

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Stephanie Agli Gallagher
Stephanie Marie Agli

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

United States District Judge for the District of Maryland

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

United States District Court, Chambers 8C
101 West Lombard Street
Baltimore, Maryland 21201

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

1972; Rockville, Connecticut

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.

1994 – 1997, Harvard Law School, J.D. (*cum laude*), 1997
1990 – 1994, Georgetown University, B.A. in the Government Honors Program
(*magna cum laude*), 1994

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.

2011 – Present
United States District Court for the District of Maryland
101 West Lombard Street
Baltimore, Maryland 21201

United States Magistrate Judge

2008 – 2011

Levin & Gallagher LLC (now Levin & Curlett LLC)

250 West Pratt Street

Baltimore, Maryland 21201

Partner

2002 – 2008

United States Attorney's Office

36 South Charles Street

Baltimore, Maryland 21201

Assistant United States Attorney

1999 – 2001; Summer 1996

Akin, Gump, Strauss, Hauer & Feld LLP

1333 New Hampshire Avenue, NW

Washington, District of Columbia 20036

Litigation Associate (1999 – 2001)

Summer Associate (Summer 1996)

1997 – 1999

United States District Court for the District of Maryland

101 West Lombard Street

Baltimore, Maryland 21201

Law Clerk to then-Chief Judge J. Frederick Motz

1995 – 1997

Board of Student Advisers

Harvard Law School

Cambridge, Massachusetts 02138

Student Instructor

Summer 1995

United States Attorney's Office

2100 Jamieson Avenue

Alexandria, Virginia 22314

Summer Intern

Summer 1994

Law Offices of Herbert Rubenstein

1818 N Street, NW

Washington, District of Columbia 20036

Office Manager

Other Affiliations (uncompensated):

2013 – Present
The Wednesday Law Club
No physical address
Vice President (2014 – Present)
Secretary/Treasurer (2013 – 2014)

2013 – Present
Institute of Notre Dame
901 Aisquith Street
Baltimore, Maryland 21202
Board of Directors

2006 – Present
Federal Bar Association
Maryland Chapter
No physical address
Baltimore, Maryland 21201
Secretary (2011 – Present)
Board of Governors (2006 – Present)

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

I have not served in the military. I was not required to register for Selective Service.

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

Leading Women, *The Daily Record* (2011)

Rising Stars, *Maryland SuperLawyers* (2009, 2010, 2011)

Litigation Counsel of America (trial lawyer honorary society) (2009)

Certificate of Appreciation, Baltimore Police Department (2008)

Commendation Plaque, National Aeronautics and Space Administration (2008)

Award and Clock, Bureau of Alcohol, Tobacco and Firearms (2008)

Commendation Plaque, Immigration and Customs Enforcement (2007)

Litigation Award, United States Attorney's Office (2004)

Ames Moot Court Competition, Finalist and Oralist (1997)

Phi Beta Kappa (1994)

Member of Government Honors Program at Georgetown University (1993 – 1994)

9. **Bar Associations:** List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.

American Bar Association

American Health Lawyers Association

The Barristers Law Club

Federal Bar Association Board of Governors, Maryland Chapter

Board Member (2006 – Present)

Secretary (2011 – Present)

Program Committee Co-Chair, Open Doors (2014 – Present)

Program Committee Chair, End of Year Luncheon (2015)

Program Committee Chair, *Full Truth* play (2014)

Nominations Committee (2012, 2013)

Program Committee, Charity Golf Tournament (2010 – 2012)

Program Committee, "Federal Criminal Law, Bail to Jail" (2010)

Program Committee, "E-Discovery" (2009)

Federal Bench-Bar Conference Planning Committee

Co-Chairperson (2007)

Federal Magistrate Judges' Association

The Fellows of the American Bar Foundation

Fourth Circuit Judicial Conference, Permanent Member

Maryland Criminal Defense Attorney Association

Maryland State Bar Association

Maryland Volunteer Lawyers Service

National Association of Women Judges

The Wednesday Law Club
Vice President (2014 – Present)
Secretary/Treasurer (2013 – 2014)

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.

District of Columbia, 1999
Maryland, 1997

There have been no lapses in membership.

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

United States Supreme Court, 2010
United States Court of Appeals for the Fourth Circuit, 1998
United States Court of Appeals for the Seventh Circuit, 2001
United States District Court for the District of Columbia, 2009
United States District Court for the District of Maryland, 1998
Maryland Court of Appeals, 1997

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.

Cathedral of Mary Our Queen, Cathedral Food Program Committee (2012 – Present)

Georgetown Alumni Association (1994 – Present)

Harvard Alumni Association (1997 – Present)

Icing Smiles Volunteer (2012 – Present)
Facebook Team (2012 – 2015)

Institute of Notre Dame, Board of Directors and Strategic Planning Committee
(2013 – Present)

Roland Park Swimming Pool (2004 – 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, none of the organizations listed above currently discriminates or formerly discriminated on the basis of race, sex, religion, or national origin, either through formal membership requirements or the practical implementation of membership policies.

12. Published Writings and Public Statements:

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

“Why Discretion Doesn’t Always Work,” Maryland Criminal Defense Attorneys’ Association Newsletter, Spring 2009. Copy supplied.

During my tenure at Levin & Gallagher, I wrote five blog entries for the firm’s blog, which was entitled *Fraud with Peril*. The following entries were published only on the Internet:

“Money Talks,” June 18, 2009. Copy supplied.

Untitled, April 27, 2009. Copy supplied.

“A Problem with DOJ or a Problem with DOJ Attorneys?,” April 12, 2009. Copy supplied.

“The Speech or Debate Clause,” March 11, 2009. Copy supplied.

“To Cooperate or Not: Know Thy Judge,” February 23, 2009. 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.

None.

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

None.

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

I have searched my personal files and the Internet and have contacted the organizations sponsoring the events listed below. There may, however, be events that I have inadvertently omitted.

2011 – 2015 (approximately annually): Speaker, Naturalization Ceremonies, United States District Court for the District of Maryland, Baltimore, Maryland. Remarks supplied.

