UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

   Eric Ross Komitee

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.

   Office: Viking Global Investors LP (until June 30, 2018)
   280 Park Avenue
   New York, New York 10017

   Residence: Brooklyn, New York

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

   1970; Freeport, 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, New York University School of Law; J.D. (*cum laude*), 1995

   1988 – 1992, Emory University; B.A. (with high honors), 1992

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.

   2008 – June 2018
   Viking Global Investors LP
   280 Park Avenue

New York, New York 10017
General Counsel

2000 – 2008
United States Attorney's Office for the Eastern District of New York
271 Cadman Plaza East
Brooklyn, New York 11201
Assistant U.S. Attorney
Chief, Business and Securities Fraud Section (2006 – 2008)
Deputy Chief, Business and Securities Fraud Section (2005 – 2006)
Computer Crimes Coordinator (2003 – 2004)

1998 – 2000
Skadden, Arps, Slate, Meagher & Flom LLP
4 Times Square
New York, New York 10036
Associate

1996 – 1998
Cravath, Swaine & Moore
825 Eighth Avenue
New York, New York 10019
Associate

1995 – 1996
United States Court of Appeals for the Eleventh Circuit
56 Forsyth Street, N.W.
Atlanta, Georgia 30303
Law Clerk to the Honorable J.L. Edmondson

Summer 1995
Sutherland, Asbill & Brennan
Now Eversheds Sutherland
999 Peachtree Street, N.W.
Atlanta, Georgia 30309
Summer Associate

Summer 1994
Fried, Frank, Harris, Shriver & Jacobsen
One New York Plaza
New York, New York 10004
Summer Associate

Summer 1992
Camp Wah-Nee
Wah-Nee Road

Torrington, Connecticut 06790
Tennis Instructor

<u>Other Affiliations (Uncompensated):</u>

2018 – present
Sanctuary for Families
P.O. Box 1406
Wall Street Station
New York, New York
Member, Pro Bono Council

2016 – present
Montague Terrace Corporation
Brooklyn, New York 11201
Member, Co-Op Board

2009 – 2018
Viking Global Foundation Inc.
55 Railroad Avenue
Greenwich, Connecticut 06830
President (2009 – 2011)
Secretary (2009 – 2018)

2014 – 2017
New York Convention Center Operating Corporation
655 West 34th Street
New York, New York 10001
Member, Board of Directors

2014 – 2016
Managed Funds Association
546 Fifth Avenue
New York, New York 10036
Member, Board of Directors (as Viking General Counsel)

2012 – 2014
UJA-Federation of New York – Lawyers Division
White Collar and Securities Enforcement Group
130 East 59th Street
New York, New York 10022
Member, Executive Committee

1993 – 1994
Federalist Society – NYU School of Law Chapter
40 Washington Square South

New York, New York 10012
Vice President

Summer 1993
Legal Services for the Elderly in Queens
99-77 Queens Boulevard
Rego Park, New York 11374
Summer Intern

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

   I did not serve in the U.S. Military. I registered for the selective service upon turning 18.

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

   Federal Bar Association's Younger Federal Lawyer Award (2005)

   Pro Bono Service Award, Skadden, Arps, Slate Meagher & Flom (1999)

   Degree from New York University School of Law conferred *cum laude*

   Rubin Prize for Best *NYU Law Review* Note in Public Law (1995)

   NYU Law Review, member of Senior Editorial Board (1994 – 1995)

   Degree from Emory University conferred with High Honors

   Phi Beta Kappa, Emory University

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 (2013 – present)

   New York State Bar Association (2009 – 2010)

   Sanctuary for Families (2018 – present)
   Member, Pro Bono Council

UJA-Federation of New York – Lawyers Division (2012 (approx.) – 2014)
White Collar and Securities Enforcement Group
Member, Executive Committee

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 (2000)

These admissions have become inactive since I moved to in-house legal practice, as I do not often appear in federal court in my current capacity.

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.

Brooklyn Bridge Park Conservancy (2013 (approx.) – present)

Brooklyn Heights Association (2005 (approx.) – present)

Brooklyn Heights Synagogue (2007 (approx.) – present)

The Heights Casino (2008 (approx.) – present)

Managed Funds Association (2014 – 2016)
Director (as Viking General Counsel)

Montague Terrace Corporation (2016 – present)
Board Member

New York Convention Center Operating Corporation (2014 – 2017)
Director

Viking Global Foundation Inc. (2009 – 2018)
President (2009 – 2011)
Secretary (2009 – 2018)

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

To the best of my knowledge, none of the organizations listed above currently invidiously discriminates, or formerly did so, 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.

With Michael Asaro, *The Evolving Landscape of 'Corporate Access,'* N.Y. L.J., August 29, 2013. Copy supplied.

Corporate Response to Computer Intrusions, N.Y. L.J. E-commerce Law and Strategy Newsletter, Vol. 19, No. 8 (December 2002). Copy supplied.

With David Zornow, *Regulating Gaming on the Internet*, N.Y. L.J., February 22, 2000. Copy supplied.

US Listing: Fact and Fiction, 1999 Survey of US Investor Attitudes to European Equities (Brunswick Group, October 29, 1999). Despite a diligent search, I cannot locate a copy of my chapter of this work in my records or in publicly available records.

Bargains Without Benefits: Do the Sentencing Guidelines Permit Upward Departures to Account for Dismissed Charges?, 70 N.Y.U. L. REV. 166 (1995). Copy supplied.

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

   I have not prepared or contributed in the preparation of any reports, memoranda, or policy statements of a bar association, conference, or organization of which I have been a member.

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

   I have not provided any testimony, official statement, or other communications to public bodies or public officials on such matters.

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.

   February 23, 2018: Guest Lecturer, "White Collar Criminal Defense: Critical Issues and Strategies," Yale Law School, New Haven, Connecticut. I guest-taught Professor Kate Stith's class on the Computer Associates accounting fraud, focusing on the investigation, motion practice, contested sentencing proceedings and appeal. I have no notes, transcript, or recording. The address of Yale Law School is 127 Wall Street, New Haven, Connecticut 06511.

