, Suite 1020
Miami, Florida 33131
Of Counsel

2020 – 2021
Arista Imaging of N Miami, LLC d/b/a CMI North
1860 Northeast Miami Gardens Drive
Miami, Florida 33179
Court-appointed Receiver

2010 – 2013
The Ferraro Law Firm
600 Brickell Avenue, Suite 3800
Miami, Florida 33131
Appellate Counsel

1999 – 2010
United States Attorney's Office
Southern District of Florida
99 Northeast 4th Street
Miami, Florida 33132
Assistant United States Attorney
Criminal Division (2001 – 2010)
Civil Division (2000)
Appellate Division (1999)

1997 – 1999
Kenny Nachwalter, P.A.
1411 Brickell Avenue, Suite 1100
Miami, Florida 33131
Associate

1995 – 1997

The Honorable Ursula Ungaro
United States District Court for the Southern District of Florida
400 North Miami Avenue
Miami, Florida 33128
Judicial Clerk

Spring 1995

United States Securities and Exchange Commission
1401 Brickell Avenue
Miami, Florida 33131
Student Intern

Summer 1994

Weil Gotshal & Manges, P.A.
1395 Brickell Avenue, Suite 1200
Miami, Florida 33131
Summer Associate

Summer 1993

Walton Lantaff Schroeder & Carson, LLP
9350 South Dixie Highway, 10th Floor
Miami, Florida 33156
Summer Associate

1991 – 1992

Old Glory All American Barbecue
3139 M Street, Northwest
Washington, DC 20037
Waitress and Bartender

1991

R.H. Macy & Co.
Executive Development Program
151 West 34th Street
New York, New York 10001
Management Trainee

1990 – 1991

UBS Securities
299 Park Avenue, 4th Floor
New York, New York 10172
Investment Banking Analyst

Other Affiliations (uncompensated)

2003 – 2020
Educate Tomorrow
929 Alton Road, Suite 500
Miami Beach, Florida 33139
Co-Founder
Member, Board of Directors

2013 – 2019
iMarshals, Inc.
9715 West Broward Boulevard, Suite 316
Plantation, Florida 33324
Legal Counsel, Member of Board of Directors

2012 – 2014
Sunset Elementary Parent Teacher Association
5120 Sunset Drive
Miami, Florida 33143
Officer

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 did not serve in the military. I was not required to register for the 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.

Florida Super Lawyers, Appellate Practice, Litigation (2018 – 2020)

United States Department of Justice, Attorney General's Award for Excellence in Matters of National Security (2010)

Miami-Dade Chiefs of Police, Federal Prosecutor of the Year (2008)

Outstanding Law Enforcement Officer Of The Year for Homeland Security Investigations (2005)

University of Miami School of Law
Cum Laude (1995)
Dean's List (1995)
Order of the Coif (1995)
Order of the Barrister, Excellence in Oral Advocacy (1995)

Moot Court Board, Vice President (1994 – 1995)
Statewide Moot Court Competition Team (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.

American Bar Association

Member (2000 – present)
Business Law Section (2014 – present)
Business and Corporate Litigation Committee (2014 – present)
Women’s Business and Commercial Advocates, Vice Chair (2015 – present)

Cuban American Bar Association (2014 – 2021; 2023 – present)

Miami-Dade Bar Association

Member (2016 – present)
Federal Courts Committee (2016 – present)

Federal Bar Association, South Florida Chapter

Member (2014 – present)
Judicial Director (2023 – present)

The Florida Bar

Member (1995 – present)
Standing Committee on Federal Court Practice
Chair (2020 – 2021)
Vice Chair (2018 – 2020)
Member (2023 – present)
Business Law Section, Judicial Liaison (2023 – present)

United States District Court for the Southern District of Florida

COVID-19 Response Committee (2020)
Space and Facilities Committee (2022 – present)
United States Probation Committee (2022 – 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.

Florida, 1995

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 Supreme Court, 2018
United States Court of Appeals for the Third Circuit, 2010
United States Court of Appeals for the Eleventh Circuit, 1999
United States District Court for the Middle District of Florida, 2016
United States District Court for the Northern District of Florida, 1997
United States District Court for the Southern District of Florida, 1997
United States District Court for the Eastern District of Pennsylvania, 2010

There have been no lapses in membership.

11. Memberships:

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

American Constitution Society, South Florida Lawyer Chapter (2020 – present)

Federal Bench & Bar, Southern District of Florida,
Chair, Legal Writing Panel (2013, 2018)

The Federalist Society, Miami Lawyers Chapter (2016 – present)

Florida Association for Women Lawyers, Miami-Dade Chapter
Member (2015 – present)
Courts and Judiciary Committee, Co-chair (2018 – 2019)
Diversity Committee, Member (2022 – present)

George Washington Carver Middle School PTSA
Member and Volunteer (2017 – 2020)

International Association of Women Judges (2015 – 2016)

National Association of Federal Equity Receivers (2016 – present)

Princeton Club of South Florida (1995 – present)

Spellman-Hoeveler American Inn of Court (2013)

Sunset Elementary PTA, Board Member and Officer (2012 – 2016)

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

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

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

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

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.

Annual Reports of The Florida Bar, REPORTER, May/June 2021, 95 Fla. Bar J. 76, *98. Copy 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 searched my files and electronic databases in an effort to identify events responsive to this question. I have located the events listed below, but there may be some events that I have been unable to recall or identify.

August 24, 2023: Panelist, "L.E.A.D. With CABA – Beyond Case Law: Elevating Legal Practice Through Professionalism And Mentorship," Cuban American Bar Association Leadership, Education, And Development Program, Miami, Florida. I participated on a panel of judges speaking about mentorship and professionalism to members of the CABA LEAD Program, which is designed to provide CABA fellows with the knowledge, skills and tools to be effective leaders within voluntary bar organizations and the community. I have no notes, transcript, or recording, but press coverage is supplied. The address of the Cuban American Bar Association is 1825 Ponce de Leon Boulevard, Suite 399, Coral Gables, Florida 33134.

May 5, 2023: Panelist, "Winning With Experts and Evidence – A Conversation With The Federal Bench," Florida International University College Of Law Bench and Bar Conference, Miami, Florida. The panel was on the use of expert witnesses in civil litigation and trials. I discussed ways to effectively use experts without boring the judge or jury. I have no notes, transcript, or recording. The address for Florida International University College of Law is 11200 Southwest 8th Street, Miami, Florida 33199.

March 9, 2023: Moderator, "CLE & Cocktails (Miami) Lessons From The Federal Bench – What Business Lawyers Need To Know About Presenting Evidence," American Bar Association Business Law Section, Miami, Florida. Outline supplied.

January 30, 2023: Instructor, "Basic Trial Advocacy Skills for Assistant U.S. Attorneys," Department of Justice National Advocacy Center, Office of Legal Education, Columbia, South Carolina. I presided over a mock trial, including pretrial hearings, for new Assistant United States Attorneys and provided feedback and input for the attorneys regarding trial practice and procedures. I have no notes, transcript, or recording. The address of the NAC is 1620 Pendleton Street, Columbia, South Carolina 29201.

January 24, 2023: Instructor and Judge, "The Role of Magistrate Judges," Osher Lifetime Learning Institute – Law & Order Distinguished Speaker Series, Miami, Florida. PowerPoint supplied.

January 17, 2023: Speaker, "Civil Discourse and Difficult Decisions," Federal Bar Association, South Florida Chapter, Miami, Florida. The presentation was for a local high school and students interested in pursuing careers in the law. I presided over mock oral arguments and answered questions from the students about the courts. I have no notes, transcript, or recording. The address for the Federal Bar Association is 4075 Wilson Boulevard, 8th Floor, Arlington, Virginia 22203.

October 10, 2022: Panel moderator, "Judicial Gatekeeping and Developments Under Federal Rule 702," Law & Economics Center Civil Justice Symposium, Arlington, Virginia. Outline supplied.

September 16, 2022: Panelist, "The Cyber Side of Receiverships: Tales From The Battlefield," National Association of Federal Equity Receiverships, Washington, DC, Florida. The panel was on the various resources available for receivers investigating fraud and the legal limits to the use of those resources. I have no notes, transcript, or recording. The address for NAFER is 7433 Spout Springs Road, Suite 101, Flowery Branch, Georgia 30542.