2011 – 2015 (approximately annually): Speaker, Attorney Admissions Ceremonies, United States District Court for the District of Maryland, Baltimore, Maryland. I deliver brief remarks to the new admittees about civility and federal practice. I have no notes, transcripts, or recordings. The address for the United States District Court for the District of Maryland is 101 West Lombard Street, Baltimore, Maryland 21201.

June 24, 2015: Speaker, Informal Lunch, United States District Court for the District of Maryland, Baltimore, Maryland. I made informal remarks at lunch for law clerks and summer interns about my career path and general career advice. I have no notes, transcript, or recording. The address for the United States District Court for the District of Maryland is 101 West Lombard Street, Baltimore, Maryland 21201.

June 11, 2015: Presenter, DiRito Award Ceremony, Federal Bar Association, Baltimore, Maryland. Remarks supplied.

June 5, 2015: Introducer, End of Year Luncheon with Mary Jo White, SEC Chair, Federal Bar Association, Baltimore, Maryland. Remarks supplied.

April 21, 2015: Panelist, "Straight Talk From The Female Bench: How to Succeed in the Courtroom," National Association of Women Lawyers, Webinar. Video supplied.

April 16, 2015: Speaker, Naturalization Q&A, Gilman School, Baltimore, Maryland. I conducted a question and answer session at the United States District Court for the second grade class at Gilman School regarding immigration, naturalizations, and the federal courts. I have no notes, transcript, or recording. The address for the Gilman School is 5407 Roland Avenue, Baltimore, Maryland 21210.

April 4, 2014 and April 3, 2015: Panelist, "Discovery Panel," "Introduction to Federal Courthouse," Federal Bar Association, Greenbelt and Baltimore, Maryland. Outline supplied (used for both panels).

June 5, 2014: Speaker, Informal Lunch, United States District Court for the District of Maryland, Baltimore, Maryland. I made informal remarks at lunch for law clerks and summer interns about my career path and general career advice. I have no notes, transcript, or recording. The address for the United States District Court is 101 West Lombard Street, Baltimore, Maryland 21201.

April 2, 2014, Panelist, "Women Judges," University of Maryland Francis King Carey School of Law, Baltimore, Maryland. I spoke, with two other local women judges, on a panel advising law students about career choices. I have no notes, transcript, or recording. The address for the University of Maryland Francis King Carey School of Law is 500 West Baltimore Street, Baltimore, Maryland 21201.

February 7, 2014: Actor, *Full Truth*, Federal Bar Association, Baltimore, Maryland. I played a minor role in this play about the legal career of Thurgood Marshall. I have no notes, transcript, or recording. The address for the Federal Bar Association is 1220 North Fillmore Street #400, Arlington, Virginia 22201.

December 4, 2013: Speaker, Social Security Appeals, United States District Court for the District of Maryland, Greenbelt, Maryland. Notes supplied.

October 2, 2013: Speaker, "The Securities and Exchange Commission: From 'It Takes One to Know One' to a Tough Prosecutor and Everything in Between," The Wednesday Law Club, Baltimore, Maryland. Remarks supplied.

June 19, 2013: Speaker, Informal Lunch, United States Attorney's Office for the District of Maryland, Baltimore, Maryland. I made remarks at a lunch for summer interns about my career path and general career advice. I have no notes, transcript, or recording. The address for the United States Attorney's Office is 36 South Charles Street, Baltimore, Maryland 21201.

June 13, 2013: Speaker, Informal Lunch, United States District Court for the District of Maryland, Baltimore, Maryland. I made informal remarks at lunch for law clerks and summer interns about my career path and general career advice. I have no notes, transcript, or recording. The address for the United States District Court for the District of Maryland is 101 West Lombard Street, Baltimore, Maryland 21201.

April 12, 2013: Speaker, "Introduction to Federal Practice," Federal Bar Association, Baltimore, Maryland. I spoke about mediation to a group of lawyers new to the federal bar. I have no notes, transcript, or recording. The address for the Federal Bar Association is 1220 North Fillmore Street #400, Arlington, Virginia 22201.

November 8, 2012: Moderator, "Women in the Law: Strategies for Success," Federal Bar Association, Baltimore, Maryland. I was the moderator at an event sponsored by the Federal Bar Association, and essentially introduced the participants. Video supplied.

June 7, 2012: Speaker, Informal Lunch, United States District Court for the District of Maryland, Baltimore, Maryland. I made informal remarks at lunch for law clerks and summer interns about my career path and general career advice. I have no notes, transcript, or recording. The address for the United States District Court is 101 West Lombard Street, Baltimore, Maryland 21201.

February 10, 2012: Speaker, "New Judges' Luncheon," Federal Bar Association, Baltimore, Maryland. Remarks supplied.

June 17, 2011: Speaker, Formal Investiture, United States District Court for the District of Maryland, Baltimore, Maryland. Transcript supplied.

April 18, 2011: Speaker, Informal Investiture, United States District Court for the District of Maryland, Baltimore, Maryland. Transcript supplied.

Early 2011: Speaker, "Summary Jury Trials," The Barristers Club, Baltimore, Maryland. Notes supplied.

July 17, 2010: Speaker, Celebration Dinner, Chambers of the Honorable J. Frederick Motz, Cumberland, Maryland. I made remarks at a dinner for former law clerks honoring J. Frederick Motz on the occasion of his twenty-fifth bench anniversary. I have no notes, transcript, or recording. The address for the

Chambers of the Honorable J. Frederick Motz is the United States District Court for the District of Maryland, Chambers 5A, 101 West Lombard Street, Baltimore, Maryland 21201.

April 23, 2010: Presenter, "Federal Criminal Law 101: Bail to Jail," Federal Bar Association, Baltimore, Maryland. Notes supplied.

Between 2002 – 2004 (exact date unknown): Instructor, Providing Court Testimony, FBI National Academy, Quantico, Virginia. I served as an instructor teaching agents in training about testifying in court. I have no notes, transcript, or recording. The address for the FBI National Academy is Stafford, Virginia 22556.