   March 10, 2017: Guest Lecturer, "White Collar Criminal Defense: Critical Issues and Strategies," Yale Law School, New Haven, Connecticut. I guest-taught Professor Kate Stith's class on the Computer Associates accounting fraud, focusing on the investigation, motion practice, contested sentencing proceedings and appeal. I have no notes, transcript, or recording. The address of Yale Law School is 127 Wall Street, New Haven, Connecticut 06511.

   July 14, 2016: Panelist, "Compliance Panel," United States Securities and Exchange Commission, New York, New York. I spoke at the annual summer retreat of the Asset Management Unit of the SEC's Enforcement Division, about best practices in compliance policies and procedures. I have no notes, transcript, or recording. The SEC's New York Regional Office is located at 200 Vesey Street, New York, New York 10281.

April 20, 2016: Panelist, "Managing Anti-Corruption Risks," ACA Compliance Group's Foreign Corrupt Practices Act Compliance Roundtable, sponsored by Wells Fargo Securities, New York, New York. I spoke about managing risk under the Foreign Corrupt Practices Act. I have no notes, transcript, or recording. The address of Wells Fargo's New York Office is 375 Park Avenue – Third Floor, New York, New York 10152.

March 7, 2016: Panelist, "General Counsel Perspectives on the State of the Industry," International Bar Association's 17th Annual International Conference on Private Investment Funds, London, United Kingdom. I spoke about recent SEC enforcement actions involving investment advisors. Copy of notes supplied.

May 5, 2015: Moderator, "Enforcement Issues and Investigations," Managed Funds Association Compliance Conference, New York, New York. I spoke about recent enforcement actions involving insider trading, theft of confidential business information, and conflicts of interest. Copy of PowerPoint presentation supplied.

April 3, 2015: Guest Lecturer, "White Collar Criminal Defense: Critical Issues and Strategies," Yale Law School, New Haven, Connecticut. I guest-taught Professor Kate Stith's class on the Computer Associates accounting fraud, focusing on the investigation, motion practice, contested sentencing proceedings and appeal. I have no notes, transcript, or recording. The address of Yale Law School is 127 Wall Street, New Haven, Connecticut 06511.

March 2, 2015: Guest Lecturer, "Business Crime," NYU School of Law, New York, New York. I guest-taught Professor Jennifer Arlen's class, which focused on recent developments in insider-trading law. 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.

December 5, 2013: Panelist, "Proxy Advisory Firms Roundtable," United States Securities and Exchange Commission, Washington, D.C. Transcript available at https://www.sec.gov/spotlight/proxy-advisory-services/proxy-advisory-services-transcript.txt.

October 18, 2013: Moderator, "Cyber Security: Arming Your Firm Against the Rising Risks of Cyber Threats," Managed Funds Association Outlook Conference, Managed Funds Association, New York, New York. I moderated a panel on cybersecurity risk (best practices for avoiding and responding to network intrusions). Copy of notes and audio excerpt supplied.

April 24, 2013: Panelist, "Is Your Organization Prepared – Top Legal Challenges Facing the Hedge Fund Industry," 8th Annual GAIM Ops Cayman Conference, Grand Cayman. I spoke about best practices in fund governance, including in relation to communications with a board of directors. Copy of notes supplied, along with an article reporting on my panel discussion.

March 29, 2013: Guest Lecturer, "White Collar Criminal Defense: Critical Issues and Strategies," Yale Law School, New Haven, Connecticut. I guest-taught Professor Kate Stith's class on the Computer Associates accounting fraud, focusing on the investigation, motion practice, contested sentencing proceedings and appeal. I have no notes, transcript, or recording. The address of Yale Law School is 127 Wall Street, New Haven, Connecticut 06511.

November 27, 2012: Moderator, "Best Practices to Prevent Insider Trading and Emerging Law Enforcement Issues for Hedge Funds," Managed Funds Association Compliance Conference, New York, New York. I moderated a panel of prosecutors and SEC staff attorneys. Copy of notes supplied.

October 1, 2012: Panelist, "Insider Trading Issues in Today's Enforcement Environment," American Lawyer Media Insider Trading Seminar, New York, New York. I spoke about recent developments in insider-trading law. I have no notes, transcript, or recording. American Lawyer Media is located at 4 MetroTech Center, Brooklyn, New York 11201.

September 11, 2012: Guest Lecturer, "Alternative Investment Funds: Law and Policy," Yale Law School, New Haven, Connecticut. I guest-taught Professor Josh Abramowitz's class on alternative investment funds, focusing on the Investment Advisors Act of 1940 and the rules promulgated thereunder by the SEC. I have no notes, transcript, or recording. The address of Yale Law School is 127 Wall Street, New Haven, Connecticut 06511.

June 26, 2012: Panelist, "Managing Your Prime Broker Relationship and Counter-Party Risk," HFM Legal Summit, White Plains, New York. I spoke about best practices in managing counterparty risk – the risk of insolvency of a custodian or trading counterparty. I have no notes, transcript or recording. HFM's United States Office is located at 200 Park Avenue South – 16th Floor, New York, New York 10003.

January 31, 2012: Panelist, "Dodd-Frank Wall Street Reform and Consumer Protection Act," United States Securities and Exchange Commission, Compliance Outreach Program for Investment Advisers and Investment Companies, Securities and Exchange Commission, Washington, D.C. A video excerpt is available at: https://www.sec.gov/video/webcast-archive-player.shtml?document_id=complianceoutreachns013112-3.

November 30, 2011: Moderator, "SEC Registration, Reporting and Examinations," Managed Funds Association Regulatory Compliance Best Practices Conference, New York, New York. Audio excerpt supplied.

September 22, 2011: Panelist, "A Look at Legal, Regulatory and Legislative Issues Currently Facing Hedge Funds," Morgan Stanley COO & CFO Conference, Miami, Florida. I spoke about compliance policies, including best practices for the use of paid consultants in investment research. I have no notes, transcript, or recording. Morgan Stanley is located at 750 7th Avenue, New York, New York 10019.

September 21, 2011: Panelist, "Building a Successful Legal Office," Argyle 2011 Hedge Fund General Counsel Leadership Forum, New York, New York. I spoke about legal department operations management. I have no notes, transcript, or recording. Argyle Executive Forum is located at 50 Broad Street, New York, New York 10004.