June 15, 2022: Speaker, "Practicing Before Magistrate Judges," Florida Bar Federal Court Practice Committee, Presentation for The Florida Bar Young Lawyers Division Basic Skills Continuing Legal Education Program (virtual). Video available at https://learningcenter.inreachce.com/viewer_v9/?eid=06bae133-f614-48ba-9a1d-f730bb22cd3c&oid=O-20000607441106124043&uid=0&aid=cc509dd7-2137-408b-a1c0-c267624e1324.

April 14, 2022: Panelist, "Federal Pro Bono Opportunities," The Florida Bar Federal Court Practice Committee (Virtual). I participated on a virtual panel with other federal judges to discuss pro bono opportunities in our courts. I have no notes, transcript, or recording. The address for The Florida Bar is 651 East Jefferson Street, Tallahassee, Florida 32399.

April 12, 2022: "To and From the Bench. Lessons of Resilience and Self Advocacy," Florida Association of Women Lawyers, Miami-Dade Chapter, Miami, Florida. I interviewed my mentor, retired District Judge Ursula Ungaro, regarding the value of mentorships for women lawyers. I have no notes, transcript, or recording. The address for the Miami-Dade Chapter of the Florida Association of Women Lawyers is 200 South Biscayne Boulevard, Suite 41, Miami, Florida 33131.

March 24, 2022: "Meet Federal Magistrate Judge Melissa Damian," Federal Bar Association, West Palm Beach Chapter (virtual). I participated in this interview format presentation to familiarize federal practitioners in the West Palm Beach Division of our District with my practices. I have no notes, transcript, or

recording. The address for the Federal Bar Association is 4075 Wilson Boulevard, 8th Floor, Arlington, Virginia 22203.

February 18, 2022: Panelist, "Federal Pre-Trial Considerations: A View from the Bench & Bar" and "What You Need to Know about The Federal Rules of Procedure," Spellman-Hoeveler American Inn of Court Bench and Bar Program, Miami, Florida. I participated on these panels addressing two topics regarding practice and procedure in federal court. I have no notes, transcript, or recording. The address for the American Inns of Court is 225 Reinekers Lane, Suite 770, Alexandria, Virginia 22314.

January 20, 2022: Panelist, "Meet Your New Federal Magistrate Judges," Federal Bar Association, South Florida Chapter, Miami, Florida. The panel was designed to introduce the federal bar to the newest magistrate judges in the Southern District of Florida. I have no notes, transcript, or recording. The address for the Federal Bar Association is 4075 Wilson Boulevard, 8th Floor, Arlington, Virginia 22203.

May 4, 2020: Moderator, "Conversations Between the Federal Bench & Bar About Court Practices During COVID-19," The Florida Bar Federal Court Practice Committee (Virtual). The presentation addressed how the different Federal District Courts in Florida were handling the return to court in their respective districts and divisions. I have no notes, transcript, or recording. The address for The Florida Bar is 651 East Jefferson Street, Tallahassee, Florida 32399.

April 23, 2020: Panelist, "An Ethics Discussion on Sharing the Attorney-Client Privilege - Too Much of a Good Thing - Updated for COVID-19 Quarantine," American Bar Association, Business Law Section (Virtual). This was a virtual presentation regarding issues that arose during the COVID-19 pandemic when attorneys were working with privileged information remotely. I have no notes, transcript, or recording. The address for the American Bar Association is 1050 Connecticut Avenue, Northwest, Suite 400, Washington, DC 20036.

March 28, 2019: Panelist, "Trial Tips," American Bar Association, Business Law Section, Vancouver, Canada. I spoke about the use of evidence in business trials. I have no notes, transcript, or recording. The address for the American Bar Association is 1050 Connecticut Avenue, Northwest, Suite 400, Washington, DC 20036.

March 1, 2019: Panelist, "Receiver and Trustee Appointments," Miami, Florida, Dade County Bar Association Bench and Bar Conference. This panel discussed how receivers are appointed and their roles in litigation. I have no notes, transcript, or recording. The address for the Dade County Bar Association is 123 Northwest 1st Avenue, Suite 214, Miami, Florida 33128.

September 28, 2018: Panelist, "Super Stars in Trial," Miami, Florida, The Spellman-Hoeveler American Inn of Court CLE program, Miami, Florida. On this panel, I discussed the Florida Supreme Court's adoption of the federal standard pertaining to admission of expert testimony. I have no notes, transcript, or recording. The address for the American Inns of Court is 225 Reinekers Lane, Suite 770, Alexandria, Virginia 22314.

September 14, 2018: Panelist, "An Ethics Discussion on Sharing the Attorney-Client Privilege," American Bar Association, Business Law Section, Austin, Texas. This panel addressed issues that come up when third parties participate in privileged communications. I have no notes, transcript, or recording. The address for the American Bar Association is 1050 Connecticut Avenue, Northwest, Suite 400, Washington, DC 20036.

September 13, 2018: Moderator, "Admitting Digital Evidence," Austin, Texas, American Bar Association, Business Law Section. This panel addressed evidentiary issues involving electronic and digital evidence. I have no notes, transcript, or recording. The address for the American Bar Association is 1050 Connecticut Avenue, Northwest, Suite 400, Washington, DC 20036.

September 1, 2018: Panelist, "The Benefits of Bar Service," The Florida Bar Business Law Section, 2018 Annual Retreat, Naples, Florida. On this panel, we addressed the Young Lawyers Division of The Florida Bar regarding the benefits of voluntary bar service. I have no notes, transcript, or recording. The address for The Florida Bar is 651 East Jefferson Street, Tallahassee, Florida 32399.

June 14, 2018: Panelist, "What Every Civil Lawyer and In-House Counsel Needs to Know about White Collar Law," Miami-Dade County Bar Association White Collar Law Luncheon, Miami, Florida. On this panel, we discussed issues that arise when businesses and their officers and directors are charged in criminal cases. I have no notes, transcript, or recording. The address for the Miami-Dade County Bar Association is 123 Northwest 1st Avenue, Suite 214, Miami, Florida 33128.

May 11, 2018: Panelist, "Super Stars in Trial, Miami vs. Broward & Palm Beach," CLE Program, The Miami-Dade County Bar Association, Coral Gables, Florida. On this panel, we gave general trial pointers for attorneys. I have no notes, transcript, or recording. The address for the Miami-Dade County Bar Association is 123 Northwest 1st Avenue, Suite 214, Miami, Florida 33128.

March 2, 2018: Moderator, "Legal Writing CLE Presentation," Federal Bench and Bar Conference, Miami, Florida. I hosted a panel of lawyers and professors discussing legal writing. I have no notes, transcript, or recording. The address for the Federal Bench and Bar coordinator is 400 North Miami Avenue, Miami, Florida 33128.

October 17, 2017: Panelist, "Pursuing Claims Against Professionals," National Association of Federal Equity Receivers Conference, Miami, Florida. PowerPoint supplied.

April 7, 2017: Panelist, "Learn from the Experts! Evidence Tips for Federal Business and Bankruptcy Litigators," American Bar Association, Business Law Section, Spring Meeting, New Orleans, Louisiana. This panel gave practical advice for using and admitting documentary evidence in court. I have no notes, transcript, or recording. The address for the American Bar Association is 1050 Connecticut Avenue, Northwest, Suite 400, Washington, DC 20036.

January 21, 2016: Panelist and Moderator, "Changes to the Federal Rules Of Civil Procedure," The Florida Bar Standing Committee on Federal Court Practice, Orlando, Florida. The panel addressed and explained recent amendments to the Federal Rules of Civil Procedure. I have no notes, transcript, or recording. The address for The Florida Bar is 651 East Jefferson Street, Tallahassee, Florida 32399.

April 2015 (specific date unknown): Participant, "Women Trial Lawyers Mock Trial and Trial Tips," Florida Association of Women Lawyers, Miami-Dade Chapter, Miami, Florida. This was a mock trial designed to show young attorneys the basics of trial practice. I have no notes, transcript, or recording. The address for the Florida Association of Women Lawyers, Miami-Dade Chapter, is 200 South Biscayne Boulevard, Suite 41, Miami, Florida 33131.

- 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.

Based upon my recollection and a thorough review of my files and searches of publicly available databases, I have identified the following items responsive to this question, but there may be some that I have been unable to recall or identify.