March 10, 1997: Participant, Ames Moot Court Final, Harvard Law School, Cambridge, Massachusetts. I participated in the final argument before a panel of federal judges, and the argument was televised on CSPAN. Video is available at <http://www.c-span.org/video/?79519-1/harvard-moot-court>.

- 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.

Steven Levin, *Judicial Profile*, The Federal Lawyer, May 2013. Copy supplied.

Brendan Kearney, *Baltimore County Businessman Jack Stollof to Plead Guilty to Bid-Rigging*, The Daily Record, December 29, 2009. Copy supplied.

Bruce Alpert, *William Jefferson's Defense Team Waits as Prosecution Nears Conclusion of Its Case*, New Orleans Times-Picayune, July 20, 2009. Copy supplied.

Bruce Alpert, *Defense Has Tough Role as It Takes the Stage; It Must Fight Image of 'Greedy' Behavior*, New Orleans Times-Picayune, July 19, 2009. Copy supplied.

Bruce Alpert, *Videotapes and Photos Make Vivid Evidence at Jefferson Trial*, New Orleans Times-Picayune, July 11, 2009. Copy supplied.

David Liu, *Fire Disrupts Classes, Students' Lives*, Harvard Law Record, April 26, 1996. Copy supplied.

David Weiss, *Auction Items Going for a Good Cause*, Harvard Law Record, March 10, 1995. 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 was appointed as a United States Magistrate Judge for the District of Maryland in 2011. As a United States Magistrate Judge, my jurisdiction is governed by 28 U.S.C. § 636. In the Northern Division of the District of Maryland, the magistrate judges convene settlement conferences, resolve discovery disputes, and prepare report and recommendations on dispositive motions. I also coordinate the Social Security appeals docket for the Northern Division of the District of Maryland, and adjudicate many of those appeals, either by consent of the parties or by report and recommendations to a presiding United States District Judge. In addition, parties sometimes consent to my jurisdiction over their civil cases, in whole or in part. In consent cases, I become the presiding judge, make all rulings in the case, whether dispositive or non-dispositive, and preside over trials. In my four years on the bench, I have presided over two civil bench trials and one civil jury trial. My colleagues and I also rotate serving as the criminal duty judge. In that capacity, I preside over preliminary proceedings in felony cases and handle misdemeanor cases, most frequently those occurring on Fort Meade, Maryland. To date, I have presided over two misdemeanor criminal trials.

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

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

- i. Of these, approximately what percent were:

jury trials:	20 %
bench trials:	80 %
civil proceedings:	60 %
criminal proceedings:	40 %

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

See attached list.

- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (3) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

1. *Merchants Terminal Corp. v. L&O Transport, Inc., et al.*, Civil No. 09-2065-SAG, 2012 WL 1416631 (D. Md. Apr. 20, 2012)

In this case, after a truckload of frozen salmon disappeared, the plaintiff sued two

defendants for damages: the truck driver and the transportation company under whose authority the driver operated. The claims arose under the Carmack Amendment to the Interstate Commerce Act. After a two-day bench trial, I issued a written opinion finding in favor of the plaintiff in the amount of \$57,559 plus interest, and determining that the individual defendant owed indemnity to the corporate defendant.

Counsel for the plaintiff:

James D. Skeen
Skeen and Kauffman LLP
911 North Charles Street
Baltimore, Maryland 21201
(410) 625-2252

Counsel for the defendants:

Rodger O. Robertson (for defendant L&O Transport)
Law Office of Joseph M. Jagielski
The Wachovia Building
Seven Saint Paul Street, Suite 1250
Baltimore, Maryland 21202
(443) 353-2301

David J. Preller, Jr. (for defendant Mr. Elmore)
Preller and Preller
102 West Pennsylvania Avenue, Suite 302
Towson, Maryland 21204
(410) 494-1494

2. *Neel v. Mid-Atlantic of Fairfield, LLC*, Civil No. 10-0405-SAG, 2012 WL 3264965 (D. Md. Aug. 9, 2012)

This was a wrongful termination case under the Family and Medical Leave Act. After another judge granted summary judgment to the plaintiff on liability, the parties consented to a bench trial before me on the issue of damages. Following the three-day bench trial, I issued a written opinion awarding the plaintiff \$253,341 in damages, plus reasonable attorneys' fees. The parties reached a settlement on the amount of attorneys' fees before the motion for attorneys' fees was adjudicated.

Counsel for the plaintiff:

Paul V. Bennett
James Lester Ellison II
Law Office of Paul V. Bennett

133 Defense Highway, Suite 209
Annapolis, Maryland 21401
(410) 974-6000

Counsel for the defendant:

Deborah Murrell Whelihan
Jordan Coyne and Savits LLP
1100 Connecticut Avenue, NW, Suite 600
Washington, District of Columbia 20036
(202) 496-2810

3. *United States v. McNeill*, Traffic Violation No. 2359730

This case involved a misdemeanor traffic violation. The government alleged that the defendant left the roadway to the right while overtaking another vehicle, striking a victim off the side of the roadway. At the conclusion of a one-day bench trial on January 10, 2013, I found the defendant guilty and imposed a sentence of a \$500 fine, plus court costs.

Counsel for the government:

Cory Cheeks
Michael Madsden
Office of the Staff Judge Advocate
United States Army Garrison
4217 Roberts Avenue
Fort George G. Meade, Maryland 20755
(301) 677-9536

Counsel for the defendant:

James D. Green
Law Office of James D. Green
Oak Park Professional Village
30 Greenway NW, Suite One
Glen Burnie, Maryland 21061
(410) 544-4848

4. *Prowess, Inc. v. RaySearch Laboratories AB, et al.*, Civil No. WDQ-11-1357, 2013 WL 247531 (D. Md. Jan. 18, 2013); 2013 WL 509021 (D. Md. Feb. 11, 2013); 2013 WL 1856348 (D. Md. Apr. 30, 2013); 2013 WL 1352276 (D. Md. Apr. 1, 2013); 2013 WL 1976077 (D. Md. May 9, 2013)