September 13, 2011: Panelist, "Dealing with Government Examinations and Investigations," American Lawyer Media Hedge Fund General Summit, New York, New York. Audio is available for streaming at: https://www.clecenter.com/program/programdescription.aspx?pgmid=2812.

January 20, 2011: Panelist, "Global Oversight of Fund Managers: How AIFMD and Dodd-Frank Converge and Diverge," Managed Funds Association EU Regulatory Reform Seminar, New York, New York. I spoke about complying with new global regulatory obligations being promulgated in the US and EU. I have no notes, transcript, or recording. Managed Funds Association is located at 546 5th Avenue, New York, New York 10036.

October 4, 2010: Panelist, "Changing Supervisory and Regulatory Landscape," American Lawyer Media Hedge Fund General Counsel Summit, New York, New York. I spoke about supervisory responsibility in an investment advisor's compliance program. I have no notes, transcript, or recording. American Lawyer Media is located at 4 MetroTech Center, Brooklyn, New York 11201.

September 23, 2010: Panelist, "Insider Trading," ACA Compliance Group Conference, San Diego, California. I spoke about recent trends in insider trading enforcement, and the policies and procedures investment advisors should maintain. I have no notes, transcript, or recording. ACA Compliance Group is located at 1370 Broadway – 12th Floor, New York, New York 10018.

November 23, 2009: Panelist, "Non-Traditional Hedge Fund Enforcement in the New Regulatory Environment," Practicing Law Institute Seminar on Hedge Fund Enforcement and Regulatory Developments, New York, New York. I spoke about compliance best practices. I have no notes, transcript, or recording. The

Practicing Law Institute is located at 1177 6th Avenue, New York, New York 10036.

September 25, 2008: Panelist, American Lawyer Media Hedge Fund General Counsel Summit. Stamford, Connecticut. I spoke about compliance best practices. I have no notes, transcript, or recording. American Lawyer Media is located at 4 MetroTech Center, Brooklyn, New York 11201.

In or about September 2006, while employed at the U.S. Attorney's Office, I took part in a presentation on the subject of U.S. extradition proceedings in white-collar cases in London, United Kingdom, sponsored by Freshfields Bruckhaus Deringer. I do not recall the exact date of this panel, and I do not have notes, transcript, or recording of the event. The address of Freshfields Bruckhaus Deringer is 65 Fleet Street, London, United Kingdom, EC4Y 1HT.

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.

Alex Berenson, *Software Chief Admits to Guilt in Fraud Case*, NEW YORK TIMES, Apr. 25, 2006. Copy supplied (quotation reprinted in multiple outlets).

Dan Margolies, *Area Firm Pleads Guilty in Telephone Bill Scam*, KANSAS CITY STAR, Feb. 18, 2005. Copy supplied.

Corey Kilgannon, *Phone Executive Admits Conspiracy in Mob Fraud*, NEW YORK TIMES, Jan. 9, 2005. Copy supplied.

CA To Settle Fake Sales Probe, SHANGHAI DAILY, Sept. 23, 2004. Copy supplied.

Greg B. Smith, *Mob Dials for Dough – Say Millions Swindled Using Tiny Midwest Firm*, NEW YORK DAILY NEWS, Sept. 19, 2004. Copy supplied.

Stephen Taub, *Guilty Pleas by Computer Associates Trio*, CFO.COM, Apr. 9, 2004. Copy supplied (quotation reprinted in multiple outlets).

Jerry Capeci, *Billion-Dollar Rip-Off*, NEW YORK SUN, Mar. 25, 2004. Copy supplied.

Kati Cornell Smith, *Hostage-Holding Movers Guilty*, NEW YORK POST, May 10, 2003. 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.

       Member, Board of Directors of the New York Convention Center Operating Corporation (2014 – 2017). Appointed by Governor Andrew Cuomo.

       I have never run for public office or been nominated unsuccessfully for appointed office.

    b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

       I have never worked for a political party, election committee, or political campaign.

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

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

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

   From 1994 to 1995, I served as a law clerk to the Honorable J.L. Edmondson, Circuit Judge of the United States Court of Appeals for the Eleventh Circuit.

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

   I have not practiced law alone.

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

   1996 – 1998
   Cravath, Swaine & Moore
   825 Eighth Avenue
   New York, New York 10019
   Associate

   1998 – 2000
   Skadden, Arps, Slate, Meagher & Flom LLP
   4 Times Square
   New York, New York 10036
   Associate

   2000 – 2008
   United States Attorney's Office
   Eastern District of New York
   271 Cadman Plaza East
   Brooklyn, New York 11201
   Assistant U.S. Attorney (2000 – 2008)
   Chief, Business and Securities Fraud Section (2006 – 2008)
   Deputy Chief, Business and Securities Fraud Section (2005 – 2006)
   Computer Crimes Coordinator (2003 – 2004)

   2008 – 2018
   Viking Global Investors LP
   280 Park Avenue

New York, New York 10017
General Counsel

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

I have not acted as a mediator or arbitrator in an alternative dispute resolution proceeding.

b. Describe:

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

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

From 2008 through June 2018, I was the general counsel of Viking Global Investors LP, an investment advisor that managed approximately $25 billion in assets for institutional investors such as university endowments, charitable foundations and sovereign wealth funds. As general counsel, I oversaw the firm's legal and regulatory affairs and supervise a nine-person Legal and Compliance Department. I managed a broad spectrum of transactional work, contract negotiation, trading and regulatory compliance management, employee-relations issues, and occasional litigation that occurs at Viking. During this time, my only clients were Viking and its affiliates (excepting *pro bono* work).

From 2000 to 2008, I served as an Assistant U.S. Attorney in the Eastern District of New York. Early in my career, I tried cases involving violent crime, illegal gun possession and the international distribution of stolen property. I also served as the office's computer-crimes coordinator, focusing on hacking and internet fraud. During the bulk of my tenure, however, I focused on white-collar criminal enforcement, including securities fraud, insider trading, mail and wire fraud, tax evasion and money laundering cases. I worked closely with attorneys from the Enforcement staff of the Securities and Exchange Commission and with law enforcement officers from the Federal Bureau of Investigation, U.S. Secret Service, and other agencies. I tried a number of cases as lead counsel, briefed and argued appeals in the Second Circuit, and managed large and complex grand-jury investigations. As I became more experienced, I was promoted to Deputy Chief and then Chief of the Office's Business and Securities Fraud Section. In those capacities, I supervised a number of Assistant U.S. Attorneys prosecuting white-collar and corporate crime. I also attended meetings of the President's Corporate

Fraud Task Force on behalf of the United States Attorney for the Eastern District of New York.