Jasmine Floyd, *Miami Lawyer Rises to Federal Magistrate Judge*, DAILY BUSINESS REVIEW, Apr. 26, 2022. Copy supplied.

Michael Mora, *This Miami Lawyer is Set to Become the Next Federal Magistrate Judge*, DAILY BUSINESS REVIEW, May 14, 2021. Copy supplied.

American Bar Association, Business Law Section, *Unusual Litigations Series – Receiverships and Fiduciaries*, BUSINESS LAW TODAY PODCAST, June 12, 2020. Recording available at: <https://businesslawtoday.org/podcast/unusual-litigations-disputes-look-different-episode-1-receiverships-fiduciaries>.

Joyce Hanson, *Receiver Can Sell More Property In Jay Peak EB-5 Fraud Case*,

LAW 360, Aug. 15, 2019. Copy supplied.

Amy Ash Nixon, *Final Settlement In Quiros Federal Case*, THE CALEDONIAN-RECORD, Apr. 10, 2019. Copy supplied.

Francisco Alvarado, *Key Biscayne Businessman Orchestrated \$200 Million Rip-Off Against Foreign Investors Seeking Green Cards*, FLORIDA BULLDOG, Nov. 6, 2018. Copy supplied.

David Jordan, *Ski area developers to pay in immigrant investor fraud case*, ASSOCIATED PRESS, July 12, 2018. Copy supplied.

Katheryn Tucker, *Miami Judge Tosses Class Action Against Ex-Ski Resort Owner*, DAILY BUSINESS REVIEW, May 22, 2018. Copy supplied.

Dan D'Ambrosio, *Spurred by moral outrage, Vermont gets freeze of \$10M in Quiros' assets*, BURLINGTON FREE PRESS, Apr. 10, 2018. Copy supplied.

Lisa Rathke, *Jay Peak's Quiros will not fight SEC fraud charges*, BURLINGTON FREE PRESS, Aug. 27, 2017. Copy supplied.

Alan J. Keays, *Attorney Fees Become Issue In Fraud Case*, VALLEY NEWS, June 15, 2017. Copy supplied.

Amy Ash Nixon, *A Year After Shocking Fraud News Hits Jay*, THE CALEDONIAN-RECORD, Apr. 10, 2017. Copy supplied.

Denise Lavoie and Adam Geller, *Feds Using Photo Analysis In Boston Case*, THE NEWTON KANSAN, Apr. 25, 2013. Copy supplied (reprinted in multiple outlets).

Jay Weaver, *South Florida: An Arms Smuggler's Paradise*, THE MIAMI HERALD, Sep. 19, 2010. Copy supplied.

Curt Anderson, *Calif. Man Pleads Guilty In Iran Parts Case*, THE ASSOCIATED PRESS NEWS SERVICE, Jan. 27, 2009. Copy supplied

Jay Weaver, *3 Admit Guilt In Plot To Export Guns*, THE MIAMI HERALD, Dec. 23, 2004. Copy supplied (reprinted in multiple outlets).

Jay Weaver, *Gun Dealer Held In Arms-Export Probe*, THE MIAMI HERALD, Sep. 30, 2004. 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.

Since 2022, I have served as a United States Magistrate Judge in the Southern District of Florida. I was appointed to this position by the district court judges in the Southern District of Florida following a merit screening process by a Merit Selection Committee appointed by the district court.

The district court has jurisdiction over civil matters raising federal questions, civil matters with diversity of citizenship, and federal criminal matters. The jurisdiction of a United States Magistrate Judge is governed by 28 U.S.C. § 636. I preside over all aspects of civil matters by consent of the parties, hear and decide all non-dispositive matters in civil and criminal cases upon referral from the presiding district judge, including pre-trial motions and discovery, issue report and recommendations on dispositive matters, and conduct settlement conferences in civil cases. I preside over preliminary criminal proceedings, including initial appearances, detention hearings, arraignments, and attorney inquiry hearings. I also review applications for search warrants, pen registers, and trap and trace devices, and other miscellaneous criminal matters.

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

I have presided over two jury trials that went to verdict and final judgment.

- i. Of these cases, approximately what percent were:

jury trials:	100%
bench trials:	0%

- ii. Of these cases, approximately what percent were:

civil proceedings:	100%
criminal proceedings:	0%

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

See attached list of citations.

- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature of 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).

1. *Varcamp Properties, LLC v. City of Miami Beach*, No. 22-cv-21371, 2022 WL 19731865 (S.D. Fla. Dec. 22, 2022), *R. & R. adopted*, 2023 WL 3224473 (S.D. Fla. May 3, 2023).

Plaintiffs in this case own rental properties in Miami Beach. They allege that in 2016, when the City of Miami Beach did roadway improvements involving the elevation of the roadway in the area, the work caused the rental properties to flood whenever there were significant rain events. Plaintiffs asserted inverse condemnation claims against the City under the takings clause of the Florida and United States Constitutions.

The City sought dismissal of the claims under the statute of limitations and the doctrine of sovereign immunity. The statute of limitations issue required an in-depth analysis regarding the accrual of the claims given that the flooding only occurred during heavy rain events. The matter also required an analysis of discretionary versus operational duties for purposes of the sovereign immunity challenges. I wrote a report and recommendation recommending the denial of the motion to dismiss and recognizing that many of the issues raised by the City require the development of facts in discovery. The district court adopted the report and recommendation in full. The case is pending.

Counsel for Plaintiff:

Thomas H. Robertson
Nicholas J. Rodriguez
Bercow Radell Fernandez Larkin & Tapanes, PLLC
200 South Biscayne Boulevard, Suite 300
Miami, FL 33131
(305) 377-6226

Counsel for Defendant:

Freddi Mack
Henry J. Hunnefeld
City of Miami Beach City Attorney's Office
1700 Convention Center Drive
4th Floor- Legal Department
Miami Beach, FL 33139
(305) 673-7470

2. *De Fernandez v. CMA CGM S.A.*, No. 21-cv-22778, 2022 WL 2713737 (S.D. Fla. July 12, 2022); 2023 WL 4014730 (S.D. Fla. Apr. 30, 2023), *R. & R. adopted*, 2023 WL 4633553 (S.D. Fla. July 20, 2023).

In this case, Plaintiffs, Cuban exiles and their estates and heirs, sued Defendants, related French and American entities, for claims arising under Title III of the Cuban Liberty and Democratic Solidarity Act of 1996, known as the Helms-Burton Act, which provides that, “any person that . . . traffics in property which was confiscated by the Cuban Government on or after January 1, 1959, shall be liable to any United States national who owns the claim to such property.” 22 U.S.C. § 6082(a)(1)(A). Although the Act went into effect in 1996, it was suspended by successive presidents until 2019, when the United States announced

Title III of the Act would no longer be suspended. A flurry of lawsuits followed, and the law in this area is developing.

Plaintiffs filed their lawsuit in July 2021 and alleged that in 1960, the Cuban government seized property and rights in which Plaintiffs and their families held interests. After the seizure of their property in 1960, Plaintiffs and their now-deceased relatives all fled Cuba to the United States and became United States citizens. Plaintiffs allege that the Defendants, a French cargo shipping company and its United States agent, trafficked in their confiscated property by using and profiting from the use of the Port of Mariel and warehouse facilities located on or within the properties confiscated from Plaintiffs and their families.

The parties have raised numerous issues, many of which were issues of first impression when I ruled on them. Specifically, the Defendants requested a stay of the case based on European and French blocking statutes that are designed to prevent compliance with United States procedural and discovery rules when French and European nationals are sued by American plaintiffs. I denied the stay on international comity grounds. Defendants also sought dismissal of Plaintiffs' claims based on various theories and for a lack of personal jurisdiction over the French Defendant. Defendants' motion to dismiss required interpretation of several provisions of the Act and raised novel collateral estoppel and jurisdictional issues. I issued a report and recommendation recommending the motion be granted in part and denied in part. The district court adopted the report and recommendation in full. The case is pending.

