

UNITED STATES SENATE  
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Diane Gujarati  
Diane Gujarati Chesnut

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

United States District Judge for the Eastern District of New York

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

United States Attorney's Office for the Southern District of New York  
One St. Andrew's Plaza  
New York, New York 10007

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

1969; New York, New York

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, Yale Law School; J.D., 1995  
1986 – 1990, Barnard College of Columbia University; B.A. (*summa cum laude*), 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.

Summer 1993; 1999 – present  
United States Attorney's Office for the Southern District of New York  
One St. Andrew's Plaza  
New York, New York 10007  
Deputy Chief, Criminal Division (2012 – present)

Chief, White Plains Division (2010 – 2012)  
Deputy Chief, White Plains Division (2008 – 2010)  
Deputy Chief, Appeals Unit, Criminal Division (2006 – 2008)  
Assistant United States Attorney (1999 – present)  
Law Student Intern (Summer 1993)

2015 – 2018  
New York University School of Law  
40 Washington Square South  
New York, New York 10012  
Adjunct Professor of Clinical Law

Summer 1994; 1996 – 1999  
Davis Polk & Wardwell  
450 Lexington Avenue  
New York, New York 10017  
Associate (1996 – 1999)  
Summer Associate (Summer 1994)

1995 – 1996  
United States Court of Appeals for the Second Circuit  
500 Pearl Street  
New York, New York 10007  
Law Clerk to the Honorable John M. Walker, Jr.

Spring 1993; 1994 – 1995  
Yale Law School  
127 Wall Street  
New Haven, Connecticut 06520  
Coker Fellow Teaching Assistant (1994 – 1995)  
Law Student Intern, Jerome Frank Legal Services Organization (Spring 1993)

1990 – 1992  
Chemical Bank  
Banking & Corporate Finance Group  
270 Park Avenue  
New York, New York 10017  
Analyst

Other Affiliations (uncompensated):

2015 – present  
Asian American Bar Association of New York  
45 Rockefeller Plaza, 20th Floor  
New York, New York 10111  
Board Member

7. **Military Service and Draft Status:** Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number (if different from social security number) and type of discharge received, and whether you have registered for selective service.

I have not served in the military and was not required to register for selective service.

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

Litigation Achievement Award, South Asian Bar Association of New York (2017)

Honoree, Prosecutors' Committee's Eighth Annual Reception, Asian American Bar Association of New York (2016)

United States Attorney's Office:

New York/New Jersey Regional Award for "Operation Double Tap," Organized Crime Drug Enforcement Task Force (2003)

Recognition for "Operation Double Tap," Federal Bureau of Investigation (2002)

Group Achievement Award for "Operation Double Tap," Federal Law Enforcement Officers Association (2002)

Various Recognitions from the Federal Bureau of Investigation, Drug Enforcement Agency, United States Postal Service, and New York Police Department for work on several specific prosecutions (2002 – 2013)

Yale Law School:

Editor, *Yale Law Journal*

Editor, *Yale Journal on Regulation*

Coker Fellow

Barnard College:

Phi Beta Kappa

Centennial Scholar

Departmental Honors

Katharine E. Provost Memorial Prize in Economics

Senior thesis with distinction

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

Asian American Bar Association of New York

Board Member (2015 – present)  
Women’s Committee (2013 – present)  
Prosecutors’ Committee (2013 – present)  
Judiciary Committee (2013 – present)

Federal Bar Council  
Federal Criminal Practice Committee (2013 – 2015)

National Asian Pacific American Bar Association

New York City Bar Association  
Professional Ethics Committee (2016 – present)

New York County Lawyers’ Association

New York State Bar Association

South Asian Bar Association of New York (2017 – 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.

New York, 1996

There has been no lapse in membership.

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

United States Court of Appeals for the Second Circuit, 2002

United States District Court for the Eastern District of New York, 1996

United States District Court for the Southern District of New York, 1996

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.

Program on Corporate Compliance and Enforcement, New York University  
School of Law, Advisory Board Member (2017 – present)

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

To the best of my knowledge, the organization listed above does not currently discriminate and has not 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.

I have served as a member of the Professional Ethics Committee of the New York City Bar Association since 2016. As a member of the committee, I participated in approving certain opinions of the committee. Copies supplied.

I have served as a member of the board of the Asian American Bar Association of New York since 2015. As a member of the board, I participated in approving the association's "Policy and Protocol on Signing on to Amicus Briefs or Support Letters" in 2016. Copy supplied. The board also holds monthly meetings. Copies of minutes supplied. In addition, as a member of the Judiciary Committee, I assisted in editing the association's "Judicial Endorsement Policy and Procedures" in 2015. 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.

The following list reflects my best effort to identify the speeches, talks, and remarks that I have delivered. To compile the list, I consulted my own files and Internet sources. There may, however, be other speeches, talks, or remarks that I have been unable to recall or identify, and I have occasionally spoken at informal events for which I did not retain any record.

February 3, 2018: Panelist, "Seen," 24th Annual National Asian Pacific American Conference on Law and Public Policy, Asian Pacific American Law Students Association, Harvard Law School, Cambridge, Massachusetts. The panelists discussed their legal career paths and experiences. I have no notes, transcript, or recording. The address of Harvard Law School is 1563 Massachusetts Avenue, Cambridge, Massachusetts 02138.

February 3, 2018: Presenter, 24th Annual National Asian Pacific American Conference on Law and Public Policy, Asian Pacific American Law Students Association, Harvard Law School, Cambridge, Massachusetts. I gave a short presentation to a group of law students about working in public service as a government attorney. I have no notes, transcript, or recording. The address of Harvard Law School is 1563 Massachusetts Avenue, Cambridge, Massachusetts 02138.

September 20, 2017: Speaker, 11th Annual Leadership Awards Gala, South Asian Bar Association of New York, New York, New York. Notes supplied.

June 29, 2017: Presenter, Visiting Delegation from Kosovo, United States District Court for the Southern District of New York, New York, New York. I gave a short presentation on government ethics to a group of participants in the United States Department of State's International Visitor Leadership Program. I have no

notes, transcript, or recording. The address of the United States District Court for the Southern District of New York is 500 Pearl Street, New York, New York 10007.

June 9, 2016: Speaker, Prosecutors' Committee's Eighth Annual Reception, Asian American Bar Association of New York, New York, New York. Notes supplied.

June 2, 2016: Moderator, "Navigating Parallel Criminal and Civil Investigations," Symposium on Collaborative Enforcement in Financial Markets, New York Office of the Antitrust Division of the United States Department of Justice, New York, New York. I moderated a panel on criminal and civil investigations. I used notes for this event, but because the materials are law enforcement sensitive, they are not provided. The address of the New York Office of the Antitrust Division is 26 Federal Plaza, Room 3630, New York, New York 10278.

May 19, 2016: Panelist, "Federal, State, and Local Perspectives from Government Attorneys," South Asian Bar Association of New York, New York, New York. The panelists discussed the work they do as government attorneys. I have no notes, transcript, or recording. The address of the South Asian Bar Association of New York is P.O. Box 841, New York, New York 10163.

March 9, 2016: Panelist, "People of Color in Public Interest Law," South Asian Law Students Association, Columbia Law School, New York, New York. The panelists discussed their experiences working in public interest. I have no notes, transcript, or recording. The address of Columbia Law School is 435 West 116th Street, New York, New York 10027.

September 16, 2015: Panelist, "Overcoming Individual Defenses: Strategies for Dealing with Common Defenses in White Collar Cases against Individuals," Individual Accountability Initiative Conference, United States Department of Justice, Washington, District of Columbia. The panel addressed prosecution of white collar cases. I used notes for this event, but because the materials are law enforcement sensitive, they are not provided. The address of the United States Department of Justice is 950 Pennsylvania Avenue NW, Washington, District of Columbia 20530.