Before joining the U.S. Attorney's Office, I was an associate in the Government Enforcement group at Skadden, Arps, Slate, Meagher & Flom from 1998 to 2000. During this time, I represented companies and individuals in grand jury investigations and regulatory proceedings before agencies like the SEC. I assisted in the conduct of internal investigations and drafted briefs, motions, and one certiorari petition for submission to the federal courts. I also did a significant amount of *pro bono* work while at Skadden.

Before joining Skadden, I served as a corporate associate at Cravath, Swaine & Moore from 1996 to 1998. My clients there were typically public and private corporations, limited partnerships and limited liability companies, and my practice focused on mergers and acquisitions transactions (public and private), securities underwriting and other capital-raising transactions, and commercial banking matters. Much of this work was cross-border in nature.

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.

I did not appear in court during my tenure at Viking, though I supervised Viking's outside counsel on litigation matters and monitored the proceedings as they occurred. As an Assistant U.S. Attorney, my practice consisted almost entirely of conducting or supervising litigation, and I appeared in court frequently. As an associate in Skadden's Government Enforcement group, I did not appear in court on retained matters, but spent a significant amount of time formulating legal arguments and writing briefs in litigated matters. I did appear in court occasionally on behalf of *pro bono* clients during that time. Finally, my work as a corporate associate at Cravath did not involve litigation, although I did interact with regulatory agencies like the SEC and NASD on behalf of clients.

i. Indicate the percentage of your practice in:
   1. federal courts: 80%
   2. state courts of record: 10%
   3. other courts:
   4. administrative agencies: 10%

ii. Indicate the percentage of your practice in:
   1. civil proceedings: 15%
   2. criminal proceedings: 85%

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 seven cases to verdict. Five of these were in the U.S. Attorney's Office. I was sole counsel in three of these cases, chief counsel in one, and co-lead counsel in one. In addition, I participated in contested sentencing hearings involving multiple fact and expert witnesses during my time as an Assistant United States Attorney. I also served as co-lead counsel in a *pro bono* civil action while at Skadden, which included a bench trial in federal court. Finally, I served as sole counsel while in law school in at least one proceeding before an administrative law judge of the Department of Labor.

i. What percentage of these trials were:
   1. jury: 70%
   2. non-jury: 30%

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 never appeared before the Supreme Court of the United States.

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

   a. the date of representation;

   b. the name of the court and the name of the judge or judges before whom the case was litigated; and

   c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

(1) *United States v. Kumar*, No. 1:04-cr-00846-ILG (E.D.N.Y.).

From approximately 2005 through 2007, I served as co-lead counsel in this securities fraud and obstruction-of-justice case against the former CEO and head of worldwide sales of Computer Associates International, Inc., then the world's third-largest software company. Both defendants pleaded guilty to all counts in the Indictment, with no plea agreement, two weeks before jury selection. Post-plea, the court conducted an extended sentencing hearing concerning economic loss and allegations of data destruction; the government prevailed on all disputed issues. Computer Associates itself entered into a Deferred Prosecution Agreement with the Department of Justice and Securities and Exchange Commission, pursuant to which it agreed to pay $225 million in restitution. The investigation resulted in the conviction of a total of eight executives on securities fraud and obstruction charges. The case was before United States District Judge I. Leo Glasser.

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(2) *United States v. LoCascio*, No. 1:03-cr-00304-CBA (E.D.N.Y.), *aff'd*, 185 F. App'x 88 (2d Cir. 2006).

I served as lead counsel in this case, which was identified by the Federal Trade Commission as the then-largest consumer fraud case in U.S. history (grossing over $700 million). The prosecution dismantled a massive internet and telecommunications fraud and related money-laundering scheme perpetrated by a number of high-ranking members and associates of the Gambino organized crime family. The case resulted in the conviction of sixteen individual defendants and one corporation, as well as the recovery of approximately $45 million in forfeiture proceeds. I worked on the case from the investigative phase through sentencing, from approximately 2003 to 2005. The case was before United States District Judge Carol B. Amon.

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(3) *United States v. Damti,* No. 1:02-cr-00471-NGG (E.D.N.Y), *aff'd*, 109 F. App'x 454 (2d Cir. 2004).

I served as lead counsel in this five-week jury trial against the owners of a series of moving companies engaged in a nationwide fraud scheme. The defendants were accused of extorting inflated payments from customers of the moving companies and refusing to return the customers' possessions if they did not accede to the higher fees. The two lead defendants were convicted on all counts and sentenced to 151 months' incarceration; a number of other defendants pleaded guilty. The trial was conducted in 2003 before United States District Judge Nicholas G. Garaufis. I also argued the appeal before the United States Court of Appeals for the Second Circuit, in which the judgment of the trial court was affirmed. The Second Circuit panel was comprised of Circuit Judges Winter and Jacobs. District Judge Pollak, who was part of the panel hearing the case, died after argument.

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(4) *United States v. Ryan*, 1:04-cr-673 (E.D.N.Y.).

I was brought in approximately six weeks before trial in 2005 to co-lead this case, which asserted seaman's manslaughter and false-statements charges against the Director of the Staten Island Ferry service and his top deputy following the crash of the ferryboat Andrew J. Barberi, which killed eleven passengers. The prosecution culminated in both defendants' guilty pleas to the top counts against them. The case was before United States District Judge Edward R. Korman.

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(5) *United States v. Mahaffy*, No. 1:05-cr-00613-ILG (E.D.N.Y.).

This case, which I joined shortly before trial in 2007, involved insider-trading and obstruction-of-justice charges against brokers at major investment banks. The defendants were alleged to have permitted day-traders to eavesdrop on order-flow information disseminated through the banks' internal "squawk-box" communications systems. Following trial, the jury convicted one defendant of conspiring to obstruct justice, hung on one count of conspiracy to commit securities fraud, and acquitted on the remaining substantive counts. At retrial, which occurred after I left the U.S. Attorney's Office, the jury convicted on the remaining count. The convictions in the second trial were later overturned based on evidentiary disclosure and jury instruction issues unrelated to my work on the case. United States District Judge I. Leo Glasser presided over the first trial.