Counsel for Plaintiffs:

David A. Baron
Melvin White
Berliner Corcoran & Rowe LLP
1101 17th Street, Northwest, Suite 1100
Washington, DC 20036
(202) 293-5555

John S. Gaebe
Law Offices of John S. Gaebe P.A.
5870 Southwest 96th Street
Miami, FL 33156

Counsel for Defendants:

Jonathan D. Brightbill
David Houck
Winston & Strawn, LLP
1901 L Street, Northwest
Washington, DC 20036
(202) 282-5000

3. *Shores Global, LLC v. Njord's Ark A/S*, No. 21-cv-20623, 2023 WL 2838078 (S.D. Fla. Feb. 3, 2023), *R. & R. adopted*, 2023 WL 2642691 (S.D. Fla. Mar. 27, 2023).

In this case, Plaintiff, a Florida-based furniture design firm specializing in the design and manufacture of furniture for cruise ships, sued its former employee and his company, both of whom are located in Denmark. Plaintiff alleged its former employee violated a non-compete agreement and misappropriated confidential information and trade secrets when he left the Florida firm and returned to Denmark and opened a competing business.

Defendants challenged personal jurisdiction and sought a transfer of the lawsuit to Denmark. Their motions raised several complex issues regarding personal jurisdiction in the context of cases based on employment agreements and trade secrets. I issued a report and recommendation recommending the case be dismissed as to the corporate Defendant for lack of personal jurisdiction but that the case proceed in Florida as to the individual Defendant who was alleged to have stolen confidential information while in Florida. The district court adopted the report and recommendation in full. The case is pending.

Counsel for Plaintiff:

Jeffrey W. Gutchess
AXS Law Group, PLLC
2121 Northwest 2nd Avenue, Suite 201
Miami, FL 33127
(305) 297-1878

Counsel for Defendants:

Alan J. Perlman
Catherine F. Hoffman
Dickinson Wright, PLLC
350 East Las Olas Boulevard, Suite 1750
Fort Lauderdale, FL 33301
(954) 991-5420

4. *GPM Indus., Inc. v. USCIS*, No. 21-cv-24007, 2023 WL 2652885 (S.D. Fla. Feb. 10, 2023), *R. & R. adopted*, 2023 WL 2646648 (S.D. Fla. Mar. 27, 2023).

In this case, a Venezuelan manufacturer of industrial instruments and tools filed a lawsuit pursuant to the Administrative Procedure Act (APA) against the United States Citizenship & Immigration Services (“USCIS”) and Ur M. Jaddou, in her official capacity as Director of USCIS. Plaintiff sought review of the Defendants’ decision to deny an Immigrant Petition for Alien Worker (Form I-140) submitted by Plaintiff on behalf of one of its executives seeking to classify him as a multinational executive in order to obtain an employment-based, first preference (“EB-1”) visa on his behalf. After requesting supplemental information, which

Plaintiff provided, numerous times, the USCIS denied the petition, and Plaintiff sought review.

Plaintiff alleged the petition was denied for political reasons, including animosity towards immigrants by the former White House administration. Citing the court's limited role in reviewing agency actions under the APA, I issued a report and recommendation recommending Plaintiff's claim be denied because the agency's action was supported by the evidence. The district court affirmed and adopted my report and recommendation in full.

Counsel for Plaintiff:

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Edward F. Ramos
Elizabeth Montano
Kurzban Kurzban
Tetzeli & Pratt, P.A.
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Counsel for Defendants:

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U.S. Department of Justice, Civil Division
Office of Immigration Litigation
District Court Section
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(202) 305-9855

5. *Oriental Republic of Uruguay v. Italba Corp.*, 606 F. Supp. 3d 1250 (S.D. Fla. 2022).

In this case, the Republic of Uruguay sought to enforce an arbitration award issued in its favor and against a foreign entity by a panel convened under the authority of the International Convention on the Settlement of Investment Disputes between States and Nationals of Other States, Mar. 18, 1965, 17 U.S.T. 1270 (the "ICSID Convention"). The ICSID Convention is a multilateral treaty aimed at encouraging and facilitating private foreign investment in developing countries. To help allay concerns from private investors wary of investing in these countries due to risks of expropriation and other government measures that might impair the rights or assets of foreign investors, the World Bank created the ICSID Convention which, in turn, established the International Centre for Settlement of Investment Disputes as a neutral dispute settlement forum to adjudicate disputes between international investors and host governments in Contracting States.

The foreign entity initiated proceedings in the ICSID, which entered a judgment against it and in favor of the Republic of Uruguay. After the Republic of Uruguay sought to enforce the award in court, the foreign entity challenged the arbitral award by raising issues regarding the evidence presented to the Commission. These cases are rare, and there was no precedent in the Eleventh Circuit on the issues raised in the Petition. I entered an order denying the entity's requested relief, citing the limited role courts play in reviewing ICSID awards.

Counsel for Petitioner:

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Counsel for Respondent:

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6. *Fox v. Ritz-Carlton Hotel Co.*, No. 17-cv-24284, 2022 WL 6566991 (S.D. Fla. Aug. 11, 2022), *R. & R. adopted*, 2022 WL 4462060 (S.D. Fla. Sept. 26, 2022).

Plaintiff filed a putative class action lawsuit challenging the inclusion of automatic gratuities on restaurant bills at all Ritz-Carlton hotels in Florida. Plaintiff invoked Florida statutes and County ordinances requiring notice to patrons regarding the inclusion of automatic gratuities on restaurant bills. Plaintiff himself had only dined at restaurants in one Ritz-Carlton hotel in Florida.

Defendant raised numerous challenges to Plaintiff's claims, including preemption, standing, and the sufficiency of Plaintiff's evidence that customers were not properly notified of the automatic gratuities. The standing issue was taken up on appeal to the Eleventh Circuit, which reversed the district court's order dismissing the case. The motions were subsequently referred to me. I issued several orders striking evidence filed in support of motions for class certification and issued two reports and recommendations addressing Defendant's challenges to the pleadings and recommending granting in part and denying in part motions for summary judgment. The district court adopted my reports and recommendations in full. I

later recused due to the appearance of an attorney in the case on my automatic recusal list. The case is pending.

Counsel for Plaintiff:

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Counsel for Defendant:

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Alexander D. Terepka
Watstein Terepka LLP
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7. *Borges v. SmileDirectClub, LLC*, No. 21-cv-23011, 2022 WL 4269564 (S.D. Fla. Sept. 15, 2022).

In this case, Plaintiff brought a class action pursuant to the Florida Telephone Solicitation Act (“FTSA”), Section 501.059, *et seq.*, Florida Statutes (2021), as amended by Senate Bill No. 1120, a subsection of Florida’s Consumer Protection laws. Plaintiff alleged Defendant is an international orthodontic device company that offers its products to consumers online. According to Plaintiff, Defendant engages in telephonic sales calls to consumers to promote its products and services without securing their prior express written consent as required by the FTSA. Plaintiff alleged Defendant sent two unsolicited text messages promoting orthodontic consumer goods or services to Plaintiff’s cellular telephone number. Defendant sought dismissal of the lawsuit by challenging the constitutionality of the FTSA on First Amendment and Due Process grounds. The issues raised were issues of first impression and required constitutional and statutory analyses. I issued an order denying Defendant’s constitutional challenges. The parties later settled, and the case is now closed.

Counsel for Plaintiff:

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Counsel for Defendant:

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8. *Hernandez v. City of Homestead, Fla.*, No. 21-cv-21536, 2022 WL 6569684 (S.D. Fla. Aug. 8, 2022), *R. & R. adopted*, 2022 WL 4144345 (S.D. Fla. Sept. 13, 2022).

In this case, Plaintiff, a former police department dispatcher, alleged she was unwittingly embroiled in a highly publicized police department corruption conspiracy in which she was allegedly ordered to eliminate internal affairs records for certain officers. She claimed that when she attempted to transfer out of the position and complained about the conduct of her superiors, she was retaliated against. Plaintiff sued the city, the police department, and the chief of the department for violations of her civil rights based on retaliation for her exercise of her First Amendment rights. Defendants filed motions to dismiss raising constitutional challenges and claims of qualified immunity. I issued a report and recommendation recommending dismissal of the plaintiff's claims for failure to adequately plead violations of her constitutional rights and based on qualified immunity. Plaintiff objected to my report and recommendation, but the district court ultimately adopted it in full.