April 2013, April 2014, and April 2015: Judge, Lawyering Program's Moot Court, New York University School of Law, New York, New York. I served as a judge for oral arguments by law students participating in New York University School of Law's Lawyering Program and provided feedback to the students. I have no notes, transcript, or recording. The address of New York University School of Law is 40 Washington Square South, New York, New York 10012.

February 2014 and February 2015: Judge, Annual National Moot Court

Competition, New York City Bar Association, New York, New York. I served as a judge for oral arguments by law students participating in the Annual National Moot Court Competition and provided feedback to the students. I have no notes, transcript, or recording. The address of the New York City Bar Association is 42 West 44th Street, New York, New York 10036.

2010 – 2015: Speaker, Training Sessions, Federal Law Enforcement Forum, United States Attorney's Office, White Plains, New York. I participated in training sessions for agents from numerous federal law enforcement agencies as part of the Federal Law Enforcement Forum, which I co-founded and co-ran as part of my duties at the United States Attorney's Office. I gave briefings on case law, discussed the practical impact of that case law on the work of the agencies, and discussed specific cases being handled by the United States Attorney's Office. I used notes for these events, but because the materials are law enforcement sensitive, they are not provided. The address of the United States Attorney's Office is One St. Andrew's Plaza, New York, New York 10007.

April 6, 2011: Presenter, Visiting Judges Delegation from Ghana, United States District Court for the Southern District of New York, White Plains, New York. I gave a short presentation to a group of visiting female judges from Ghana on the type of work done by the United States Attorney's Office. I have no notes, transcript, or recording. The address of the United States District Court for the Southern District of New York is 500 Pearl Street, New York, New York 10007.

March 11, 2010: Speaker, Training Session, United States Department of Homeland Security, Immigration & Customs Enforcement, Poughkeepsie, New York. I conducted a training session for agents. Among the topics covered were an overview of various immigration-related criminal statutes and a summary of the process of presenting and charging a case in the Southern District of New York. I used notes for this event, but because the materials are law enforcement sensitive, they are not provided. The address for the United States Department of Homeland Security is 3801 Nebraska Avenue NW, Washington, District of Columbia 20016.

September 10, 2009: Panelist, Annual Pretrial Services Training Conference, Pretrial Services Office of the United States District Court for the Southern District of New York, Tarrytown, New York. The panel discussion addressed issues relating to pretrial supervision. I have no notes, transcript, or recording. The address of the Pretrial Services Office of the United States District Court for the Southern District of New York is 500 Pearl Street, New York, New York 10007.

Approximately 2001: Presenter, Role of a Federal Prosecutor, United States District Court for the Southern District of New York, New York, New York. I gave a short presentation to elementary school students about the role of a federal prosecutor. I have no notes, transcript, or recording. The address of the United

States District Court for the Southern District of New York is 500 Pearl Street, New York, New York 10007.

March 12, 1998: Panelist, High School Career Panel, sponsored by a client of Davis Polk & Wardwell, New York, New York. While an associate at Davis Polk, I was a member of a panel that addressed a group of high school students. I do not recall the details of the event but believe it was hosted by a client of the firm and that the panel members discussed their legal career paths and experiences at their current jobs. I have no notes, transcript, or recording. I cannot recall the sponsor of the event.

- 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.

Natalie Gelernter and Helene Walisever, *Bulletin Roving Reporters Ask: Is T.J.'s Worth the Money?*, Barnard Bulletin, October 8, 1986. Copy supplied.

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

I have not held judicial office.

- a. Approximately how many cases have you presided over that have gone to verdict or judgment? \_\_\_\_\_
- i. Of these, approximately what percent were:
- |                       |                     |
|-----------------------|---------------------|
| jury trials:          | _____%              |
| bench trials:         | _____% [total 100%] |
| civil proceedings:    | _____%              |
| criminal proceedings: | _____% [total 100%] |
- b. Provide citations for all opinions you have written, including concurrences and dissents.
- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (3) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).
- d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that

were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.

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

I have not held judicial office.

- a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;
- b. a brief description of the asserted conflict of interest or other ground for recusal;
- c. the procedure you followed in determining whether or not to recuse yourself;
- d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

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

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

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;

From 1995 to 1996, I served as a law clerk to the Honorable John M. Walker, Jr. of the United States Court of Appeals for the Second Circuit.

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

I have never practiced alone.

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

1996 – 1999  
Davis Polk & Wardwell  
450 Lexington Avenue  
New York, New York 10017  
Associate

1999 – present  
United States Attorney's Office for the Southern District of New York  
One St. Andrew's Plaza  
New York, New York 10007  
Assistant United States Attorney (1999 – present)

Deputy Chief, Appeals Unit, Criminal Division (2006 – 2008)  
Deputy Chief, White Plains Division (2008 – 2010)  
Chief, White Plains Division (2010 – 2012)  
Deputy Chief, Criminal Division (2012 – present)

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

I have not served as a mediator or arbitrator.

b. Describe:

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

From 1996 to 1999, I worked as an associate at Davis Polk. The majority of my time was spent in the litigation department (early on, I also worked on a variety of matters in the trusts and estates department). I worked on a variety of civil and criminal matters, primarily in the white collar, securities enforcement, and antitrust practice areas. I also worked on *pro bono* matters.

In 1999, I joined the United States Attorney's Office for the Southern District of New York as an Assistant United States Attorney in the Criminal Division. Between 1999 and 2006, I served in the General Crimes, Narcotics, Organized Crime & Terrorism, and Securities and Commodities Fraud units. I represented the United States in federal investigations and prosecutions, from the grand jury phase through trial and appeal. Among other things, I tried over a dozen cases in a broad range of areas, including cases involving securities fraud, money laundering, mail and wire fraud, tax fraud, RICO murder, loansharking, narcotics trafficking, and firearms trafficking. I also authored appellate briefs and argued appeals before the United States Court of Appeals for the Second Circuit.

In 2006, I became a Deputy Chief of the Appeals Unit in the Criminal Division, a position I held through 2008. In that role, I supervised Assistant United States Attorneys in drafting briefs and presenting appellate arguments before the United States Court of Appeals for the Second Circuit in a wide variety of criminal cases, including cases involving securities and other commercial fraud, money laundering, racketeering, terrorism, violent crime, alien smuggling, child exploitation, firearms offenses, and narcotics trafficking. I also argued cases before the Second Circuit and appeared for the Government as supervising attorney at numerous appellate arguments. In addition, I assisted and advised on

legal and strategic issues arising during investigations, hearings, trials, sentencings, and all other stages of litigation before the district court. I also helped to formulate legal and policy guidance for the Criminal Division.

In 2008, I became the Deputy Chief of the White Plains Division, a position I held until 2010, when I became the Chief of the White Plains Division. From 2010 to 2012, as Chief of the White Plains Division, I authorized and managed the investigation and prosecution of a wide variety of federal criminal offenses committed primarily in Westchester, Rockland, Orange, Putnam, Dutchess, and Sullivan Counties, including offenses involving securities fraud, tax fraud, bankruptcy fraud, bank fraud, health care fraud, federal program fraud, and other economic crime; gang violence, murder, armed robbery, and other violent crime; narcotics and firearms trafficking; money laundering; terrorism; public corruption; civil rights violations; child exploitation; immigration violations; environmental violations; and identity theft. I supervised Assistant United States Attorneys and staff members and provided training and guidance to West Point attorneys serving as Special Assistant United States Attorneys. I also worked closely with numerous federal, state, and local law enforcement agencies, including the District Attorney's Offices for several counties, in order to enhance collaborative law enforcement efforts. (As Deputy Chief of the White Plains Division, I performed duties substantially similar to those I performed as Chief.)