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(6) *United States v. Halak*, No. 1:00-cr-00228-NG (E.D.N.Y.).

I prosecuted this case against a defendant who participated in an extensive conspiracy to export stolen luxury cars. Following a jury trial, the defendant was convicted on all counts. The case was before United States District Judge Nina Gershon. I also argued the appeal of this case before the Second Circuit; the judgment below was affirmed. The appeal was heard by Judges McLaughlin, Cabranes and Sack.

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(7) *EEOC v. Local 638*, No. 71 Civ. 2877 (RLC), 117 F. Supp. 2d 386 (S.D.N.Y. 2000).

As an associate at Skadden, I worked *pro bono* for the Civil Rights Bureau of the New York State Attorney General's Office on this long-running action against a local union that had been found liable for racial discrimination. In particular, I served as co-counsel in 2000 in a bench trial focused on the question of whether defendant Sheet Metal Workers' Local Union No. 28 could afford certain back-pay that had been ordered in a previous stage of the case. The court held that the union was indeed able to afford the back-pay award. The trial was conducted before United States District Judge Robert L. Carter, on remand from the Second Circuit.

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(8) *United States v. Khanin*, No. 1:01-cr-00599-ERK (E.D.N.Y.).

I led the investigation and prosecution of this extensive health-care fraud conspiracy. The defendants defrauded the government of hundreds of thousands of dollars by "up-coding" requests for federal reimbursement in connection with the provision of various durable medical equipment devices. Following the defendants' guilty pleas, Judge Edward R. Korman sentenced the lead defendant to fifteen months' incarceration.

<u>Opposing Counsel:</u>
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(9) *United States v. Rocancourt*, No. 1:01-cr-00653-CPS (E.D.N.Y.).

Together with a colleague, I prosecuted this case against a defendant who posed as a scion of the Rockefeller family, defrauding several victims in Manhattan and the Hamptons through advance-fee and other investment-fraud schemes. We successfully sought the defendant's extradition from Canada and obtained his conviction in the Eastern District of New York pursuant to a multi-district, global plea agreement before Judge Charles P. Sifton, who sentenced him to 46 months' incarceration.

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(10) *United States v. Ramos*, No. 1:01-cr-00015-ARR (E.D.N.Y.).

I tried this case alleging possession of a firearm by a convicted felon. Following the jury's verdict of guilty, Judge Allyne Ross sentenced the defendant to 57 months' imprisonment.

Opposing Counsel:
Harry Batchelder

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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.)

As the first general counsel at Viking Global Investors, I built a department responsible for all legal, regulatory and compliance matters on behalf of an investment advisor managing tens of billions of dollars in assets in jurisdictions around the world. I led the development of Viking's compliance policies, built a training regimen for employees in the firm's U.S. and non-U.S. offices, and developed a comprehensive compliance-testing process. I supervised the legal aspects of Viking's counterparty-risk management effort – the effort to ensure that Viking's clients receive maximum protection in the event of a failure of a trading counterparty or custodian of our funds' assets. I also supervised the negotiation and legal drafting for complex corporate and securities transactions in jurisdictions around the world. As discussed below, I also instituted a *pro bono* program and did *pro bono* work myself while at Viking.

At the U.S. Attorney's Office, in addition to the case work described in Item 17, above, I supervised a section of approximately thirteen AUSAs and a significant number of support personnel. In that capacity, I set priorities for the office's business and securities enforcement efforts. I also managed relationships with key outside constituencies like the SEC Enforcement Division, NASD enforcement (now FINRA), the FBI, Secret Service and other agencies. I also attended meetings of the President's Corporate Fraud Task Force on behalf of the United States Attorney for the Eastern District of New York. The Task Force was formed in the aftermath of accounting frauds at Enron, Adelphia, WorldCom, Computer Associates and other companies and formed the backbone of the government's response to that wave of scandals.

At Skadden, I served as the lead associate on a number of complex matters including advising a government agency following alleged improprieties in connection with the bidding process for the sale of a large tranche of public land; representing a group of associated companies in a criminal tax investigation; representing a leading securities firm after the arrest of a junior investment banker on insider-trading charges; advising a leading investment bank on the risks associated with capital markets transactions on behalf of internet gambling firms; and other matters.

At Cravath, I served in a more junior capacity on transactions including the $8 billion sale of various specialty chemical businesses by an international conglomerate; a stock purchase and convertible note issuance by a multinational pharmaceutical company acquiring a stake in a biotechnology firm; the issuance of certain innovative hybrid debt/equity securities; and other matters.

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.

    Approximately once a year for the last several years, I have guest-taught a class in white-collar crime offered at Yale Law School and taught by Professor Kate Stith and David Zornow of Skadden, Arps, Slate, Meagher & Flom. In that class, the students learn about the government's investigation of an accounting fraud case; the company's internal investigation; subsequent motion practice; and contested sentencing proceedings.

    I also guest-taught Professor Jennifer Arlen's course on Business Crime at NYU School of Law in March 2015. The unit focused on insider trading.

    In September 2011, I guest-taught Professor Josh Abramowitz's class on Alternative Investment Funds at Yale Law School. The unit focused on the Investment Advisors Act of 1940 and the SEC rules promulgated thereunder.

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.

    I am a party to a contract that requires me to maintain a specified minimum investment balance in certain funds managed by Viking Global Investors LP. The contract entitles me to the return of that capital over a three-year period following my departure from the firm, though the firm can elect (at its option) to return the funds on a more accelerated timetable, including immediately. While these balances remain invested at Viking, I am entitled to certain profit-sharing benefits from the firm as well as any return on the invested capital. Viking has informed me that they intend to return this capital in or about July of 2018.

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

    I have no plans, commitments, or agreements to pursue outside employment in the future.

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

exceeding $500 or more (if you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here).

See attached Financial Disclosure Report.

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

See attached Net Worth Statement.

24. **Potential Conflicts of Interest**:

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

   If confirmed, I would evaluate any real or potential conflict, or relationship that could give rise to the appearance of a conflict, on a case-by-case basis and determine appropriate action, including recusal where necessary, with the input of the parties' counsel and consultation with the applicable canons of judicial ethics.