In this case, the plaintiff filed suit against the defendants for patent infringement. The case was referred to me for all discovery proceedings, and I presided over

multiple discovery disputes, none of which required hearings. I wrote an opinion explaining my decision to compel production of certain documents identified in a third party's privilege log, because I found those documents to be non-privileged and thus subject to disclosure. I wrote another opinion compelling the deposition testimony of third party inventors, because I found that the plaintiff did not sufficiently assert any viable privilege claims. In this ruling, I also denied the plaintiff's motion for *in camera* review of a document related to the defendants' motions to compel. Because the plaintiff filed an objection containing new legal arguments, Judge Quarles referred this ruling back to me, and I wrote another opinion that superseded my February 11, 2013 order, but again granted the defendants' motions to compel, and denied the plaintiff's motion for *in camera* review. Subsequently, I wrote another opinion explaining my decision to grant in part and deny in part the plaintiff's motion to compel certain financial documents, deposition testimony, and interrogatory answers. Lastly, I wrote an opinion explaining my decision to not strike the plaintiff's reply, and my decision that two disputed documents were not discoverable pursuant to the common interest privilege. The parties eventually stipulated to dismissal of the case with prejudice.

Counsel for the plaintiff:

Gretchen Miller
Steptoe and Johnson LLP
1330 Connecticut Avenue, NW
Washington, District of Columbia 20036
(202) 429-8167

Counsel for the defendants:

Michael McManus
Drinker Biddle and Reath LLP
1500 K Street, NW, Suite 1100
Washington, District of Columbia 20005
(202) 842-8800

Counsel for third-party plaintiff:

Sara Slaff
Maryland Office of the Attorney General
200 Saint Paul Place, 17th Floor
Baltimore, Maryland 21202
(410) 576-7847

5. *Mayor and City Council of Baltimore v. Unisys Corp.*, Civil No. JKB-12-614, 2013 WL 398905 (D. Md. Jan. 30, 2013); 2013 U.S. Dist. LEXIS 41010 (D. Md. Mar. 22, 2013); [ECF No. 53, copy supplied] (Apr. 1, 2013); [ECF No. 56, copy

supplied] (Apr. 9, 2013); [ECF No. 84, copy supplied] (July 17, 2013); 2013 WL 4784118 (D. Md. Sept. 5, 2013); 2013 WL 4833841 (Sept. 10, 2013); 2013 WL 6147780 (D. Md. Nov. 21, 2013); [ECF No. 124, copy supplied] (Dec. 16, 2013); [ECF No. 168, copy supplied] (Apr. 23, 2014); [ECF No. 179, copy supplied] (June 6, 2014); [ECF No. 196, copy supplied] (Sept. 22, 2014); [ECF No. 200, copy supplied] (Oct. 7, 2014).

In this case, the plaintiffs alleged that the defendant breached its contract to provide the City of Baltimore with a functional tax assessment and collection system. The case was referred to me for all discovery proceedings. There were numerous discovery disputes over which I presided, and all of them were resolved on the parties' motions, some via written opinions and others via less formal letter opinions. The case ultimately settled.

Counsel for the plaintiffs:

Daniel Goldberg
Baltimore City Law Department
100 North Holliday Street, Lower level
Baltimore, Maryland 21202
(410) 396-3202

Counsel for the defendant:

Megan Davis
Venable LLP
750 East Pratt Street, Suite 900
Baltimore, Maryland 21202
(410) 244-7400

6. *United States v. Gunter*, Criminal No. RDB-14-0130, [ECF No. 22 (May 15, 2014)] (copy supplied)

The defendant in this case was charged with wire fraud, aggravated identity theft, and health care fraud arising out of her use of fraudulent documentation to obtain a position in a doctor's office as a physician's assistant, when she in fact had no medical qualifications. The case was assigned to me to conduct hearings on the issue of pretrial detention. After two hearings, I wrote a letter opinion deferring a final determination on detention pending the outcome of a competency hearing sought by the government. Following the defendant's guilty plea to some of the charges, I held a third hearing on the issue of detention, but again determined that the defendant should remain in custody. The defendant received a total sentence of 36 months of incarceration and three years of supervised release.

Counsel for the government:

Tamera Fine
United States Attorney's Office
36 South Charles Street, Fourth Floor
Baltimore, Maryland 21201
(410) 209-4806

Counsel for the defendant:

Brendan Hurson
Federal Public Defender's Office
100 South Charles Street
Baltimore, Maryland 21201
(410) 962-3962

7. *Paice, LLC et al. v. Hyundai Motor Co. et al.*, Civil No. MJG-12-499, 2014 WL 3773666 (D. Md. July 29, 2014); 2014 WL 4955384 (D. Md. Sept. 29, 2014); 2015 WL 302757 (D. Md. Jan. 22, 2015); [ECF No. 551, copy supplied] (D. Md. May 5, 2015)

In this case, the plaintiffs allege that the defendants infringed several of their patents for hybrid vehicle technology. The case was referred to me for all discovery proceedings. First, I wrote an opinion explaining my decision to grant in part the plaintiffs' motion to clarify the confidentiality order, which required me to decipher the plain meaning of the parties' negotiated prosecution bar and determine whether it covered *inter partes* review (IPR) proceedings before the United States Patent and Trademark Office. Relatedly, I wrote an opinion denying the defendants' request to modify the prosecution bar to prohibit the plaintiffs' counsel from participating in the IPR proceedings. I also wrote an opinion granting in part and denying in part the plaintiffs' motion for sanctions, which required me to clarify and enforce previous rulings made by another magistrate judge. Finally, I wrote an opinion explaining my decision to deny the defendants' motion to strike the plaintiffs' expert report, because the defendants were unable to demonstrate any harm suffered, and what the defendants ultimately sought was to preclude admissibility of the expert report at trial, which was a question for the trial judge. The case remains pending.