In 2012, I became a Deputy Chief of the Criminal Division. In that role, I serve as a policy advisor to the Chief of the Criminal Division and other members of the Executive Staff of the United States Attorney's Office and help to oversee the work of various units within the Criminal Division, with a particular focus on white collar crime. I also serve as an in-house advisor on ethics issues and handle appellate matters. I provide training and guidance to Assistant United States Attorneys of all levels of experience, including on government ethics, and provide training and guidance on a variety of legal issues to agents from numerous law enforcement agencies. In addition, I evaluate evidence presented by law enforcement agencies and authorize investigations and prosecutions. Earlier this year, I also became the Elder Justice Coordinator for the United States Attorney's Office.

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

While at Davis Polk, my typical clients included financial institutions, accounting firms, media companies, and other corporate entities. My work primarily was in the white collar, securities enforcement, and antitrust practice areas. I represented various entities and some

individuals in civil and criminal matters. I also had *pro bono* clients.

While at the United States Attorney's Office, my client has been the United States. In representing the United States, I have worked closely with numerous federal, state, and local law enforcement agencies. As set forth above, at different times (as a non-supervisory Assistant United States Attorney and as a supervisor), I have specialized in different areas, including narcotics and firearms-related crime, organized crime, terrorism, white collar crime, appellate matters, and government ethics.

- 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.

The vast majority of my practice has been in litigation.

As an associate at Davis Polk, I appeared in court infrequently. I did, however, work on two trials conducted before an administrative law judge at the United States Securities and Exchange Commission. During those trials, which took place in 1998 and 1999, I attended court on a daily basis. During one of the trials, I cross-examined a witness. I also appeared before the United States District Court for the Southern District of New York on one additional civil matter in 1999. The majority of my practice during this time was in civil proceedings.

As a non-supervisory Assistant United States Attorney, I appeared in federal district court frequently, often multiple times per week, and appeared on occasion in federal appellate court. As a Deputy Chief in the Appeals Unit, the frequency of my appearances in court decreased and I primarily appeared before the United States Court of Appeals for the Second Circuit. Most of those appearances were in a supervisory role. As the Deputy Chief and then Chief of the White Plains Division, I attended court proceedings frequently but almost exclusively to observe the Assistant United States Attorneys under my supervision and to provide guidance and assistance as needed. Since becoming a Deputy Chief of the Criminal Division in 2012, I have attended various court proceedings to observe other attorneys. I also have appeared in court on occasion, including arguing an appeal before the Second Circuit.

Since 1999, virtually all of my practice has been in criminal proceedings. I have, however, handled a small number of habeas corpus petitions, which are docketed as civil matters. I also worked on one civil immigration appeal, drafting the Government's opposition to a petitioner's appeal of an order issued by the Board of Immigration Appeals, and worked in a supervisory capacity on one civil forfeiture appeal.

- i. Indicate the percentage of your practice in:
- |                    |               |
|--------------------|---------------|
| 1. federal courts: | 85% (approx.) |
|--------------------|---------------|

2. state courts of record: 5% (approx.)
3. other courts: 0%
4. administrative agencies: 10% (approx.)

ii. Indicate the percentage of your practice in:

1. civil proceedings: 15% (approx.)
2. criminal proceedings: 85% (approx.)

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

I have tried 13 cases to verdict in the United States District Court for the Southern District of New York as an Assistant United States Attorney. In one of those trials, I was sole counsel, with a more senior counsel serving in a supervisory role only. I tried the other 12 cases with a colleague as co-counsel. I also served in a supervisory role at three additional trials, closely supervising more junior Assistant United States Attorneys. In addition, I tried one case, with a colleague as co-counsel, during which the defendant entered a guilty plea near the conclusion of the Government's presentation of its case.

As noted above, as an Associate at Davis Polk, I worked on two trials before an administrative law judge at the United States Securities and Exchange Commission. The trials were completed while I was at Davis Polk but the matters did not conclude before I left the firm.

Of the 13 trials that went to verdict in which I personally participated while at the United States Attorney's Office, 12 were jury trials and one was a bench trial. All three of the trials in which I served only in a supervisory role were jury trials. The trial that ended with a mid-trial guilty plea also was a jury trial.

i. What percentage of these trials were:

1. jury: 92% (approx.)
2. non-jury: 8% (approx.)

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

I have not practiced before the Supreme Court.

17. **Litigation:** Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of

the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

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

(1) United States v. Pierre, et al., 05 Cr. 443 (NRB)

I represented the United States, with co-counsel, in the investigation and prosecution of Mr. Pierre and Ms. McLean. Operating out of a company in New York City, Pierre and McLean obtained substantial sums of money from “clients” by purporting to provide or arrange financing for those clients in exchange for the clients paying upfront “professional fees” to the company. Over a multi-year period, the defendants defrauded their victims out of approximately \$1 million. In March 2006, Pierre pled guilty to conspiracy to commit mail fraud and wire fraud. In July 2006, he was sentenced to a term of imprisonment of 46 months. In March 2006, McLean was tried before the Honorable Naomi Reice Buchwald, United States District Judge for the Southern District of New York, and a jury. Following a two-week trial, McLean was convicted of conspiracy to commit mail fraud and wire fraud and of substantive wire fraud. In September 2006, McLean was sentenced to a term of imprisonment of 27 months. Both defendants appealed. Their convictions were affirmed in July 2008. United States v. Pierre, Nos. 06-4088-cr, 06-4688-cr, 285 F. App’x 828, 2008 WL 2776493 (2d Cir. July 17, 2008). Following his release from prison, supervised release violation proceedings were initiated against defendant Pierre. Those proceedings began in 2010 and ended in 2011.

I joined the investigation in-progress and represented the United States during the pre-trial, trial, sentencing, and appeal stages. I also represented the United States in connection with the supervised release proceedings relating to defendant Pierre.

Co-Counsel:

William J. Stellmach  
(Formerly at the United States Attorney’s Office)  
Willkie Farr & Gallagher LLP  
1875 K Street N.W.  
Washington, D.C. 20006  
(202) 303-1130

Opposing Counsel:

For Defendant Pierre:

Alexander Eisemann  
Solo Practitioner  
20 Vesey Street, Suite 400  
New York, New York 10007  
(212) 420-8300

For Defendant Pierre/supervised release proceedings:

Avrom Robin  
Law Offices of London & Robin  
99 Park Avenue, Suite 2600  
New York, New York 10016  
(212) 683-8000

For Defendant McLean:

Sam A. Schmidt  
Law Office of Sam A. Schmidt  
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(2) United States v. Prousalis, Jr., 03 Cr. 1509 (DLC)

I represented the United States, with co-counsel, in the investigation and prosecution of Mr. Prousalis, Jr., a securities lawyer who committed securities, mail, and wire fraud in connection with an initial public offering ("IPO") of the stock of a company named busybox.com Inc. ("Busybox"), which was in the business of selling photographic and video imagery over the Internet. Prousalis served as outside counsel to Busybox and purported to provide legal advice, including advice in connection with the IPO. Prousalis and his co-conspirator, Mr. Kirk, engaged in a scheme to defraud Busybox and investors who purchased Busybox shares in the IPO and in subsequent aftermarket trading. Prousalis made and caused to be made false statements, misrepresentations, and material omissions in the Registration Statement and Prospectus for the IPO filed with the United States Securities and Exchange Commission and made available to investors. As a result of the misrepresentations, millions of Busybox shares were sold and Prousalis earned over \$1 million. Shortly after the IPO, Busybox filed for bankruptcy. Investors who had been misled by the misrepresentations lost significant amounts of money. In June 2004, Prousalis was tried before the Honorable Denise L. Cote, United States District Judge for the Southern District of New York, and a jury. He entered a guilty plea to all charges in the indictment after a week of trial, shortly before the Government was to have completed its presentation of evidence. In October 2004, Prousalis was sentenced to a term of imprisonment of 57 months and ordered to pay restitution of over \$12 million.