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

   If confirmed, I will carefully review and address any real or potential conflicts by reference to 28 U.S.C. § 455, Canon 3 of the Code of Conduct for United States Judges, and any and all other laws rules and practices governing such circumstances.

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.

Under my leadership, Viking's legal department instituted a *pro bono* effort in the last several years. We established relationships with a number of legal-services organizations that need experienced lawyers to represent indigent defendants in critical matters. I have personally logged a significant number of hours representing a petitioner seeking to extend a protective order in family court. I took this case through Sanctuary for Families, an organization that provides legal services (among other assistance) to victims of domestic abuse. Other members of the legal team have done extensive work for other legal-services organizations.

Viking also has an affiliated charitable foundation. I served as an executive officer and member of the grants committee. The foundation focuses on early-childhood intervention in areas like children's pre-school educational development and nutrition and other health issues.

At Skadden, I received the firm's Pro Bono Service Award in 2000. This award largely reflected my work on a bench trial (described in response to Question 17) in which I assisted the New York Attorney General's office in seeking back pay for victims of racial discrimination by a local metal workers' union. I also represented victims of domestic abuse *pro bono* while at Skadden.

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.

   After learning of the vacancy in the Eastern District of New York, I submitted a resume to the White House in early February 2017. I interviewed with members of the White House Counsel's Office and Department of Justice personnel on March 7, 2017. In early July 2017, the White House Counsel's Office contacted me to say that they had included my name on a list of potential nominees they had shared with the New York senators. I interviewed by telephone with a member of Senator Schumer's judicial screening committee on November 28, 2017. Earlier this year, the White House Counsel's Office informed me that I would be recommended to the President for nomination the United States District Court for the Eastern District of New York, subject to agreement from the New York senators and completion of the required background investigation. Since that time, I have been in contact with members of the White House Counsel's Office and the Department of Justice regarding my nomination. 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.

AO 10 Rev. 1/2018	**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) Komitee, Eric R.	**2. Court or Organization** Eastern District of New York	**3. Date of Report** 05/25/2018
4. Title (Article III judges indicate active or senior status; magistrate judges indicate full- or part-time) District Judge (nominee)	**5a. Report Type (check appropriate type)** ☑ Nomination Date 05/15/2018 ☐ Initial ☐ Annual ☐ Final **5b.** ☑ Amended Report	**6. Reporting Period** 1/1/2017 to 5/17/2018
7. Chambers or Office Address 280 Park Avenue New York, NY 10017		

IMPORTANT NOTES: ***The instructions accompanying this form must be followed. Complete all parts, checking the NONE box for each part where you have no reportable information.***

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

☐ NONE *(No reportable positions.)*

	POSITION	NAME OF ORGANIZATION/ENTITY
1.	General Counsel	Viking Global Investors LP
2.	Secretary	Viking Global Foundation
3.	Director (resigned 2016)	Managed Funds Association
4.	Board member	Montague Terrace Corporation
5.	Director (resigned 2017)	New York Convention Center Operating Company
6.	Trustee	Family Trust #1
7.	Trustee	Family Trust #2
8.	Member	Pro Bono Council, Sanctuary for Families

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

☐ NONE *(No reportable agreements.)*

	DATE	PARTIES AND TERMS
1.	12/30/16	Agreement regarding continuing participation in certain funds managed by Viking Global Investors LP.
2.		
3.		

Name of Person Reporting	Date of Report
Komitee, Eric R.	05/25/2018

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.)*

	DATE	SOURCE AND TYPE	INCOME (yours, not spouse's)
1.	2018	Viking Global Investors LP, salary as general counsel	$123,076.96
2.	2017	Viking Global Investors LP, salary and bonus as general counsel	$3,234,306.86
3.	2016	Viking Global Investors LP, salary and bonus as general counsel	$7,212,215.56
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.)*

	DATE	SOURCE AND TYPE
1.		
2.		
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.)*

	SOURCE	DATES	LOCATION	PURPOSE	ITEMS PAID OR PROVIDED
1.	Exempt				
2.					
3.					
4.					
5.					

Name of Person Reporting	Date of Report
Komitee, Eric R.	05/25/2018

V. GIFTS. *(Includes those to spouse and dependent children; see pp. 28-31 of filing instructions.)*

☐ NONE *(No reportable gifts.)*

	SOURCE	DESCRIPTION	VALUE
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.)*

	CREDITOR	DESCRIPTION	VALUE CODE
1.			
2.			
3.			
4.			
5.			

Name of Person Reporting	Date of Report
Komitee, Eric R.	05/25/2018

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. Description of Assets (including trust assets) Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period (1) Amount Code 1 (A-H)	B. (2) Type (e.g., div., rent, or int.)	C. Gross value at end of reporting period (1) Value Code 2 (J-P)	C. (2) Value Method Code 3 (Q-W)	D. Transactions during reporting period (1) Type (e.g., buy, sell, redemption)	D. (2) Date mm/dd/yy	D. (3) Value Code 2 (J-P)	D. (4) Gain Code 1 (A-H)	D. (5) Identity of buyer/seller (if private transaction)
1.	Viking Global Investors LP 401(k) plan (H)					Exempt				
2.	- Invesco Diversified Dividend Fund			L	T					
3.	- iShares S&P 500 Index Fund			M	T					
4.	- Columbia Mid Cap Index Fund			K	T					
5.	- Delaware Small Cap Core Fund			K	T					
6.	- Oppenheimer International Growth Fund			K	T					
7.	- Invesco Asia Pacific Growth Fund			L	T					
8.	JPMorgan Managed Income L Fund	D	Dividend	O	T					
9.	JPMorgan Floating Rate Income Fund	E	Dividend	M	T					
10.	Powershares QQQ ETF	A	Dividend	M	T					
11.	Schwab US TIPS ETF	D	Dividend	O	T					
12.	Spdr Gold Shares ETF		None	O	T					
13.	IShares MSCI EAFE ETF	A	Dividend	K	T					
14.	Spdr Dow Jones ETF			J	T					
15.	Vanguard Short-Term Investment-Grade Fund			K	T					
16.	iShares Russell 2000 Index			L	T					
17.	Lord Abbett Floating Rate Fund			K	T					