Counsel for Plaintiff:

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(305) 760-8544

Counsel for Defendants:

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9. *Sifonte v. Fonseca*, No. 21-cv-20543, 2022 WL 4110705 (S.D. Fla. Aug. 12, 2022), *R. & R. adopted*, 2022 WL 4111199 (S.D. Fla. Sept. 8, 2022).

In this case, Plaintiffs, a husband and wife from Puerto Rico, sued a Puerto Rican radio talk show personality and various Spanish language media and production companies for \$35 million. Plaintiffs alleged claims of defamation, slander per se, and libel based on a series of shows produced, broadcasted, and published in Puerto Rico concerning alleged “scandalous rumors and fabrications” about Plaintiffs, former members of the Governor of Puerto Rico’s administration and staff. Defendants, which included Puerto Rican residents and Spanish-language media companies such as Telemundo and NBCUniversal, challenged personal jurisdiction and venue. Certain defendants also moved to dismiss based on the sufficiency of Plaintiffs’ allegations. Plaintiffs, who resided in South Florida at the time they filed suit, attempted to establish jurisdiction and venue based on Defendant’s affiliation with the Telemundo broadcasting network, which has offices and broadcast facilities in South Florida. I entered a report and recommendation recommending the case be transferred to the District of Puerto Rico and denying the motion to dismiss as moot in light of the transfer. The district court adopted and affirmed my recommendations in full, and the case was transferred to the District of Puerto Rico.

Counsel for Plaintiffs:

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Lorenzo J. Palomares
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Counsel for Defendant:

Rachel E. Fugate
Giselle M. Girones
Shullman Fugate PLLC
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West Palm Beach, FL 33411
(561) 429-3619

10. *House v. University of Miami*, No 22-cv-20194 (S.D. Fla. July 25, 2022);
Related Case: *In re Student Athlete NIL Litigation*, No: 4:20-cv-0319 (N.D.
Cal.).

This matter was brought in the Southern District of Florida based on a motion to compel compliance with a subpoena issued in an antitrust case pending in the Northern District of California in which Plaintiffs, student athletes and former student athletes, seek hundreds of millions of dollars in compensation for the use of their names, images, and likenesses (“NILs”) by the NCAA and colleges and universities throughout the country. In the case before me, Plaintiffs sought to compel the University of Miami to produce extensive information regarding athletes and former athletes at the University, as well as information regarding contracts pursuant to which the University had been compensated for the use of the student athletes’ NILs.

The resolution of the issues raised, including confidentiality, competition, and privacy issues, came down to negotiating a compromise more so than interpreting complex legal issues. Ultimately, during hearings regarding the subpoena, I helped broker a compromise which was used as the model for other similar matters in this and other jurisdictions regarding the extent to which universities must provide information to Plaintiffs.

Counsel for Petitioners:

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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. *De Fernandez v. CMA CGM S.A.*, No. 21-cv-22778, 2023 WL 4014730 (S.D. Fla. April 30, 2023).

Counsel for Plaintiffs:

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Counsel for Defendants:

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2. *GPM Indus., Inc. v. USCIS*, No. 21-cv-24007, 2023 WL 2652885 (S.D. Fla. Feb. 10, 2023).

Counsel for Plaintiff:

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3. *Shores Global, LLC v. Njord's Ark A/S*, No. 21-cv-20623, 2023 WL 2838078 (S.D. Fla. Feb. 3, 2023).

Counsel for Plaintiff:

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Counsel for Defendants:

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4. *Steel Media Grp., LLC v. Lewis*, No. 22-cv-21780, 2023 WL 1413043 (S.D. Fla. Jan. 6, 2023).

Counsel for Plaintiff:

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Counsel for Defendants:

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James P. Tarquin, P.A.
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5. *Varcamp Properties, LLC v. City of Miami Beach*, No. 22-cv-21371, 2022 WL 19731865 (S.D. Fla. Dec. 22, 2022).

Counsel for Plaintiff:

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Nicholas J. Rodriguez-Caballero
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Henry J. Hunnefeld
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6. *Borges v. SmileDirectClub, LLC*, No. 21-cv-23011, 2022 WL 4269564 (S.D. Fla. Sept. 15, 2022).

Counsel for Plaintiff:

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7. *Skyjet, Inc. v. CSDS Asset Mgmt., LLC*, No. 22-cv-21651, 2022 WL 4769113 (S.D. Fla. Aug. 22, 2022).

Counsel for Plaintiff:

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Yamila Lorenzo
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Michael Benjamin Feiler
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8. *Sifonte v. Fonseca*, No. 21-cv-20543, 2022 WL 4110705 (S.D. Fla. Aug. 12, 2022).

Counsel for Plaintiffs:

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9. *Hernandez v. City of Homestead, Fla.*, No. 21-cv-21536, 2022 WL 6569684
(S.D. Fla. Aug. 8, 2022).

Counsel for Plaintiff:

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10. *Oriental Republic of Uruguay v. Italba Corp.*, 606 F. Supp. 3d 1250 (S.D. Fla.
2022).

Counsel for Petitioner:

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Counsel for Respondent:

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

Based on a review of my records and court records, I am not aware of certiorari having been requested in any case over which I have presided.

- 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.

Based on a review of court records, I am not aware of any responsive 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.

As a United States Magistrate Judge in the Southern District of Florida, I have issued more than 120 unpublished written opinions and substantive orders. All are stored in an electronic database available on the United States District Court's publicly available electronic filing system, known as CM-ECF and PACER, and available on Westlaw and Lexis. I have issued approximately 50 additional opinions and decisions that are not available through Westlaw and Lexis but are stored and available in the Court's public electronic filing system. Less than approximately 5 percent of the opinions I have authored have been published.

- 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.

Varcamp Properties v. City of Miami Beach, No. 22-cv-21371, 2022 WL

19731865 (S.D. Fla. Dec. 22, 2022), *R. & R. adopted*, 2023 WL 3224473 (S.D. Fla. May 3, 2023).

Borges v. SmileDirectClub, LLC, No. 21-cv-23011, 2022 WL 4269564 (S.D. Fla. Sept. 15, 2022).

Hernandez v. City of Homestead, Fla., No. 21-cv-21536, 2022 WL 6569684 (S.D. Fla. Aug. 8, 2022), *R. & R. adopted*, 2022 WL 4144345 (S.D. Fla. Sept. 13, 2022).

- 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 any 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.

The Southern District of Florida employs an automatic recusal system. In addition, I review all matters on a case-by-case basis, applying the Judicial Canons and the Rules of Professional Conduct, to determine whether recusal is warranted. I have not had a case in which a litigant or party or any other person or interested party has requested my recusal. To date, I have recused myself sua sponte in the following matters:

United States of America v. Carl Ruderman, No. 23-cr-20303 (S.D. Fla. Sept. 29, 2023). I recused myself sua sponte pursuant to the Judicial Canons because I represented a client in a matter against the defendant before I took the bench.

Fox v. Ritz-Carlton Hotel Co., No. 17-cv-24284 (S.D. Fla. Nov. 17, 2022). I recused myself sua sponte pursuant to the Judicial Canons because an attorney from the law firm with which I was associated before I took the bench entered a notice of appearance.

Villanueva v. United States Department of Justice et al., No. 19-cv-23452 (S.D. Fla. Jan. 10, 2022). I recused myself sua sponte pursuant to the Judicial Canons because I was counsel of record in the case before I took the bench.

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.

None.

- 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.

None.

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

- a. Describe chronologically your law practice and legal experience after graduation from law school including:
- i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

I served as a law clerk to the Honorable Ursula Ungaro of the United States District Court for the Southern District of Florida from 1995 to 1997.

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

I have never practiced alone. I did set up a personal professional association, Melissa Damian Visconti, P.A., for purposes of my of counsel role with Damian & Valori, but I never practiced under that professional association without practicing in affiliation with Damian & Valori.

- 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;

1997 – 1999
Kenny Nachwalter, P.A.
1411 Brickell Avenue, Suite 1100
Miami, Florida 33131
Associate

1999 – 2010
United States Attorney's Office
Southern District of Florida
99 Northeast 4th Street
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Assistant United States Attorney
Appellate Division (1999)
Civil Division (2000)
Criminal Division (2001 – 2010)

2010 – 2013
The Ferraro Law Firm
600 Brickell Avenue, Suite 3800
Miami, Florida 33131
Associate

2013 – 2021
Damian & Valori, LLP
1000 Brickell Avenue, Suite 1020
Miami, Florida 33131
Of Counsel

- 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.