Counsel for the plaintiffs:

James P. Ulwick
Kramon and Graham PA
One South Street, Suite 2600
Baltimore, Maryland 21202
(410) 752-6030

Counsel for the defendants:

Gregory Garrett
Tydings and Rosenberg LLP
100 East Pratt Street, 26th Floor
Baltimore, Maryland 21202
(410) 752-9700

Counsel for the intervenor:

Edward Colbert
Kenyon and Kenyon LLP
1500 K Street, NW, Suite 700
Washington, District of Columbia 20005
(202) 220-4200

8. *United States v. Ross*, Criminal No. 13-mj-3055-SAG, 2014 WL 3621896 (D. Md. July 21, 2014); 2015 WL 4394332 (D. Md. July 15, 2015)

This case involved misdemeanor charges of disorderly conduct against the defendant. The defendant originally sought to represent himself at trial, but because he was unwilling to cooperate with the required colloquy and was disruptive in the courtroom, I held him in contempt of court and appointed the federal public defender to represent him. During a one-day bench trial, at the conclusion of the government's evidence, the defendant moved for judgment of acquittal. The parties agreed to brief the relevant issues, and I subsequently issued a written opinion granting the defendant's motion.

Counsel for the government:

Iris Yao
Office of the Staff Judge Advocate
United States Army Garrison
4217 Morrison Street
Fort George G. Meade, Maryland 20755
(301) 677-9738

Counsel for the defendant:

Kathryn Frey-Balter
Federal Public Defender's Office
100 South Charles Street
Baltimore, Maryland 21201
(410) 962-3962

9. *United States v. Muse*, Criminal No. JFM-03-554, 2015 WL 4397106 (D. Md. July 16, 2015)

This case was referred to me to conduct a hearing on a writ of continuing garnishment sought by the United States to collect outstanding restitution from a criminal proceeding. I held a motions hearing on July 1, 2015, at which I heard argument from the *pro se* garnishee and from the government. Following the hearing, I issued a written memorandum opinion overruling the objection to the writ of continuing garnishment.

Counsel for the garnishee:

None.

Counsel for the government:

Matthew Phelps
United States Attorney's Office
36 South Charles Street, Fourth Floor
Baltimore, Maryland 21201
(410) 209-4800

10. *Southard v. Wicomico County Board of Education*, Civil No. SAG-15-61, 2015 WL 4993721 (D. Md. Aug. 20, 2015)

This case is an employment discrimination action under the Rehabilitation Act of 1973 and the Family Medical Leave Act ("FMLA"). The parties consented to proceed before a magistrate judge through trial, and the case has been assigned to me. I decided cross-motions for summary judgment, ruling that the Rehabilitation Act retaliation, FMLA interference, and FMLA retaliation claims should proceed and should be consolidated with an earlier-filed lawsuit involving the same parties. The case remains pending.

Counsel for the plaintiff:

Morris E. Fischer
Morris E. Fischer, LLC
1400 Spring Street, Suite 350
Silver Spring, Maryland 20910
(301) 328-7631

Counsel for the defendants:

Eric Charles Brousaides
Carney Kelehan Bresler Bennett and Scherr LLP
10715 Charter Drive, Suite 200
Columbia, Maryland 21044
(410) 740-4600

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

1. *Genuine Dubmax, Inc. et al. v. Greektown LLC*, Civil No. SAG-11-0812, 2012 WL 1664067 (D. Md. May 10, 2012)

Counsel for the plaintiffs:

Christopher Millard
The Law Office of Christopher Millard, LLC
P.O. Box 43
Riderwood, Maryland 21139
(410) 821-7747

Counsel for the defendant:

Cynthia Weisz
Franklin and Prokopik PC
Two North Charles Street, Suite 600
Baltimore, Maryland 21201
(410) 752-8700

2. *Wiebe, et al. v. National Security Agency, et al.*, Civil No. RDB-11-3245, 2012 WL 4069746 (D. Md. Sept. 14, 2012)

Counsel for the plaintiffs:

None.

Counsel for the defendants:

Thomas Barnard
United States Attorney's Office
36 South Charles Street, Fourth Floor
Baltimore, Maryland 21201
(410) 209-4873

3. *Prowess, Inc. v. RaySearch Laboratories AB, et al.*, Civil No. WDQ-11-1357, 2013 WL 1856348 (D. Md. Apr. 30, 2013) and 2013 WL 247531 (D. Md. Jan. 18, 2013)

Counsel for the plaintiff:

Gretchen Miller

Steptoe and Johnson LLP
1330 Connecticut Avenue, NW
Washington, District of Columbia 20036
(202) 429-3000

Counsel for the defendants:

Michael McManus
Drinker Biddle and Reath LLP
1500 K Street, NW, Suite 1100
Washington, District of Columbia 20005
(202) 842-8800

Counsel for third-party plaintiff:

Sara Slaff
Maryland Office of the Attorney General
200 Saint Paul Place, 17th Floor
Baltimore, Maryland 21202
(410) 576-7847

4. *Ibida v. Shoppers Food Warehouse, Inc.*, Civil No. SAG-12-1490, 2013 WL 2468650 (D. Md. June 5, 2013)

Counsel for the plaintiff:

Lawrence Holzman
Holzman Law Firm, LLC
8955 Edmonston Road, Suite A
Greenbelt, Maryland 20770
(301) 876-4393

Counsel for the defendant:

Mark Kohl
DeCaro Doran Siciliano Gallagher and DeBlasis LLP
17251 Melford Boulevard, Suite 200
Bowie, Maryland 20715
(301) 352-4950

5. *Mayor and City Council of Baltimore v. Unisys Corp.*, Civil No. JKB-12-614, 2013 WL 4784118 (D. Md. Sept. 5, 2013)

Counsel for the plaintiff:

Daniel Goldberg

Baltimore City Law Department
100 North Holliday Street, Lower level
Baltimore, Maryland 21202
(410) 396-3202

Counsel for the defendant:

Megan Davis
Venable LLP
750 East Pratt Street, Suite 900
Baltimore, Maryland 21202
(410) 244-7400

6. *Czosnowski v. Commissioner, Social Sec.*, Civil No. RDB-13-1467, 2014 WL 1660083 (D. Md. Apr. 23, 2014)

Counsel for the plaintiff:

Vincent John Piazza
The Disability Law Center of Robert S. Piazza, Jr.
6716 Harford Road
Baltimore, Maryland 21234
(410) 426-2376

Counsel for the defendant:

Craig Ormson
Social Security Administration, Altmeyer Building
6401 Security Boulevard, Room 617
Baltimore, Maryland 21235
(410) 965-5621

7. *Paice LLC, et al. v. Hyundai Motor Co. et al.*, Civil No. MJG-12-499, 2014 WL 3773666 (D. Md. July 29, 2014)

Counsel for the plaintiffs:

James P. Ulwick
Kramon and Graham PA
One South Street, Suite 2600
Baltimore, Maryland 21202
(410) 752-6030

Counsel for the defendants:

Gregory Garrett

Tydings and Rosenberg LLP
100 East Pratt Street, 26th Floor
Baltimore, Maryland 21202
(410) 752-9700

Counsel for the intervenor:

Edward Colbert
Kenyon and Kenyon LLP
1500 K Street, NW, Suite 700
Washington, District of Columbia 20005
(202) 220-4200

8. *Wimbush v. Matera, et al.*, Civil No. SAG-11-1916, 2014 WL 7239891 (D. Md. Dec. 17, 2014)

Counsel for the plaintiff:

James Bragdon
Gallagher Evelius and Jones LLP
218 North Charles Street, Suite 400
Baltimore, Maryland 21201
(410) 727-7702

Counsel for the defendants:

Philip Andrews
Kramon and Graham PA
One South Street, Suite 2600
Baltimore, Maryland 21202
(410) 752-6030

Gina Marie Smith
Meyers Rodbell and Rosenbaum PA
6801 Kenilworth Avenue, Suite 400
Riverdale, Maryland 20737
(301) 699-5800

9. *Montgomery v. CSX Transportation, et al.*, Civil No. SAG-14-1520, 2015 WL 770470 (D. Md. Feb. 20, 2015)

Counsel for the plaintiff:

Lawrence Katz
3945 Forbes Avenue, Suite 361
Pittsburgh, Pennsylvania 15213

(267) 242-4191

Counsel for the defendants:

Amy Askew
Kramon and Graham PA
One South Street, 26th Floor
Baltimore, Maryland 21202
(410) 752-6030

Joseph Donlin
Semmes Bowen and Semmes PC
25 South Charles Street, Suite 1400
Baltimore, Maryland 21201
(410) 576-4732

10. *United Farm Family Ins. v. Peninsula Ins. Co.*, Civil No. SAG-15-372, 2015 WL 4993713 (D. Md. Aug. 20, 2015)

Counsel for the plaintiff:

Margaret Fonshell Ward
Ward and Herzog LLC
102 West Pennsylvania Avenue
Baltimore, Maryland 21204
(410) 296-1573

Counsel for the defendants:

Michael B. Mann
Mann and Casey, PA
409 Washington Avenue
Baltimore, Maryland 21204
(410) 296-6826

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

I am unaware that certiorari has been requested or granted in any of my cases.

- 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.

Meyers v. Lamer, Civil No. SAG-11-3507, 2013 WL 1325295 (D. Md. Mar. 29, 2013), *vacated and remanded with instructions*, 743 F.3d 908 (4th Cir. 2014). The plaintiff sustained injuries while working in a bucket suspended above an open lane of traffic. I granted summary judgment for the defendants, finding that the plaintiff had assumed the risk because he appreciated the risk of injury involved with the activity and found that the plaintiff was contributorily negligent. The Fourth Circuit found that, under a specific assumption of the risk defense raised for the first time on appeal, the assumption of the risk doctrine did not apply to the plaintiff as a road worker in the normal pursuit of his duty. Regarding contributory negligence, the Fourth Circuit determined that a material factual dispute existed, while recognizing that the plaintiff faced a “difficult and daunting task of convincing a jury that he is not contributorily negligent.”

Fernandes v. Montgomery Cnty., Civil No. SAG-10-752, 2013 WL 772961 (D. Md. Feb. 27, 2013), *vacated in part and remanded sub nom. Fernandes v. Craine*, 538 F. App’x 274 (4th Cir. 2013) (unpublished decision). This case involved an excessive force claim under 42 U.S.C. § 1983, in which the jury returned a verdict in favor of the plaintiff on one of the five counts presented at trial. I denied plaintiff’s motion to extend the time *nunc pro tunc* in which he could file for attorney’s fees, determining that his failure to timely file his motion constituted run-of-the-mill inattentiveness. The Fourth Circuit reversed and remanded, holding that plaintiff’s counsel was neither willfully blind nor deliberately ignorant to the entry of judgment, and that the motion for extension of time should therefore be granted. On remand, I awarded \$69,560 in attorney’s fees and \$455 in costs.

In 2012, I issued a report and recommendations to a United States District Judge. The case was, and remains, fully under seal, because it pertains to a criminal investigation that, to date, has not resulted in any charges being filed. Upon considering my report and recommendations and holding a further hearing, the United States District Judge adopted in part and rejected in part my report and recommendations. I am unable to provide copies of the materials without violating the sealing order or divulging confidential information.

I have made several hundred rulings in criminal release/detention hearings. On probably two or three occasions, my determination has been reversed by the presiding District Judge. The only case I specifically recall is that of defendant Mr. Redd, a defendant accused of drug trafficking offenses while serving as a Baltimore Police Officer. *See* Criminal No. 11-0371-WDQ. Applying the standards set forth in the Bail Reform Act, I determined that there were strict conditions of release, including lockdown on electronic monitoring, which would adequately ensure Mr. Redd’s appearance in court and the safety of the community. I did not issue a written opinion or order. The government appealed my determination to the presiding United States District Judge, who ordered Mr. Redd detained, again without a written opinion or order. I know that there have been one or two other occasions in which my release/detention determinations

have been reversed by a United States District Judge, but I do not recall the dates or the names of those defendants.

- 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.

During my tenure as a magistrate judge, to my knowledge, all of my decisions have been “unpublished” in the federal reporters. However, I file all decisions on our court’s electronic CM/ECF system, making them available to the public. In addition, the vast majority of my decisions have been downloaded from the court’s web site by Westlaw and/or LEXIS and have been published electronically by those services.

- 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.