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	

Name of Person Reporting	Date of Report
Komitee, Eric R.	05/25/2018

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. Description of Assets (including trust assets) Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period (1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	C. Gross value at end of reporting period (1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	D. Transactions during reporting period (1) Type (e.g., buy, sell, redemption)	(2) Date mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
18. Spdr S&P 500 ETF			K	T					
19. Vanguard FTSE All-World ex-US ETF			J	T					
20. Goldman Sachs BK 1.8% 19 CD FDIC Ins Due 1/24/19			M	T					
21. Lehman Bros HLD Var 2XXX Escrow			J	T					
22. New York 529 Developed Markets Index Portfolio			K	T					
23. New York 529 Mid-Cap Stock Index Portfolio			L	T					
24. New York 529 Small-Cap Stock Index Portfolio			M	T					
25. New York 529 Inflation-Protected Securities Portfolio			L	T					
26. Viking MVI II LLC	G	Dividend	P2	T					
27. Viking Partners Fund LP	G	Dividend	P2	T					
28. Viking Global Equities II LP	H1	Dividend	P2	T					
29. Viking Global Performance LLC	H2	Dividend	K	T					
30. Viking Long Fund GP LLC	G	Dividend	J	T					
31. Viking Global Opportunities GP LLC	G	Dividend	J	T					
32. Viking Global Opportunities LP	G	Dividend	P1	T					
33. Junto Capital Partners LP	G	Dividend	P2	T					
34. Lead Edge Capital QP II, LP	E	Dividend	M	T					

1. Income Gain Codes: (See Columns B1 and D4) — A =$1,000 or less; B =$1,001 - $2,500; C =$2,501 - $5,000; D =$5,001 - $15,000; E =$15,001 - $50,000; F =$50,001 - $100,000; G =$100,001 - $1,000,000; H1 =$1,000,001 - $5,000,000; H2 =More than $5,000,000

2. Value Codes (See Columns C1 and D3) — J =$15,000 or less; K =$15,001 - $50,000; L =$50,001 - $100,000; M =$100,001 - $250,000; N =$250,001 - $500,000; O =$500,001 - $1,000,000; P1 =$1,000,001 - $5,000,000; P2 =$5,000,001 - $25,000,000; P3 =$25,000,001 - $50,000,000; P4 =More than $50,000,000

3. Value Method Codes (See Column C2) — Q =Appraisal; R =Cost (Real Estate Only); S =Assessment; T =Cash Market; U =Book Value; V =Other; W =Estimated

Name of Person Reporting	Date of Report
Komitee, Eric R.	05/25/2018

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. Description of Assets (including trust assets) Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period (1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	C. Gross value at end of reporting period (1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	D. Transactions during reporting period (1) Type (e.g., buy, sell, redemption)	(2) Date mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
35. Warlander Asset Management LP (Classes A & W)		None	P1	T					
36. IShares MSCI Emerging Markets Idx ETF	A	Dividend	J	T					
37. United States Treasury Bonds	D	Interest	P2	T					
38. JPMorgan cash accounts	D	Interest	P2	T					
39. Schwab Cash Reserves Fund	B	Dividend	J	T					
40. MADISONCNTY NY CAP RESOURCE CORP CORP REV COLGATE UNIV PROJ-SER	B	Interest							
41. CORNING NY CITY SCH DIST UNLIMITED TAX	C	Interest							
42. NY ST URBAN DEV CORP REV REF-PERSONAL INCOME TAX-SER	A	Interest							
43. NY ST ENVRMNTL FACS CORP REV 5% E	B	Interest							
44. NY ST DORM AUTH SALES TAX REV REF-SER A	A	Interest							
45. NY ST DORM AUTH SALES TAX REV SER A	B	Interest							
46. ROCHESTER NY UNLTD TAX	B	Interest							
47. NY NY SER G UNLTD TAX	B	Interest							
48. NY ST THWY AUTH 2ND G SER A	B	Interest							
49. NY ST DORM AUTH LEASE REV ST UNIV DORM FACS	B	Interest							
50. PORT AUTH OF NY & NJ NY REF-CONSOL-SER	B	Interest							

1. Income Gain Codes: (See Columns B1 and D4)	A =$1,000 or less	B =$1,001 - $2,500	C =$2,501 - $5,000	D =$5,001 - $15,000	E =$15,001 - $50,000
	F =$50,001 - $100,000	G =$100,001 - $1,000,000	H1 =$1,000,001 - $5,000,000	H2 =More than $5,000,000	
2. Value Codes (See Columns C1 and D3)	J =$15,000 or less	K =$15,001 - $50,000	L =$50,001 - $100,000	M =$100,001 - $250,000	
	N =$250,001 - $500,000	O =$500,001 - $1,000,000	P1 =$1,000,001 - $5,000,000	P2 =$5,000,001 - $25,000,000	
	P3 =$25,000,001 - $50,000,000		P4 =More than $50,000,000		
3. Value Method Codes (See Column C2)	Q =Appraisal	R =Cost (Real Estate Only)	S =Assessment	T =Cash Market	
	U =Book Value	V =Other	W =Estimated		

Name of Person Reporting	Date of Report
Komitee, Eric R.	05/25/2018

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. Description of Assets (including trust assets)	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
Place "(X)" after each asset exempt from prior disclosure	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
51. NY CITY NY TR FOR CULTURAL RES REF-THE MUSEUM OF MODERN ART-S	B	Interest							
52. NEW YORK CITY NY TRANSITIONALFIN AUTH REVENUE FUTURE TAX	B	Interest							
53. TRIBORO NY BRDG & TUNLAUTH REVS	B	Interest							
54. BROOKLYN ARENA LOCAL DEVELOPMENT DEV CORP NY BARCLAYS CTR PROJ	B	Interest							
55. BROOKHAVEN NY LIMITED TAX	B	Interest							
56. NEW YORK ST ENVRMNTL FACS CORP REVENUE	C	Interest							
57. NEW YORK ST LOC GOVT ASSISTANCE CORP REF-SUB LIEN	B	Interest							
58. TRIBORO NY BRDG & TUNLAUTH REVS B	B	Interest							
59. ONONDAGA CNTY NY LIMITED TAX	B	Interest							
60. NY ST DORM AUTH REVENUES ST SUPPORTED DEBT MENTAL SVCS FACS	B	Interest							
61. NEW YORK ST DORM AUTH ST PERSO	B	Interest							
62. WHITE PLAINS NY CITY SCH DIST REF UNLIMITED TAX	B	Interest							
63. SALES TAX ASSET RECEIVABLE CORP NY FISCAL 2015-SER A	B	Interest							
64. NY ST DORM AUTH REVS REF-NEW YORK UNIV-SER A	B	Interest							
65. NY ST DORM AUTH ST PERSNL INC TAX REV SER B-GRP A	B	Interest							
66. NY NY SER D UNLTD TAX	B	Interest							