He appealed his conviction. The Government's motion to dismiss the appeal was granted in approximately late 2005/early 2006.

I joined the investigation in-progress and represented the United States during the pre-trial, trial, and sentencing stages. Other prosecutors handled the appellate and supervised release violation stages of the case and responded to Prousalis's motion pursuant to 28 U.S.C. § 2255 to vacate his sentence. The proceedings relating to Kirk (United States v. Kirk, 03 Cr. 1520 (RPP)), who also pled guilty and who was sentenced to a term of imprisonment of 37 months, were handled primarily by my co-counsel.

Co-Counsel:

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Opposing Counsel:

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(3) United States v. Daidone, 02 Cr. 1584 (RMB)

I represented the United States, with co-counsel, in the investigation and prosecution of Mr. Daidone, who was charged with participating in the affairs of a racketeering enterprise through a pattern of racketeering activity that included the commission of multiple murders and loansharking. Daidone also was charged with witness tampering by murder. In January 2004, Daidone was tried before the Honorable Richard M. Berman, United States District Judge for the Southern District of New York, and a jury. Following a two-week trial, Daidone was convicted of all charges. In June 2004, Daidone was sentenced to life in prison. Daidone appealed his conviction. In December 2006, the conviction was affirmed. United States v. Daidone, 471 F.3d 371 (2d Cir. 2006) (*per curiam*). Daidone's subsequent petition pursuant to 28 U.S.C. § 2255 to vacate his sentence was denied in August 2009. Daidone v. United States, 08 Civ. 2545 (RMB), 2009 WL 2611943 (S.D.N.Y. Aug. 24, 2009). The denial of that petition was affirmed on appeal in May 2011. Daidone v. United States, No. 09-3718-pr, 422 F. App'x 26, 2011 WL 1878679 (2d Cir. May 18, 2011). Daidone's petition for a writ of certiorari was denied by the United States Supreme Court in November 2011.

Daidone v. United States, 132 S. Ct. 598 (2011).

I joined the investigation in-progress and represented the United States during the pre-trial, trial, sentencing, and appeal stages and in connection with the collateral civil case.

Co-Counsel:

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Opposing Counsel:

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(4) United States v. Galizia, et al., 02 Cr. 273

I represented the United States, with co-counsel, in the prosecution of seven individuals charged with offenses relating to loansharking and gambling. Six of the defendants pled guilty; sentences ranged from probation to 36 months of imprisonment. In April 2003, Mr. Lombardozzi was tried before the Honorable Peter K. Leisure, United States District Judge for the Southern District of New York, and a jury. (The larger case originally was assigned to the Honorable Allen G. Schwartz, who passed away while the case was pending. Judges John F. Keenan and Richard J. Holwell also presided over certain of the proceedings.) Lombardozzi was tried on four counts relating to his loansharking activities involving a particular victim who borrowed approximately \$100,000 from Lombardozzi. Following a two-week trial, Lombardozzi was convicted on three of the four counts. In January 2004, he was sentenced to a term of imprisonment of 41 months. Lombardozzi appealed his conviction. In July 2007, the conviction was affirmed. United States v. Lombardozzi, 491 F.3d 61 (2d Cir. 2007).

I joined the investigation in-progress and represented the United States during the pre-trial, trial, sentencing, and appeal stages (and, as to one defendant, during probation violation proceedings).

Co-Counsel:

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Opposing Counsel:

For Defendant Lombardozzi:

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For Defendant Galizia:

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For Defendant Isoldi:

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For Defendant Trochalides:

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For Defendant Demenna:  
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(5) United States v. Madori, et al., 02 Cr. 274 (GEL)

I represented the United States, with co-counsel, in the investigation and prosecution of Mr. Madori and Mr. Chiapetta, who were charged with various crimes stemming from their loansharking activity with respect to a particular victim. In approximately December 2002, Chiapetta pled guilty. He was sentenced in September 2003 to a term of imprisonment of 24 months. In February 2003, Madori was tried before the Honorable Gerard E. Lynch, then-United States District Judge for the Southern District of New York, and a jury. Following a one-week trial, Madori was convicted. In August 2003, he was sentenced to a term of imprisonment of 51 months. Madori appealed his conviction, after unsuccessfully moving for a new trial. He also moved for bail pending appeal. In October 2003, the United States Court of Appeals for the Second Circuit denied the motion for bail pending appeal. In August 2005, that court affirmed Madori's conviction (with a remand only for correction of a sentencing error relating to the term of supervised release imposed). United States v. Madori, 419 F.3d 159 (2d Cir. 2005). Madori's petition for a writ of certiorari was denied by the United States Supreme Court in January 2006. Madori v. United States, 546 U.S. 1115 (2006). Following his release from prison, supervised release violation proceedings were initiated against Madori.

I joined the investigation in-progress and represented the United States during the pre-trial, trial, sentencing, and appeal stages, including arguing before the United States Court of Appeals for the Second Circuit in opposition to Madori's motion for bail pending appeal. I also represented the United States during some of the supervised release-related proceedings in 2008.

Co-Counsel:

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Michael M. Purpura (trial stage)  
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For Defendant Madori:  
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For Defendant Madori/supervised release proceedings:  
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(6) United States v. Arthur, 01 Cr. 276 (VM)

I represented the United States, with co-counsel, in the investigation and prosecution of Mr. Arthur for his role in a conspiracy to distribute heroin in the New York area. The heroin had been smuggled into the United States by couriers who swallowed the heroin before transporting it from Africa. Arthur served as a middle man, connecting the suppliers of the heroin with potential buyers. In April 2002, Arthur was tried before the Honorable Victor Marrero, United States District Judge for the Southern District of New York, and a jury. Following a one-week trial, Arthur was convicted. In November 2002, he was sentenced to a term of imprisonment of 151 months. Arthur appealed his conviction. In November 2003, the conviction was affirmed. United States v. Arthur, No. 02-

1734, 80 F. App'x 726, 2003 WL 22717686 (2d Cir. Nov. 17, 2003).

I represented the United States during the investigative and charging stages of this case. I also represented the United States during the pre-trial, trial, sentencing, and appeal stages, including arguing before the United States Court of Appeals for the Second Circuit in opposition to Arthur's appeal of his conviction.

Co-Counsel:

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Opposing Counsel:

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(7) United States v. Ferry, 02 Cr. 221 (GBD)

I represented the United States, with co-counsel, in the investigation and prosecution of Mr. Ferry, a former police officer and a member of the security staff at the Millenium Hilton Hotel, which was located directly across the street from the World Trade Center. Ferry was charged with making false statements to FBI agents in connection with the FBI's investigation into the September 11, 2001 attack on the World Trade Center.

From December 17, 2001 to January 15, 2002, Ferry falsely stated to FBI agents during several interviews that he had found an aviation radio (which was capable of sending signals to commercial aircraft) inside a locked safe in a particular room at the Millenium Hotel, which room had been occupied from late August 2001 through September 11, 2001 by Mr. Higazy. On December 17, 2001, Higazy was arrested as a material witness in connection with the Government's investigation of the September 11, 2001 terrorist attacks; on January 11, 2002, he was charged via criminal complaint with making false statements and representations to the FBI on the basis of having denied ownership and knowledge of the radio. The true owner of the radio – a pilot—came forward to collect his belongings from the hotel on January 14, 2002. Two days later, Ferry admitted to FBI agents that the radio had not been in the safe when he found it. On the same day, the charges against Higazy were dismissed and he was released from custody. In February

2002, Ferry pled guilty before the Honorable George B. Daniels, United States District Judge for the Southern District of New York, to charges of making false statements and representations to FBI agents. In May 2002, Ferry was sentenced to a term of probation of three years with the condition that he serve a term of six months' intermittent confinement.