Other than in my role as a magistrate judge conducting settlement conferences, I have never served as a mediator or arbitrator.

b. Describe:

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

After clerking, I worked as a litigation associate for the Kenny Nachwalter law firm in Miami, Florida, from 1997 to 1999. As an associate, I worked

on litigation matters involving federal securities litigation, stockholder litigation, and complex commercial litigation.

From 1999 to 2010, I served as an Assistant United States Attorney in the Southern District of Florida, where the majority of my practice involved trial work in criminal matters. I spent approximately six months in the Appellate Division and approximately one year in the civil division of the United States Attorney's Office and then moved to the Criminal Division, where I handled federal criminal investigations and tried more than 20 jury trials as lead counsel. I served as a prosecutor and supervisor in the Major Crimes Section and in the National Security and Public Integrity Section and specialized in weapons offenses and national security investigations.

From 2010 to 2013, I worked as appellate counsel at the Ferraro Law Firm in Miami, Florida. As appellate counsel for the firm, I worked almost exclusively on appeals and trial support in state and federal court on civil matters. I was lead appellate counsel in all appellate matters for the Ferraro Law Firm during this period, with a focus on civil asbestos and tobacco product liability cases. I also provided trial support, which included overseeing complex jury instruction issues and writing and arguing complex, substantive motions.

From 2013 to 2021, I was of counsel to the Damian & Valori law firm in Miami, Florida. My practice with the firm involved civil litigation and appeals in state and federal court with a focus on complex business and commercial matters. I also assisted with criminal investigations, including analysis of criminal charges and potential penalties.

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

As a litigation associate for the Kenny Nachwalter law firm, I worked on behalf of clients in federal securities litigation, stockholder litigation, and complex commercial litigation.

As an Assistant United States Attorney, my client was the United States Government. The majority of my practice as an Assistant United States Attorney involved trial work in criminal matters. I spent approximately six months in the Appellate Division where I handled criminal appeals and approximately one year in the civil division where I primarily represented the United States in lawsuits involving the Federal Tort Claims Act. In the Criminal Division, I handled federal criminal investigations and criminal jury trials. In the Major Crimes Section I specialized in weapons offenses, and in the National Security and Public Integrity Section I specialized in national security investigations and prosecutions.

As appellate counsel at the Ferraro Law Firm, I worked almost exclusively on appeals and trial support in state and federal court on civil matters. During this period, I primarily represented plaintiffs in civil asbestos and tobacco product liability cases.

While of counsel to the Damian & Valori law firm I specialized in civil litigation and appeals in state and federal court with a focus on complex business and commercial matters. My clients included individuals and business entities involved in business disputes, including securities litigation, employment and other contract disputes, and alleged breaches of fiduciary duties. In addition, I served as a court-appointed receiver and frequently represented receivers in federal and state litigation and appeals.

- 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.

While at Damian & Valori between 2013 and 2021, approximately 50 percent of my practice was in litigation, and I appeared in court approximately twice per month on average. While at The Ferraro Law Firm, my practice and court appearances were almost exclusively in state appellate courts, where I appeared for oral argument approximately once per month, and approximately 20 percent of my practice involved litigation in state trial court where I appeared approximately once per month. Prior to that, from 1999 to 2010, while I served as an Assistant United States Attorney, my practice and court appearances were almost exclusively in federal trial court where I appeared more than twice per week, on average, on criminal matters, including motion hearings and trials.

- i. Indicate the percentage of your practice in:

1. federal courts:	70%
2. state courts of record:	30%
3. other courts:	0%
4. administrative agencies:	0%

- ii. Indicate the percentage of your practice in:

1. civil proceedings:	50%
2. criminal proceedings:	50%

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

I tried more than 20 jury trials to verdict in federal court as lead counsel, as well as an additional approximately ten jury trials to verdict in federal court as co-

counsel. I also tried one bench trial to verdict as sole counsel in federal court and one bench trial to verdict as co-counsel in state court.

- i. What percentage of these trials were:
 1. jury: 90%
 2. non-jury: 10%

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

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

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

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

1. *Lumley Enterprise, LLC vs Abacus Pharma International, LLC et al.*, Case No. 2020-011482-CA-01.

This case arose in the very early days of the COVID-19 pandemic. I was lead counsel on behalf of Plaintiff, an investor who paid more than \$2 million for 200,000 COVID test kits. After the seller of the test kits failed to deliver the products, Plaintiff filed a lawsuit seeking injunctive relief, monetary damages, and the appointment of a receiver. As lead counsel, I represented Plaintiff in an evidentiary hearing in which we succeeded in securing injunctive relief and the appointment of a receiver. Plaintiff later prevailed in dispositive motions and obtained a judgment which, after post-judgment collection efforts, was paid. The case was significant because it required discovery and litigation involving entities in several states outside of Florida as well as China, where the products were manufactured, in the very early days of the pandemic. Despite these obstacles, Plaintiff prevailed and obtained significant relief.

Dates of Representation: 2020 – 2021

Court and Judges:

The Circuit Court of the Eleventh Judicial Circuit, Miami-Dade County
The Hon. Michael Hanzman (Ret.), Circuit Judge

Co-counsel:

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Counsel for Defendants:

Daniel Barham
Zachery Darnell
Barham & Maucere, LLC
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(423) 855-1755

2. *Securities and Exchange Commission vs. 1 Global Capital LLC and Ruderman, et al.*,
Case No. 18-cv-61991-BB (S.D. Fla).

I was lead counsel on behalf of the court-appointed Receiver, Jon Sale, in a series of lawsuits stemming from the SEC enforcement action. Defendants were all entities which had received payments from a Ponzi scheme operator in South Florida. Defendants included financial institutions and car dealerships to whom the Ponzi scheme operator paid funds for luxury condos and extravagant cars. I sent numerous demand letters on behalf of the Receiver and filed 5 lawsuits in federal court in the Southern District of Florida seeking the return of funds under Florida's fraudulent transfer laws. As lead counsel, I handled all of the litigation and motion practice in these lawsuits and, ultimately, the Receiver successfully recovered more than \$100,000 through settlements with the various defendants.

Dates of Representation: 2019 – 2021

Court and Judge:

United States District Court for the Southern District of Florida
The Hon. Beth Bloom, District Judge

Counsel for Defendants:

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Saul Ewing LLP
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3. *Marino et al. v. Broward Sheriff's Office et al.*, Case No. 20-60980-CV-AHS (S.D. Fla.).

In this case, I was co-counsel on behalf of retired sheriff's deputies from the Broward Sheriff's Office in a putative class action. Plaintiffs alleged the Broward Sheriff's Office underreported their wages to the State of Florida agency responsible for calculating retirement pay which resulted in the retirees receiving lower retirement payouts than they should have received. The case was significant because there were hundreds of potential class members, all of whom claimed relatively low amounts of individual losses over varying periods. Plaintiffs successfully defeated multiple motions to dismiss on sovereign immunity and jurisdictional grounds. The case ultimately settled for an undisclosed amount.

Dates of Representation: 2020 – 2021

Court and Judges:

United States District Court for the Southern District of Florida
The Hon. Anuraag Singhal, District Judge

Co-counsel:

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4. *Villanueva v. U.S. Dep't of Justice*, 19-CV-23452-AMC (S.D. Fla.).

In this case, Plaintiff, an investigator working on behalf of a law firm, sued the Department of Justice and the Federal Bureau of Investigation under the Freedom of Information Act after both declined to provide documents responsive to his requests regarding FBI investigations into a false medical billing scheme eventually indicted in a federal criminal case in Texas. After attempting to obtain the requested documents through the FOIA process, plaintiff sued to enforce the statute. I was lead counsel for Plaintiff from 2018 until I left private practice in 2021. During litigation, Defendants continued to resist production of documents. The litigation required a thorough analysis and interpretation of the FOIA statute and the protections afforded to law enforcement investigative reports with little precedent to use as guidance. Plaintiff ultimately prevailed on a motion for summary judgment, and the court ordered Defendants to produce documents.