1. Income Gain Codes: (See Columns B1 and D4)	A =$1,000 or less	B =$1,001 - $2,500	C =$2,501 - $5,000	D =$5,001 - $15,000	E =$15,001 - $50,000
	F =$50,001 - $100,000	G =$100,001 - $1,000,000	H1 =$1,000,001 - $5,000,000	H2 =More than $5,000,000	
2. Value Codes (See Columns C1 and D3)	J =$15,000 or less	K =$15,001 - $50,000	L =$50,001 - $100,000	M =$100,001 - $250,000	
	N =$250,001 - $500,000	O =$500,001 - $1,000,000	P1 =$1,000,001 - $5,000,000	P2 =$5,000,001 - $25,000,000	
	P3 =$25,000,001 - $50,000,000		P4 =More than $50,000,000		
3. Value Method Codes (See Column C2)	Q =Appraisal	R =Cost (Real Estate Only)	S =Assessment	T =Cash Market	
	U =Book Value	V =Other	W =Estimated		

Name of Person Reporting	Date of Report
Komitee, Eric R.	05/25/2018

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

As referenced in Part II, I am a party to a contract that requires me to maintain a specified minimum investment balance in certain funds managed by Viking Global Investors LP. The contract entitles me to the return of that capital no later than a specified timetable following my departure from the firm, though the firm can unilaterally elect to return the capital on a more accelerated timetable, including immediately after my separation from the firm. While that capital remains invested at Viking, I am entitled to certain profit-sharing benefits from the firm as well as any return on the invested capital.

Annual income information for the assets listed in lines 2-7 and 14-25 in Part VII is not reported to the filer.

A portion of the income reported in lines 29-31 in Part VII consists of participation in the incentive allocations made to the general partner entities for certain Viking funds.

Name of Person Reporting	Date of Report
Komitee, Eric R.	05/25/2018

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/ **Eric R. Komitee**

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	5	372	601	Notes payable to banks-secured (auto)			
U.S. Government securities	6	964	310	Notes payable to banks-unsecured			
Listed securities – see schedule	5	734	979	Notes payable to relatives			
Unlisted securities – see schedule	34	073	759	Notes payable to others			
Accounts and notes receivable:				Accounts and bills due			
Due from relatives and friends				Unpaid income tax			
Due from others				Other unpaid income and interest			
Doubtful				Real estate mortgages payable – see schedule			
Real estate owned – see schedule	6	550	000	Chattel mortgages and other liens payable			
Real estate mortgages receivable				Other debts-itemize:			
Autos and other personal property		90	000				
Cash value-life insurance							
Other assets itemize:							
Furniture and other household property		30	000				
TSP-FERS Account		254	623				
				Total liabilities			
				Net Worth	59	070	272
Total Assets	59	070	272	Total liabilities and net worth	59	070	272
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	
Lord Abbett Short Duration Income Fund	$49,355
iShares U.S. Aggregate Bund Index Fund	$11,817
AB High Income Fund	$618
Invesco Diversified Dividend Fund	$149,533
iShares S&P 500 Index Fund	$137,865
Clearbridge Large Cap Growth Fund	$3,031
Columbia Mid Cap Index Fund	$12,898
Delaware Small Cap Core Fund	$77,526
Oppenheimer International Growth Fund	$10,008
Invesco Asia Pacific Growth Fund	$12,826
Nuveen Real Estate Securities Fund	$12,649
JPMorgan Managed Income L Fund	$998,515
JPMorgan Floating Rate Income Fund	$219,886
iShares Russell 2000 Index	$65,236
Powershares QQQ ETF	$121,202
Lord Abbett Floating Rate Fund	$42,068
Schwab US Tips ETF	$911,835
Spdr S&P 500 ETF	$44,150
Vanguard FTSE All-World ex-US ETF	$1,307
Spdr Gold Shares ETF	$748,544
Goldman Sachs BK 1.8% 19 CD FDIC Ins Due 1/24/19	$199,513
IShares MSCI EAFE ETF	$21,746
IShares MSCI Emerging Markets Idx ETF	$5,156
Spdr Dow Jones ETF	$14,228
Vanguard Short-Term Investment-Grade Fund	$18,994
Lehman Bros HLD Var 2XXX Escrow	$3,175
New York state and local bonds	$1,484,031
New York 529 Developed Markets Index Portfolio	$44,527
New York 529 Mid-Cap Stock Index Portfolio	$87,304
New York 529 Small-Cap Stock Index Portfolio	$144,501
New York 529 Inflation-Protected Securities Portfolio	$80,935
Total Listed Securities	$5,734,979

Unlisted Securities	
Viking MVI II LLC (directly, and via recip. trusts)	$8,724,997
Viking Partners Fund LP	$6,836,398
Viking Global Equities II LP	$8,160,545
Viking Global Performance LLC	$20,841
Viking Long Fund GP LLC	$12,306
Viking Global Opportunities LP	$1,407,457
VGO GP LLC	$12,614

Junto Capital Partners LP	$7,452,110
Lead Edge Capital QP II, LP	$241,978
Warlander Asset Management LP (Classes A & W)	$1,216,501
Total Unlisted Securities	$34,073,759.00

Real Estate Owned	
Personal Residence (Brooklyn)	$4,000,000
Weekend Residence (Connecticut)	$1,350,000
Weekend Residence (Fire Island; owned by my wife)	$1,200,000
Total Real Estate Owned	$6,550,000.00

<u>AFFIDAVIT</u>

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

May 16, 2018
(DATE)

/ERIC KOMITEE
(NAME)

(NOTARY)

BRYANT M YU
Notary Public, State of New York
No. 01YU6210194
Qualified in Kings County
Commission Expires Aug. 10, 2021