I represented the United States during the investigation, plea, and sentencing stages. (I did not handle the proceedings involving Higazy; those proceedings were handled by other Assistant United States Attorneys.)

Co-Counsel:

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(8) United States v. Amadu, et al., 99 Cr. 782 (DLC)

I represented the United States, with co-counsel, in the prosecution of certain defendants in this ten-defendant case, which involved a heroin trafficking ring that smuggled substantial quantities of heroin into the United States from Ghana. In June 2002, Mr. Antwi was tried before the Honorable Denise L. Cote, United States District Judge for the Southern District of New York, and a jury, after having been extradited from Ghana. Antwi's roles in the conspiracy were to smuggle heroin into the United States by swallowing it, to arrange for other human couriers to do the same, and to distribute the heroin within the United States. Following a two-week trial, Antwi was convicted of participating in a cocaine conspiracy (and acquitted of two substantive narcotics distribution counts). In September 2002, Antwi was sentenced to a term of imprisonment of

188 months. Antwi appealed his conviction. In August 2003, the conviction was affirmed. United States v. Amadu, No. 02-1559, 73 F. App'x 488, 2003 WL 22002671 (2d Cir. Aug. 21, 2003). Antwi also filed a petition pursuant to 28 U.S.C. § 2255, in which he attacked, among other things, his extradition from Ghana to the United States; the petition was dismissed in December 2004. Antwi v. United States, 349 F. Supp. 2d 663 (S.D.N.Y. 2004).

I joined the investigation in-progress. I represented the United States most significantly in connection with the proceedings involving defendant Antwi, from the extradition stage, through trial, sentencing, and appeal and in connection with the collateral civil case. I also represented the United States in connection with the proceedings involving defendant Mr. Asumadu, who pled guilty shortly before trial, and in connection with the sentencing proceedings of certain other defendants, including Mr. Amadu.

Co-Counsel:

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(Formerly at the United States Attorney's Office)  
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Opposing Counsel:

For Defendant Antwi:

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For Defendant Asumadu:

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Moskowitz & Book, LLP  
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For Defendant Amadu:

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- (9) United States v. Huevo, 05 Cr. 156 (KMK); 07-0031-cr (Judges Newman, Walker, Sotomayor)

While a Deputy Chief in the Appeals Unit at the United States Attorney's Office, I, with co-counsel, represented the United States in its affirmative appeal in the above-referenced matter. Mr. Huevo was charged with conspiring to launder the monetary proceeds of narcotics transactions and with substantive money laundering. He was convicted following a jury trial in 2006 over which the Honorable Samuel Conti, United States District Judge for the Northern District of California sitting by designation in the Southern District of New York, presided. Huevo moved for a judgment of acquittal notwithstanding the verdict, which was granted by Judge Conti. The Government appealed the District Court's order granting Huevo's motion.

The appeal was heard by the United States Court of Appeals for the Second Circuit in May 2008. In October 2008, that court reversed the District Court's granting of the motion for a judgment of acquittal notwithstanding the verdict, holding that the District Court had erred in concluding that, on the basis of the evidence presented, no rational juror could have found that the defendant had the requisite knowledge and intent to support his convictions for money laundering and conspiracy to commit money laundering. United States v. Huevo, 546 F.3d 174 (2d Cir. 2008). Huevo's petition for a writ of certiorari was denied by the United States Supreme Court in October 2009. Huevo v. United States, 130 S. Ct. 142 (2009). As the Second Circuit noted in its opinion, at trial, the Government presented evidence of Huevo's participation in an international money laundering conspiracy whereby millions of dollars in narcotics proceeds were secretly remitted to drug suppliers in Colombia from 2002 to 2005.

My role in this matter was to assist in the drafting of, and to edit, the Government's opening and reply briefs on appeal; to prepare my then-colleague for oral argument before the United States Court of Appeals for the Second Circuit; and to attend the argument in a supervisory capacity.

Co-Counsel:

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Jeffrey A. Brown  
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Dechert LLP

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Opposing Counsel:

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- (10) United States v. Archer, 04 Cr. 505 (RJH); 06-4821-cr (Judges Cardamone, Pooler, Keenan)

While a Deputy Chief in the Appeals Unit at the United States Attorney's Office, I, with co-counsel, represented the United States in its affirmative appeal in the above-referenced matter, which was heard in December 2007 by the United States Court of Appeals for the Second Circuit in tandem and consolidated for disposition with the appeals in three other cases, each originating in the United States District Court for the Eastern District of New York. All four cases related to the interpretation of the Armed Career Criminal Act ("ACCA"), 18 U.S.C. § 924(e), which mandates a fifteen-year minimum sentence for anyone convicted of being a felon in possession of a firearm in violation of 18 U.S.C. § 922(g) who has three previous convictions for a "violent felony" or a "serious drug offense," or both, and defines "serious drug offense" to include various narcotics offenses under State law "for which a maximum term of imprisonment of ten years or more is prescribed by law."

Each of the four cases raised the same legal issue, which was an issue of first impression in the Second Circuit: whether a prior conviction for a New York drug offense can serve as a predicate "serious drug offense" under the ACCA where New York's Rockefeller drug laws prescribed a maximum sentence of at least ten years for the offense at the time it was committed, but where New York non-retroactively amended the Rockefeller drug laws, prior to the federal sentencing on the felon-in-possession offense, to reduce the maximum sentence for the same type of offense conduct to less than ten years.

On appeal, the Government argued that the enhanced penalties did apply. In August 2008, the Second Circuit rejected the Government's position and affirmed the judgment of the District Court, concluding that the ACCA directs courts to apply the state's current sentencing laws (rather than the laws in effect at the time the defendants were actually convicted on their state cases). United States v. Darden; United States v. Archer; United States v. Villegas; United States v. Williams, 539 F.3d 116 (2d Cir. 2008). In 2011, in McNeill v. United States, 131

S. Ct. 2218 (2011), a case arising out of North Carolina, the United States Supreme Court held, as the Government had advocated in connection with the Archer, Darden, Villegas, and Williams appeals, that the “maximum term of imprisonment” for a defendant’s prior state drug offense for ACCA purposes is the maximum sentence applicable to his offense when he was convicted of it. Accordingly, McNeill abrogated the Second Circuit’s decision in Archer.

My role in the Archer matter was to assist in the drafting of, and to edit, the Government’s opening and reply briefs on appeal; to prepare my then-colleague for oral argument in the Archer, Darden, Villegas, and Williams matters before the United States Court of Appeals for the Second Circuit; and to attend the argument in a supervisory capacity.

Co-Counsel:

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Opposing Counsel:

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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.)

During my almost 19 years at the United States Attorney’s Office, I have investigated, prosecuted, and/or supervised or advised on hundreds of matters in addition to the ones detailed above. Those matters have included large scale narcotics, firearms, gang, and violent crime cases, multi-million-dollar fraud cases, money laundering cases, and cases involving the exploitation of children, among other offenses. My involvement has spanned all stages of the criminal process – from initial case intake, through grand jury, discovery, plea negotiation, motion practice, trial, sentencing, appeal, and post-conviction proceedings. I also have served for many years on the Hiring Committee at the United

States Attorney's Office and previously served on the Discovery and Disclosure Policy Committee. In addition, I have developed and presented in-house training on topics including witness impeachment and government ethics.

In addition to my work as a prosecutor, I have been involved in bar association activity, including current service on the Board of the Asian American Bar Association of New York and on the Professional Ethics Committee of the New York City Bar Association.

I have not performed any lobbying activities.

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

During each semester of the 2015 – 2016 and 2016 – 2017 academic years and during the Fall 2017 semester, I co-taught a seminar on federal prosecution at New York University School of Law. The course was an introduction to the job duties and responsibilities of a federal prosecutor. Major topics covered included criminal investigative methods, bail and charging decisions, disclosure obligations, guilty pleas and plea negotiations, cooperating witnesses, sentencing, pre-trial litigation, and trial preparation. Copies of syllabi supplied.