Wimbush v. Matera, Civil No. SAG-11-1916, 2014 WL 7239891 (D. Md. Dec. 17, 2014)

United States v. Ross, Criminal No. 13-mj-3055-SAG, 2014 WL 3621896 (D. Md. July 21, 2014)

Bost v. Bradds, Civil No. SAG-12-2544, 2013 WL 5308275 (D. Md. Sept. 18, 2013)

Fernandes v. Montgomery Cnty., Civil No. SAG-10-0752, 2013 WL 772961 (D. Md. Feb. 27, 2013) (vacated and remanded on other grounds)

- i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.

I have never sat by designation on a federal court of appeals.

- 14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

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

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

Because the majority of my career has been spent in public service, I have few conflicts of interest. In my current capacity as a United States Magistrate Judge, I maintain a list with the Clerk's Office of attorneys, firms, and agencies with whom I have family business relationships or close personal friendships. The Clerk's Office uses an "automatic" recusal system to ensure that I am not assigned to any cases involving those individuals or entities. When I serve as the criminal duty judge, I review each case to ensure that I had no role in any prior criminal proceeding involving the defendant. If it appears that I played some role, I informally ask another magistrate judge to cover the proceeding. I do not keep records of those situations.

I am aware of only one instance in which a litigant or party has requested my recusal. In *Rogler v. Fotos*, Civil No. WDQ-14-228, a United States District Judge referred the case to me for discovery disputes. The *pro se* plaintiff sought my recusal, based on her general assertions that I was biased against her and could not rule impartially. Because I have no such bias and am able to consider matters arising in her case fairly and impartially, I denied the motion to recuse. The *pro se* plaintiff appealed my denial to the United States District Judge and also requested that the district court vacate its referral of discovery matters to me. The appeal and request to vacate the referral were denied.

15. Public Office, Political Activities and Affiliations:

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

I have not held any public office other than judicial office. I have had no unsuccessful candidacies for elective office or unsuccessful nominations for appointed office.

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

responsibilities.

I have never been involved, other than as a registered voter, with any political party or election committee. Although I did not have a formal title with the campaign, in the spring through early fall of 2010, I volunteered extensively with the campaign of Gregg L. Bernstein for Baltimore City State's Attorney. My photograph appeared in a campaign commercial and in a campaign brochure. I held a community event at my home at which Mr. Bernstein spoke. I also distributed signs and literature in various neighborhoods, monitored polling locations on Election Day, and participated in the provisional and absentee ballot count at the Board of Elections on behalf of the campaign.

My husband and a friend hosted a fundraiser on May 2, 2010, during the 2010 Maryland gubernatorial campaign for Governor Robert L. Ehrlich, Jr. Although I did not formally host the fundraiser or serve on the host committee, it was held at my home. I assisted with some of the logistics and attended the event.

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 1997 through 1999, I served as a judicial law clerk to the Honorable J. Frederick Motz in the United States District Court for the District of Maryland.

- 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.

1999 – 2001

Akin, Gump, Strauss, Hauer & Feld LLP
1333 New Hampshire Ave, NW
Washington, District of Columbia 20036
Litigation Associate

2002 – 2008

United States Attorney's Office
36 South Charles Street

Baltimore, Maryland 21201
Assistant United States Attorney

2008 – 2011
Levin & Gallagher LLC
250 West Pratt Street
Baltimore, Maryland 21201
Founding Partner

- 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 did not serve as a mediator or arbitrator in alternative dispute resolution proceedings while in private practice.

b. Describe:

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

My law practice generally involved civil and criminal litigation, along with some investigative and administrative proceedings. Following my federal clerkship, from 1999 to 2001, I spent about fifty percent of my time at Akin, Gump, Strauss, Hauer & Feld, LLP on general civil litigation, including arbitration proceedings. The remaining fifty percent of my time consisted of work on white-collar criminal defense matters, including the representation of clients in grand jury investigations. At the United States Attorney's Office from 2002 to 2008, I worked as a federal criminal prosecutor. I handled a wide variety of cases ranging from white-collar prosecutions to violent offenses and narcotics trafficking. I also handled a small number of civil forfeiture matters and immigration appeals. From 2008 to 2011, at Levin & Gallagher, I spent about fifty percent of my time representing clients in white-collar criminal defense matters. The remainder of my practice involved general civil litigation, administrative proceedings, and court-appointed criminal and appellate work.

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

At Akin Gump, my typical clients were corporations or individuals with sufficient resources to pay a large national law firm. At Levin & Gallagher, my typical clients were individuals or small businesses. I also represented a significant number of indigent clients through appointment under the Criminal Justice Act. Throughout my career in private practice,

I specialized in white-collar criminal defense and general civil litigation.

- 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.

My practice has been almost exclusively in litigation. As an associate at Akin Gump, I only appeared in court occasionally, but during the remainder of my legal practice I appeared in court frequently. During my years as an Assistant United States Attorney, my practice was almost exclusively in criminal proceedings.

- i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|------|
| 1. federal courts: | 95 % |
| 2. state courts of record: | 4 % |
| 3. other courts: | 0 % |
| 4. administrative agencies: | 1 % |

- ii. Indicate the percentage of your practice in:

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

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

To the best of my recollection, approximately 22 cases were tried to verdict, judgment, or final decision in courts of record. In slightly more than half of those cases, I served as lead counsel, sole counsel, or equal co-counsel. In the remainder, I served as associate counsel.

- i. What percentage of these trials were:

- | | |
|--------------|-----|
| 1. jury: | 90% |
| 2. non-jury: | 10% |

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

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

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

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

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

1. *United States v. Perry*, Criminal No. 01-0312-DKC, *aff'd*, 335 F.3d 316 (4th Cir. 2003)

As an Assistant United States Attorney, I served as second chair in the trials of this matter, where the defendant was charged with felony firearms offenses and with obstruction of justice for engaging in misleading conduct to hinder and delay an investigation, in violation of 18 U.S.C. § 1512(b)(3). The first trial ended in a hung jury. At the second three-day jury trial, Mr. Perry was convicted on the obstruction charge, and sentenced to 21 months of imprisonment and three years of supervised release. The United States Court of Appeals for the Fourth Circuit affirmed the conviction and sentence.