Dates of Representation: 2018 – 2021

Court and Judges:

United States District Court for the Southern District of Florida
The Hon. John J. O'Sullivan (Ret.), United States Magistrate Judge
The Hon. Aileen M. Cannon, United States District Judge

Co-counsel:

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Counsel for Defendants:

Carlos Raurell

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5. *Gregorian Int'l, Inc. v. Thormahlen*, 317 So. 3d 1246 (Fla. Dist. Ct. App. 2021).

This case involved the question of whether Venezuela is an adequate forum to litigate a lawsuit involving Florida residents who are also Venezuelan citizens. In the case, Plaintiffs sued Defendants for declaratory judgment and defamation based on an agreement for the sale of an entity that owned interests in Venezuelan businesses. The parties, both Venezuelan citizens, negotiated a \$300,000 deal in South Florida for an investment in a company domiciled in the Virgin Islands which would own shares in a Venezuelan business. When the deal fell apart, Defendant allegedly made defamatory accusations against Plaintiffs during a business meeting in Venezuela. Plaintiffs sued Defendants in Florida, and Defendants argued the case should be dismissed on the basis of forum non conveniens on the grounds Venezuela is the more convenient forum. I was co-counsel on behalf of Plaintiffs at the trial court level beginning in September 2018 and lead counsel in the appeal in 2020 and 2021. The trial court granted the motion to dismiss, and I handled the appeal on behalf Plaintiffs and argued that Venezuela is not an adequate forum for a lawsuit between two Florida residents. The appellate court remanded the case for an evidentiary hearing regarding whether Venezuela is an adequate forum. My co-counsel and I handled the evidentiary hearing in which we presented evidence regarding the Venezuelan court system, including economic issues and allegations of corruption in the judiciary. The trial court again determined Venezuela is an adequate forum. I left the firm before the second appeal was heard, but the appellate court ultimately affirmed the trial court.

Dates of Representation: 2018 – 2021

Courts and Judges:

Eleventh Judicial Circuit Court of Florida
The Hon. William Thomas, Circuit Judge
The Third District Court of Appeal
Panel Judges: Kevin Emas, Norma Lindsey, and Alexander Bokhor

Co-Counsel:

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Counsel for Defendants:

Annie Gamez

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6. *Damian v. Winston & Strawn, LLP, et al.*, Case No. 17-80417-CV-BB (S.D. Fla.).

In this breach of fiduciary duty and legal malpractice action, I was lead counsel on behalf of a court-appointed federal equity receiver, Melanie Damian, who was also my law partner at the time The Receiver was appointed by Judge Donald Middlebrooks as the receiver for Hunter Wise Commodities, LLC, and related entities in a CFTC enforcement action in the Southern District of Florida. In the above-cited case, the Receiver sued one of Chicago's biggest law firms, Winston & Strawn, and one of its partners, Timothy Carey, for more than \$100 million. The firm and the attorney were alleged to have been negligent in their representation of Hunter Wise, a precious metals dealer based in California. Judge Middlebrooks ultimately entered a \$110 million judgment against Hunter Wise and its principals, and the Receiver alleged the judgment was the result of negligent legal advice given by the defendants. The case is significant not only due to the amount of damages sought but also because the case involved several complex issues involving collateral estoppel and proximate causation. Defendants were represented by numerous attorneys from national and local law firms who filed many substantive, dispositive motions, against which we prevailed. We ultimately settled the case for an undisclosed amount. I was lead counsel on behalf of the Receiver from 2017 through 2018 when the case ultimately settled.

Dates of Representation: 2017 – 2018

Court and Judge:

United States District Court for the Southern District of Florida
The Hon. Beth Bloom, District Judge

Co-Counsel:

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7. *Sarasua v. Ojeda Avila et al.*, Case No. 14-006831-CA-30 (Appeal: 3D17-1091).

I was chief trial and appellate counsel on behalf of Defendants, who had been sued by their former attorney for an alleged failure to pay legal fees. Plaintiff, the former attorney, unsuccessfully represented Defendants in state and federal lawsuits. When Defendants terminated Plaintiff, Plaintiff attempted to extort them for additional exorbitant legal fees and, after they refused to pay, Plaintiff sued them. My co-counsel and I represented Defendants in the litigation over the fees. We countersued Plaintiff for legal malpractice, and the counterclaims proceeded to a bench trial in which we prevailed on behalf of Defendants, who ultimately obtained a judgment against Plaintiff for their legal fees. Plaintiff appealed, and we also prevailed on appeal.

Dates of Representation: 2014 – 2018

Court and Judges:

The Circuit Court of the Eleventh Judicial Circuit, Miami-Dade County
The Hon. Norma Lindsey, Circuit Judge (now on Florida's Third District Court of Appeal)

Co-counsel:

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Counsel for Plaintiff:

Alberto ("Kiko") Sarasua
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(305) 361-7480

8. *United States v. Atabaki et al.*, No. 09-20298-CR-Seitz (S.D. Fla.).

This case stemmed from a joint task force investigation known as "Operation Render Safe." Through the identification of U.S.-based email accounts for Iranian officials, the investigation identified chains of individuals and entities responsible for exporting equipment from the United States to the Middle East. Numerous Iranian nationals and

entities in Iran and the United Arab Emirates (“UAE”) were indicted in 2009 on charges related to the export of military equipment and money from the United States to Iran by way of the UAE in violation of the Iran Embargo and the Arms Export Control Act. The majority of the individual defendants are fugitives. However, Defendant Fattahi, an Iranian national, was arrested and prosecuted in the United States. Mr. Fattahi pled guilty on the eve of trial after extensive pretrial litigation. The investigation and indictment involved numerous complex legal issues involving methods of discovery and investigation and embargo issues, many of which were issues of first impression. Mr. Fattahi was sentenced to 35 months imprisonment and placed in deportation proceedings upon his release. His conviction stopped another pipeline of dangerous military goods to known high-level military and government officials in Iran. The case received international and national recognition as a model of collaboration among multiple federal agencies and the military, as well as numerous international diplomatic channels. The case also laid the foundation for future collaborative efforts among the United States and various international agencies for later similar investigations and prosecutions. I was the lead prosecutor on behalf of the United States, and the case was pending when I left the United States Attorney’s Office in 2010 because many of the defendants remained fugitives in Iran.

Dates of Representation: 2006 – 2010

Court and Judge:

United States District Court for the Southern District of Florida
The Honorable Patricia Seitz, District Judge

Co-counsel:

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9. *United States v. Keshari et al.*, No. 08-20612-CR-Seitz (S.D. Fla).

This case was the result of a long-term international investigation by a multi-agency anti-terrorism task force. Mr. Keshari, an Iranian national, was convicted of exporting military aircraft parts to Iran by way of the United Arab Emirates and using his California-based aircraft parts business, Kesh Air International. His biggest supplier of military parts was Mr. Bujduveanu, whose export business, Orion Aviation, was based in Fort Lauderdale, Florida. Mr. Keshari and Mr. Bujduveanu and their respective businesses all pled guilty to conspiracy to violate the Iran Embargo and the Arms Export Control Act. These convictions successfully stopped a flow of military aircraft parts needed and used by Iran's military and led to the development of valuable informants whose assistance resulted in several subsequent related indictments that similarly reduced the flow of materials to Iran's military. I was the lead prosecutor on behalf of the United States from the beginning of the investigation in 2008 through 2010 when I left the United States Attorney's Office.

Dates of Representation: 2008 – 2010

Court and Judge:

United States District Court for the Southern District of Florida
The Honorable Patricia Seitz, District Judge

Co-counsel:

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10. *United States v. Demolina et al.*, Case No. 04-20605-CR-Lenard (S.D. Fla.).

This case attracted publicity because the investigation began when a crate filled with AK-47 rifles fell through the ceiling of a warehouse and broke a toilet upon its fall, which caused a flood that drew the attention of law enforcement. The discovery led to a multi-agency investigation which resulted in the arrests and indictments of seven individuals on charges related to the exportation of arms and ammunition from Miami to paramilitary forces in South America. More than 50 rifles and automatic weapons, explosives, and hundreds of thousands of rounds of military ammunition were seized, and all of the arrested defendants were convicted on weapons and export-related charges. This case is significant both because it was one of the first cases in the Southern District of Florida involving the use of the Arms Export Control Act and because of the issues that arose as the various defendants attempted to negotiate pleas. Each of the defendants turned against each other, and the protection of a confidential source was at risk. I was the lead prosecutor on the investigation, known as "Operation Lone Wolf," and the prosecutions.