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

Upon retirement, I will receive payments from the Federal Employees Retirement System. In addition, I participate in the Government Thrift Savings Plan. I also have funds in Davis Polk's 401(k) Associate Savings Plan.

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

No.

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

Please see attached Financial Disclosure Report.

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

Please see attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

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

I have served for almost 19 years as an Assistant United States Attorney for the Southern District of New York. I would recuse myself from matters involving cases I handled, supervised, or was consulted on as an Assistant United States Attorney where appropriate, in a manner consistent with the Code of Conduct for United States Judges and any other relevant statutory provisions, ethical canons, and rules. In addition, I serve on the Board of the Asian American Bar Association of New York. I would recuse myself from matters involving that organization where appropriate, in a manner consistent with the Code of Conduct for United States Judges and any other relevant statutory provisions, ethical canons, and rules.

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

I would handle all matters involving actual or potential conflicts of interest in conformity with the Code of Conduct for United States Judges and any other relevant statutory provisions, ethical canons, and rules. I would be vigilant about identifying matters that might present an actual or potential conflict of interest and would seek guidance as appropriate in evaluating issues of conflict.

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.

Since August 1999, all of my legal work has been in public service.

As an associate at Davis Polk & Wardwell, I did a significant amount of *pro bono* work. I, together with others at the firm, served as co-counsel to plaintiffs in a class action challenging wage determinations under New York City's workfare program. I spent approximately 200 hours on that particular *pro bono* matter. I also worked with

incarcerated mothers at Rikers Island on issues relating to the custody and care of their children and served as a Special Assistant District Attorney (Queens County) in connection with successfully opposing the appeal of a robbery conviction.

26. **Selection Process:**

- a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

In July 2012, I applied to Senator Charles Schumer's Screening Committee for consideration for a federal judgeship. In November 2012, I submitted my resume to Senator Kirsten Gillibrand for consideration for a federal judgeship. On June 11, 2013, I interviewed with members of Senator Schumer's Screening Committee in New York City. On April 17, 2014, I interviewed with Senator Gillibrand and her staff in Washington, D.C. In 2014 and 2015, I was in contact with members of Senator Gillibrand's staff. On April 20, 2016, in response to a request from a member of Senator Gillibrand's staff, I sent an updated resume to Senator Gillibrand and reaffirmed my interest in being considered for the position of United States District Judge for the Eastern District of New York. On June 14, 2016, I was notified by an official from the White House Counsel's Office that Senator Gillibrand had submitted my name to the White House for consideration. Thereafter, I was in contact with officials from the Office of Legal Policy at the Department of Justice. On August 10, 2016, I interviewed with attorneys from the White House Counsel's Office and the Department of Justice in Washington, D.C. On September 13, 2016, President Obama submitted my nomination to the Senate. My nomination expired at the close of the 114th Congress on January 3, 2017. Subsequently, Senators Schumer and Gillibrand resubmitted my name to the White House. On April 19, 2017, I was notified by an official from the White House Counsel's Office that my name had been resubmitted and that I would be interviewed. On April 27, 2017, I interviewed with attorneys from the White House Counsel's Office and the Department of Justice in Washington, D.C. I have since been in contact with officials from the White House Counsel's Office and the Office of Legal Policy at the Department of Justice and with members of the staffs of Senators Schumer and Gillibrand. On May 10, 2018, President Trump announced his intent to nominate me and on May 15, 2018, the President submitted my nomination to the Senate.

- b. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any currently pending or specific case, legal issue or question

in a manner that could reasonably be interpreted as seeking any express or implied assurances concerning your position on such case, issue, or question? If so, explain fully.

No.

# FINANCIAL DISCLOSURE REPORT NOMINATION FILING

Report Required by the Ethics  
in Government Act of 1978  
(5 U.S.C. app. §§ 101-111)

|                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                   |                                                       |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|
| 1. Person Reporting (last name, first, middle initial)<br>Gujarati, Diane                                                                                                                                            | 2. Court or Organization<br>United States District Court, Eastern District of New York                                                                                                                                                                            | 3. Date of Report<br>05/16/2018                       |
| 4. Title (Article III judges indicate active or senior status;<br>magistrate judges indicate full- or part-time)<br>United States District Judge - active status                                                     | 5a. Report Type (check appropriate type)<br><input checked="" type="checkbox"/> Nomination      Date 05/15/2018<br><input type="checkbox"/> Initial <input type="checkbox"/> Annual <input type="checkbox"/> Final<br>5b. <input type="checkbox"/> Amended Report | 6. Reporting Period<br>01/01/2017<br>to<br>05/01/2018 |
| 7. Chambers or Office Address<br>United States Attorney's Office, Southern District of New York<br>300 Quarropas Street, White Plains, NY 10601                                                                      |                                                                                                                                                                                                                                                                   |                                                       |
| <p align="center"><b>IMPORTANT NOTES:</b> The instructions accompanying this form must be followed. Complete all parts,<br/>checking the <b>NONE</b> box for each part where you have no reportable information.</p> |                                                                                                                                                                                                                                                                   |                                                       |

## I. POSITIONS. (Reporting individual only; see pp. 9-13 of filing instructions.)

☐ NONE (No reportable positions.)

| <u>POSITION</u>                      | <u>NAME OF ORGANIZATION/ENTITY</u>                                                 |
|--------------------------------------|------------------------------------------------------------------------------------|
| 1. Adjunct Professor of Clinical Law | New York University School of Law                                                  |
| 2. Member, Board of Directors        | Asian American Bar Association of New York                                         |
| 3. Member, Advisory Board            | Program on Corporate Compliance and Enforcement, New York University School of Law |
| 4.                                   |                                                                                    |
| 5.                                   |                                                                                    |

## II. AGREEMENTS. (Reporting individual only; see pp. 14-16 of filing instructions.)

☐ NONE (No reportable agreements.)

| <u>DATE</u> | <u>PARTIES AND TERMS</u>                                                                    |
|-------------|---------------------------------------------------------------------------------------------|
| 1. 1999     | Davis Polk Associates Savings Plan (managed by Fidelity) - 401(k) plan with former law firm |
| 2.          |                                                                                             |
| 3.          |                                                                                             |

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**III. NON-INVESTMENT INCOME.** *(Reporting individual and spouse; see pp. 17-24 of filing instructions.)***A. Filer's Non-Investment Income**☐ NONE *(No reportable non-investment income.)*

| <u>DATE</u> | <u>SOURCE AND TYPE</u>                     | <u>INCOME</u><br>(yours, not spouse's) |
|-------------|--------------------------------------------|----------------------------------------|
| 1. 2016     | New York University School of Law - salary | \$10,000.00                            |
| 2. 2017     | New York University School of Law - salary | \$10,000.00                            |
| 3. 2018     | New York University School of Law - salary | \$556.00                               |
| 4.          |                                            |                                        |

**B. Spouse's Non-Investment Income -** *If you were married during any portion of the reporting year, complete this section.**(Dollar amount not required except for honoraria.)*☐ NONE *(No reportable non-investment income.)*

| <u>DATE</u> | <u>SOURCE AND TYPE</u> |
|-------------|------------------------|
| 1. 2017     | IBM - salary           |
| 2. 2018     | IBM - salary           |
| 3.          |                        |
| 4.          |                        |

**IV. REIMBURSEMENTS** -- *transportation, lodging, food, entertainment.**(Includes those to spouse and dependent children; see pp. 25-27 of filing instructions.)*☐ NONE *(No reportable reimbursements.)*

| <u>SOURCE</u> | <u>DATES</u> | <u>LOCATION</u> | <u>PURPOSE</u> | <u>ITEMS PAID OR PROVIDED</u> |
|---------------|--------------|-----------------|----------------|-------------------------------|
| 1. Exempt     |              |                 |                |                               |
| 2.            |              |                 |                |                               |
| 3.            |              |                 |                |                               |
| 4.            |              |                 |                |                               |
| 5.            |              |                 |                |                               |

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**V. GIFTS.** *(Includes those to spouse and dependent children; see pp. 28-31 of filing instructions.)*☐NONE *(No reportable gifts.)*

| <u>SOURCE</u> | <u>DESCRIPTION</u> | <u>VALUE</u> |
|---------------|--------------------|--------------|
| 1. Exempt     |                    |              |
| 2.            |                    |              |
| 3.            |                    |              |
| 4.            |                    |              |
| 5.            |                    |              |

**VI. LIABILITIES.** *(Includes those of spouse and dependent children; see pp. 32-33 of filing instructions.)*☐NONE *(No reportable liabilities.)*

| <u>CREDITOR</u>     | <u>DESCRIPTION</u> | <u>VALUE CODE</u> |
|---------------------|--------------------|-------------------|
| 1. Visa             | Credit Card        | K                 |
| 2. American Express | Credit Card        | J                 |
| 3. Optima           | Credit Card        | J                 |
| 4.                  |                    |                   |
| 5.                  |                    |                   |

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## VII. INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

☐ NONE (No reportable income, assets, or transactions.)

| A.<br>Description of Assets<br>(including trust assets)<br><br>Place "(X)" after each asset<br>exempt from prior disclosure | B.<br>Income during<br>reporting period |                                               | C.<br>Gross value at end<br>of reporting period |                                           | D.<br>Transactions during reporting period      |                         |                                 |                                |                                                                   |
|-----------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|-----------------------------------------------|-------------------------------------------------|-------------------------------------------|-------------------------------------------------|-------------------------|---------------------------------|--------------------------------|-------------------------------------------------------------------|
|                                                                                                                             | (1)<br>Amount<br>Code 1<br>(A-H)        | (2)<br>Type (e.g.,<br>div., rent,<br>or int.) | (1)<br>Value<br>Code 2<br>(J-P)                 | (2)<br>Value<br>Method<br>Code 3<br>(Q-W) | (1)<br>Type (e.g.,<br>buy, sell,<br>redemption) | (2)<br>Date<br>mm/dd/yy | (3)<br>Value<br>Code 2<br>(J-P) | (4)<br>Gain<br>Code 1<br>(A-H) | (5)<br>Identity of<br>buyer/seller<br>(if private<br>transaction) |
|                                                                                                                             |                                         |                                               |                                                 |                                           |                                                 |                         |                                 |                                |                                                                   |
| 1. Chase cash accounts                                                                                                      | A                                       | Interest                                      | M                                               | T                                         | Exempt                                          |                         |                                 |                                |                                                                   |
| 2. National Grid stock (ADR)                                                                                                | B                                       | Dividend                                      | J                                               | T                                         | Exempt                                          |                         |                                 |                                |                                                                   |
| 3. IBM stock (common)                                                                                                       | B                                       | Dividend                                      | L                                               | T                                         | Exempt                                          |                         |                                 |                                |                                                                   |
| 4. Davis Polk Associates Savings Plan<br>(managed by Fidelity)                                                              |                                         |                                               |                                                 |                                           |                                                 |                         |                                 |                                |                                                                   |
| 5. - Fidelity 500 Index Fund Institutional Class                                                                            |                                         | None                                          | K                                               | T                                         | Exempt                                          |                         |                                 |                                |                                                                   |
| 6. - Morgan Stanley Institutional Core Plus<br>Fixed Income Portfolio                                                       |                                         | None                                          | K                                               | T                                         | Exempt                                          |                         |                                 |                                |                                                                   |
| 7. - American Funds Growth Fund of America<br>Class R6                                                                      |                                         | None                                          | K                                               | T                                         | Exempt                                          |                         |                                 |                                |                                                                   |
| 8. IBM 401(k) Plus Plan, Moderate Life<br>Strategy Fund                                                                     |                                         | None                                          | O                                               | T                                         | Exempt                                          |                         |                                 |                                |                                                                   |
| 9. IBM Personal Pension Plan                                                                                                | B                                       | Interest                                      | L                                               | T                                         | Exempt                                          |                         |                                 |                                |                                                                   |
| 10. NYS College Savings Program Direct Plan<br>Accounts                                                                     |                                         |                                               |                                                 |                                           |                                                 |                         |                                 |                                |                                                                   |
| 11. - Aggressive Age-Based Option: Moderate<br>Growth Portfolio                                                             |                                         | None                                          | L                                               | T                                         | Exempt                                          |                         |                                 |                                |                                                                   |
| 12. - Moderate Age-Based Option: Conservative<br>Growth Portfolio                                                           |                                         | None                                          | M                                               | T                                         | Exempt                                          |                         |                                 |                                |                                                                   |
| 13. - Aggressive Age-Based Option: Growth<br>Portfolio                                                                      |                                         | None                                          | K                                               | T                                         | Exempt                                          |                         |                                 |                                |                                                                   |
| 14. - Moderate Age-Based Option: Moderate<br>Growth Portfolio                                                               |                                         | None                                          | M                                               | T                                         | Exempt                                          |                         |                                 |                                |                                                                   |
| 15. T Rowe Price Growth & Income Mutual<br>Fund                                                                             | A                                       | Dividend                                      | J                                               | T                                         | Exempt                                          |                         |                                 |                                |                                                                   |
| 16. JP Morgan Core Bond Fund Class C                                                                                        | A                                       | Dividend                                      | J                                               | T                                         | Exempt                                          |                         |                                 |                                |                                                                   |
| 17. Fidelity Government Cash Reserves                                                                                       | A                                       | Interest                                      | L                                               | T                                         | Exempt                                          |                         |                                 |                                |                                                                   |

### 1. Income Gain Codes:

(See Columns B1 and D4)

### 2. Value Codes

(See Columns C1 and D3)

### 3. Value Method Codes

(See Column C2)

A = \$1,000 or less

F = \$50,001 - \$100,000

J = \$15,000 or less

N = \$250,001 - \$500,000

P3 = \$25,000,001 - \$50,000,000

Q = Appraisal

U = Book Value

B = \$1,001 - \$2,500

G = \$100,001 - \$1,000,000

K = \$15,001 - \$50,000

O = \$500,001 - \$1,000,000

R = Cost (Real Estate Only)

V = Other

C = \$2,501 - \$5,000

H1 = \$1,000,001 - \$5,000,000

L = \$50,001 - \$100,000

P1 = \$1,000,001 - \$5,000,000

P4 = More than \$50,000,000

S = Assessment

W = Estimated

D = \$5,001 - \$15,000

H2 = More than \$5,000,000

M = \$100,001 - \$250,000

P2 = \$5,000,001 - \$25,000,000

T = Cash Market

E = \$15,001 - \$50,000

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## VII. INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

☐ NONE (No reportable income, assets, or transactions.)

| A.<br>Description of Assets<br>(including trust assets)<br><br>Place "(X)" after each asset<br>exempt from prior disclosure | B.<br>Income during<br>reporting period |                         | C.<br>Gross value at end<br>of reporting period |                 | D.<br>Transactions during reporting period |          |                 |                 |                                             |
|-----------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|-------------------------|-------------------------------------------------|-----------------|--------------------------------------------|----------|-----------------|-----------------|---------------------------------------------|
|                                                                                                                             | (1)                                     | (2)                     | (1)                                             | (2)             | (1)                                        | (2)      | (3)             | (4)             | (5)                                         |
|                                                                                                                             | Amount                                  | Type (e.g.,             | Value                                           | Value           | Type (e.g.,                                | Date     | Value           | Gain            | Identity of                                 |
|                                                                                                                             | Code 1<br>(A-H)                         | div., rent,<br>or int.) | Code 2<br>(J-P)                                 | Code 3<br>(Q-W) | buy, sell,<br>redemption)                  | mm/dd/yy | Code 2<br>(J-P) | Code 1<br>(A-H) | buyer/seller<br>(if private<br>transaction) |
| 18. Chesnut Digital Consulting LLC                                                                                          |                                         | None                    | J                                               | U               | Exempt                                     |          |                 |                 |                                             |