Dates of Representation: 2004 – 2005

Court and Judge:

United States District Court for the Southern District of Florida
The Honorable Joan A. Lenard, District Judge

Counsel for Defendants:

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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 late 2002, I was asked to assist a Guardian Ad Litem for a family of young boys in foster care. One of the boys sought to pursue a college degree and needed help finding financial assistance. Through legal research, I found a little-known program in Florida known as the "Road to Independence" scholarship. This scholarship provides a tuition waiver and a stipend for kids who have been in the foster care system prior to entering post-high school educational programs. I researched the scholarship program and gathered information about the use of the program for high school youths. From that research, the boy in foster care was able to attend and complete a college program. Based on that work, the non-profit organization Educate Tomorrow was established. Since 2012, Educate Tomorrow has helped place more than a thousand foster care youth in educational programs, including college and vocational programs, among many other services.

In addition to my in-court experience, I worked on multiple collaborative law enforcement operations while at the United States Attorney's Office. In 2005, I led a task force of state and federal law enforcement agents formed to target individuals suspected of involvement in a series of drug-related homicides and violent crimes in the Miami area. The operation, dubbed "Operation Lightning Bolt," required the collaboration of the United States Attorney's Office and the State Attorney's Office, as well as numerous law enforcement agencies, all with different priorities and agendas. The investigations involved a delicate balance of state and federal interests. The operation led to the arrests and indictments of more than 20 individuals and the execution of 16 search warrants on state and federal charges and was applauded as a model of joint law enforcement operations. Several subsequent "sweeps" were conducted in the Miami area based on the model set up in Operation Lightning Bolt. In 2008, my co-counsel and I were awarded Federal Prosecutors of the Year by the Miami-Dade County Association of Chiefs of Police for our work on Operation Lightning Bolt.

Later, I was able to expand this work into an international context. In approximately 2007, while an Assistant United States Attorney in the National Security Section, I was approached by agents of the United States Department of Commerce who were investigating the export from the United States of a U.S.-made microchip which was found during a military investigation of improvised explosive devices (IEDs) used against Coalition Forces in Afghanistan. One of the investigating agents lost a close friend who, while on active duty in Afghanistan, was killed by an IED that was made with one of the American microchips. With the support of the Department of Justice National Security Division, we formed a task force and initiated an international investigation involving military, intelligence and law enforcement agencies in the Middle East, Europe, and Asia. The operation was given the name "Operation Render Safe." Using cutting edge investigation techniques, our team identified and indicted multiple individuals and groups in multiple countries on charges related to the exportation of commodities from the United States to Iran through various intermediary countries. The operation also identified the websites used by foreign organizations to export the seemingly innocuous American microchips later used for nefarious purposes, which led to a series of additional investigations and indictments. Operation Render Safe was a model of interagency and diplomatic cooperation. In 2010, the United States Department of Justice awarded our team the Attorney General's Award for matters of national security. In addition, Operation Render Safe fundamentally transformed the level of cooperation between the U.S. Departments of Commerce and Homeland Security and the United Arab Emirates, leading to many other successful joint investigations.

While in private practice, I was invited to join the Florida Bar's Standing Committee on Federal Court Practice. Through my work on the Committee, which I eventually chaired in 2020, I began organizing presentations designed to give civil practitioners practical lessons in the use of courtroom evidence from experienced judges and trial attorneys. Since 2016, I have helped organize and participated on numerous panels in Florida and around the country for various bar organizations, including the American Bar Association, The Florida Bar, and the Miami-Dade County Bar, through which judges

and trial attorneys impart practical advice regarding the use and admission of evidence in federal court hearings and trials.

In 2020, while federal courts throughout the country were reacting to the COVID-19 pandemic and working on ways to keep the work of the courts moving, I was invited to serve on the Southern District of Florida's COVID Working Group. The group was comprised of federal judges, representatives from the clerk's office, the United States Attorney's Office, the Federal Public Defender's Office, and the United States Marshals Service, as well as two members of the bar. The Working Group kept up to date on risk levels and ways to make the courthouse safe for judges, lawyers, court staff, and the public to return to the courthouse as expeditiously and as safely as possible. I was able to serve as a liaison between the bench and bar by keeping the bar apprised of developments in the courts while also keeping the courts apprised of the needs and opinions of members of the bar.

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.

None.

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.

None.

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 submitted to the Senate, I will file my Financial Disclosure Report and will supplement this Questionnaire with a copy of that 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 from all matters in which my former sister-in-law and close friend, Melanie Damian, is a party or counsel due to our close personal relationship. I also recuse from all cases in which Akerman LLP is counsel of record because the law firm represented me in matters which were pending until very recently. Otherwise, before presiding over any case, I would consider whether I have potential conflicts based on, among other things, my relationship with the parties or counsel. I will evaluate any real or potential conflict, or relationship that could give rise to the appearance of such a conflict, on a case-by-case basis and determine appropriate action, including recusal, where necessary.

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

If confirmed as a district judge, I would address any actual or potential conflicts of interest by applying the Code of Conduct for United States Judges, 28 U.S.C. § 455, and any other relevant laws, canons, rules, practices, and guidelines.

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.

In addition to my work with the non-profit organization Educate Tomorrow while an attorney in private practice, I worked on numerous matters on a pro bono basis.

Specifically, I accepted a case from the Southern District of Florida pro bono program and represented a property appraiser who had been sued in federal court by a company that buys foreclosures. The company routinely sues appraisers and asserts that their appraisals caused the bank's losses. I appeared on behalf of the appraiser in *First Mutual Grp, L.P. v. Sellas*, No. 14- 24348-CV-KMW (S.D. Fla.), and eventually succeeded in having the claims against the appraiser dismissed. After that, I represented the same appraiser in a similar lawsuit filed against him in state court and also succeeded in having those claims dismissed. (*Llano Funding Grp, L.P. v. Sellas*, No. 2015-021268-CA-01

(Fla. 11th Judicial Circuit Ct.)). Thereafter, I accepted a third pro bono representation on behalf of another appraiser who had been sued by one of the same plaintiffs and successfully had the claims against that appraiser dismissed. (*Llano Funding Grp., L.P. v. Belz*, No. 14-24759-CV-UU (S.D. Fla.)).

Also, while working in private practice, I became acquainted with a Venezuelan attorney, A. Fernandez. Mr. Fernandez fled to the United States with his pregnant wife after he was wrongfully imprisoned and beaten for walking on a street near the site of protests against President Maduro in Caracas. Mr. Fernandez and his wife came to the United States with no money and worked multiple jobs to buy a used car. Shortly after purchasing the car, Mr. Fernandez and his wife and baby, traveling in their car on I-95, were struck by a hit and run driver. Their car was totaled. A witness reported the tag number to the police. Mr. Fernandez, who was not insured, came to me for help. I took on the representation pro bono. Through public records searches, I was able to identify the insurance carrier for the hit and run driver and, ultimately, negotiated coverage for Mr. Fernandez under the other driver's policy. Mr. Fernandez was able to replace his car.

And, prior to taking the bench, I assisted several individuals on a pro bono basis after they were served with federal Grand Jury subpoenas and were uneasy about communicating with law enforcement.

Since taking the bench a little more than a year ago, I have turned my focus to access to justice issues through numerous court and voluntary bar committees.

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.

Most recently, there have been two judicial selection commissions formed to address the judicial vacancies in the Southern District of Florida. I did not apply to and was not interviewed by either commission, although I was in contact with members of both commissions.

On February 28, 2023, I met with Senator Rick Scott to discuss my interest in the vacancies on the District Court for the Southern District of Florida. On March 24, 2023, I was notified by an attorney from the White House Counsel's Office that I had been recommended as a potential candidate for a vacancy on the United States District Court for the Southern District of Florida. I interviewed with

attorneys from the White House Counsel's Office on March 27, 2023. Following that interview, on April 14, 2023, I spoke with a member of Senator Marco Rubio's staff regarding my continued interest in the vacancies on the District Court. On April 26, 2023, I was contacted by an attorney from the White House Counsel's Office who informed me that the White House would like to proceed with the next steps in the vetting process. Since that time, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On November 1, 2023, the President announced his intent to nominate me.

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

No.