1. Income Gain Codes:  
(See Columns B1 and D4)

A = \$1,000 or less  
F = \$50,001 - \$100,000

B = \$1,001 - \$2,500  
G = \$100,001 - \$1,000,000

C = \$2,501 - \$5,000  
H1 = \$1,000,001 - \$5,000,000

D = \$5,001 - \$15,000  
H2 = More than \$5,000,000

E = \$15,001 - \$50,000

2. Value Codes  
(See Columns C1 and D3)

J = \$15,000 or less  
N = \$250,001 - \$500,000  
P3 = \$25,000,001 - \$50,000,000

K = \$15,001 - \$50,000  
O = \$500,001 - \$1,000,000

L = \$50,001 - \$100,000  
P1 = \$1,000,001 - \$5,000,000  
P4 = More than \$50,000,000

M = \$100,001 - \$250,000  
P2 = \$5,000,001 - \$25,000,000

3. Value Method Codes  
(See Column C2)

Q = Appraisal  
U = Book Value

R = Cost (Real Estate Only)  
V = Other

S = Assessment  
W = Estimated

T = Cash Market

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**VIII. ADDITIONAL INFORMATION OR EXPLANATIONS.** *(Indicate part of report.)*

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## IX. CERTIFICATION.

I certify that all information given above (including information pertaining to my spouse and minor or dependent children, if any) is accurate, true, and complete to the best of my knowledge and belief, and that any information not reported was withheld because it met applicable statutory provisions permitting non-disclosure.

I further certify that earned income from outside employment and honoraria and the acceptance of gifts which have been reported are in compliance with the provisions of 5 U.S.C. app. § 501 et. seq., 5 U.S.C. § 7353, and Judicial Conference regulations.

Signature: s/ Diane Gujarati

NOTE: ANY INDIVIDUAL WHO KNOWINGLY AND WILLFULLY FALSIFIES OR FAILS TO FILE THIS REPORT MAY BE SUBJECT TO CIVIL AND CRIMINAL SANCTIONS (5 U.S.C. app. § 104)

Committee on Financial Disclosure  
Administrative Office of the United States Courts  
Suite 2-301  
One Columbus Circle, N.E.  
Washington, D.C. 20544

# FINANCIAL STATEMENT

## NET WORTH

Provide a complete, current financial net worth statement which itemizes in detail all assets (including bank accounts, real estate, securities, trusts, investments, and other financial holdings) all liabilities (including debts, mortgages, loans, and other financial obligations) of yourself, your spouse, and other immediate members of your household.

| ASSETS                            |   |     |     | LIABILITIES                                      |    |     |     |
|-----------------------------------|---|-----|-----|--------------------------------------------------|----|-----|-----|
| Cash on hand and in banks         |   | 154 | 360 | Notes payable to banks-secured (auto)            |    |     |     |
| U.S. Government securities        |   |     |     | Notes payable to banks-unsecured                 |    |     |     |
| Listed securities – see schedule  | 1 | 412 | 845 | Notes payable to relatives                       |    |     |     |
| Unlisted securities               |   |     |     | Notes payable to others                          |    |     |     |
| Accounts and notes receivable:    |   |     |     | Accounts and bills due                           |    | 39  | 292 |
| Due from relatives and friends    |   |     |     | Unpaid income tax                                |    |     |     |
| Due from others                   |   |     |     | Other unpaid income and interest                 |    |     |     |
| Doubtful                          |   |     |     | Real estate mortgages payable – see schedule     |    | 210 | 831 |
| Real estate owned – see schedule  | 1 | 000 | 000 | Chattel mortgages and other liens payable        |    |     |     |
| Real estate mortgages receivable  |   |     |     | Other debts-itemize:                             |    |     |     |
| Autos and other personal property |   | 39  | 672 |                                                  |    |     |     |
| Cash value-life insurance         |   |     |     |                                                  |    |     |     |
| Other assets itemize:             |   |     |     |                                                  |    |     |     |
| Federal Thrift Savings Plan       |   | 770 | 324 |                                                  |    |     |     |
| IBM Personal Pension Plan         |   | 96  | 816 |                                                  |    |     |     |
| Chesnut Digital Consulting LLC    |   |     | 0   | Total liabilities                                |    | 250 | 123 |
|                                   |   |     |     | Net Worth                                        | 3  | 223 | 894 |
| Total Assets                      | 3 | 474 | 017 | Total liabilities and net worth                  | 3  | 474 | 017 |
| CONTINGENT LIABILITIES            |   |     |     | GENERAL INFORMATION                              |    |     |     |
| As endorser, comaker or guarantor |   |     |     | Are any assets pledged? (Add schedule)           | No |     |     |
| On leases or contracts            |   |     |     | Are you defendant in any suits or legal actions? | No |     |     |
| Legal Claims                      |   |     |     | Have you ever taken bankruptcy?                  | No |     |     |
| Provision for Federal Income Tax  |   |     |     |                                                  |    |     |     |
| Other special debt                |   |     |     |                                                  |    |     |     |

## FINANCIAL STATEMENT

### NET WORTH SCHEDULES

#### Listed Securities

|                                                                                                       |                  |
|-------------------------------------------------------------------------------------------------------|------------------|
| National Grid stock                                                                                   | 14,188           |
| IBM stock                                                                                             | 64,145           |
| T. Rowe Price Growth & Income Mutual Fund                                                             | 12,866           |
| Fidelity 500 Index Fund Institutional Class                                                           | 44,671           |
| Morgan Stanley Institutional Core Plus Fixed Income Portfolio Class Institutional                     | 16,152           |
| American Funds Growth Fund of America Class R6                                                        | 19,006           |
| IBM 401(k) Plus Plan, Moderate Life Strategy Fund                                                     | 770,060          |
| NYS 529 College Savings Program Direct Plan, Aggressive Age-Based Option: Moderate Growth Portfolio   | 51,228           |
| NYS 529 College Savings Program Direct Plan, Moderate Age-Based Option: Conservative Growth Portfolio | 184,225          |
| NYS 529 College Savings Program Direct Plan, Aggressive Age-Based Option: Growth Portfolio            | 39,101           |
| NYS 529 College Savings Program Direct Plan, Moderate Age-Based Option: Moderate Growth Portfolio     | 135,196          |
| JP Morgan Core Bond Fund Class C                                                                      | 5,664            |
| Fidelity Government Cash Reserves                                                                     | 56,343           |
| Total Listed Securities                                                                               | <u>1,412,845</u> |

#### Real Estate Owned

|                         |                  |
|-------------------------|------------------|
| Personal residence      | <u>1,000,000</u> |
| Total Real Estate Owned | <u>1,000,000</u> |

#### Real Estate Mortgages Payable

|                                     |                |
|-------------------------------------|----------------|
| Personal residence – mortgage       | <u>210,831</u> |
| Total Real Estate Mortgages Payable | <u>210,831</u> |

AFFIDAVIT

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

May 18, 2018  
(DATE)

D. Gujarati  
(NAME)

Jeanette Ann Grayeb  
(NOTARY)

JEANETTE ANN GRAYEB  
Notary Public State of New York  
No. 01GR4995793  
Qualified in Kings County  
Commission Expires November 30, 2021