Representation: 2001 – 2007

Judge and Court: Honorable Deborah K. Chasanow, United States District Court for the District of Maryland

Co-Counsel: Stuart Berman (formerly at United States Attorney's Office)
London and Mead
1225 19th Street, NW, Suite 320
Washington, District of Columbia 20036
(202) 331-3334

Opposing Counsel: John Chamble
Federal Public Defender's Office
6411 Ivy Lane, Suite 710
Greenbelt, Maryland 20770
(301) 344-0019

2. *United States v. Butler*, Criminal No. 01-0161-AW, *aff'd*, 61 F. App'x 857, 2003 WL 1711275 (4th Cir. Apr. 1, 2003) (unpublished *per curiam* opinion)

As an Assistant United States Attorney, I served as second chair at the trial of

Mr. Butler, who was charged with conspiracy to distribute marijuana in violation of 21 U.S.C. §§ 846, 841(a)(1), and 841 (b)(1)(B). After a four-day trial, the jury returned a guilty verdict. Mr. Butler was sentenced to 63 months' imprisonment and five years of supervised release. The United States Court of Appeals for the Fourth Circuit affirmed Mr. Butler's conviction.

Representation: 2002

Judge and Court: Honorable Alexander Williams, Jr., United States District Court for the District of Maryland (retired)

Co-Counsel: James M. Trusty
Criminal Division, Department of Justice
Organized Crime and Gang Section
1301 New York Avenue, NW
Washington, District of Columbia 20005
(202) 514-3594

Opposing Counsel: Robert C. Bonsib
Marcus and Bonsib
6411 Ivy Lane, Suite 116
Greenbelt, Maryland 20770
(301) 441-3000

3. *United States v. Foster*, Criminal No. 02-0410-CCB, 2004 WL 225080 (D. Md. Jan. 22, 2004), 2004 WL 185226 (D. Md. Jan. 30, 2004), 2004 WL 868649 (D. Md. Apr. 9, 2004), and 2004 WL 903921 (D. Md. Apr. 9, 2004); *aff'd*, 507 F.3d 233 (4th Cir. 2007)

Three defendants from the Lexington Terrace neighborhood in Baltimore were charged with a narcotics conspiracy and associated violence including multiple homicides, carjacking, and witness tampering. As an Assistant United States Attorney, I prosecuted the four-month trial with co-counsel, and served as lead counsel on many of the motions and legal issues, including a three-day *Daubert* hearing on the admissibility of evidence pertaining to firearms and tool marks analysis. All of the defendants were found guilty and two received sentences of life imprisonment. I argued the appeals to the United States Court of Appeals for the Fourth Circuit, and the convictions of all defendants were affirmed.

Representation: 2002 – 2007

Judge and Court: Honorable Catherine C. Blake, United States District Court for the District of Maryland

Co-Counsel: Andrea L. Smith
United States Attorney's Office

36 South Charles Street, Fourth Floor
Baltimore, Maryland 21201
(410) 209-4858

Opposing Counsel: William Purpura
Law Office of Purpura & Purpura
Eight East Mulberry Street
Baltimore, Maryland 21202
(410) 727-8550

Arcangelo Tuminelli
Law Office of Arcangelo M. Tuminelli
1005 North Calvert Street
Baltimore, Maryland 21202
(410) 539-3690

Robert Biddle
Nathans and Biddle, LLP
120 East Baltimore Street, Suite 1800
Baltimore, Maryland 21202
(410) 783-0272

4. *United States v. Baskerville*, Criminal No. 02-0410-CCB, *aff'd*, 253 F. App'x 280, 2007 WL 3306474 (4th Cir. Nov. 7, 2007) (unpublished *per curiam* opinion)

Mr. Baskerville was charged with a narcotics conspiracy and multiple associated acts of violence, including multiple homicides. As an Assistant United States Attorney, I prosecuted the two-week trial as lead counsel. The jury returned a guilty verdict, and Mr. Baskerville was sentenced to 216 months of imprisonment and five years of supervised release. I argued the appeal to the United States Court of Appeals for the Fourth Circuit, and Mr. Baskerville's conviction was affirmed.

Representation: 2002 – 2007

Judge and Court: Honorable Catherine C. Blake, United States District Court
for the District of Maryland

Co-Counsel: Debra L. Dwyer
United States Attorney's Office
36 South Charles Street, Fourth Floor
Baltimore, Maryland 21201
(410) 209-4813

Opposing Counsel: Harvey Greenberg
Law Offices of Harvey Greenberg

The Susquehanna Building
29 West Susquehanna Avenue, Suite 700
Towson, Maryland 21204
(410) 823-2277

5. *United States v. Mason*, Criminal No. 02-0537-CCB, *aff'd*, 139 F. App'x 502, 2005 WL 1637880 (4th Cir. Jul. 13, 2005) (unpublished *per curiam* opinion).

As an Assistant United States Attorney, I prosecuted this case involving charges of carjacking and related firearms offenses. I served as sole counsel for the government. After a two-day trial, the jury returned a guilty verdict on all three counts. Mr. Mason was sentenced to 176 months of imprisonment, and three years of supervised release. Mr. Mason's convictions were affirmed by the United States Court of Appeals for the Fourth Circuit, which held that the evidence introduced at trial was sufficient to establish that Mr. Mason would have caused death or serious bodily harm if necessary to take the victim's vehicle, a required element of carjacking.

Representation: 2002 – 2007

Judge and Court: Honorable Catherine C. Blake, United States District Court for the District of Maryland

Opposing Counsel: Michael CitaraManis
Office of the Federal Public Defender
6411 Ivy Lane, Suite 710
Greenbelt, Maryland 20770
(301) 344-0600

6. *United States v. Burton*, Criminal No. 03-0395-JFM, *aff'd*, 155 F. App'x 92, 2005 WL 3105681 (4th Cir. Nov. 21, 2005) (unpublished *per curiam* opinion)

The defendant in this case was charged with possession of a firearm by a convicted felon, in violation of 18 U.S.C. § 922(g)(1). As an Assistant United States Attorney, I tried the case three times, before three different juries. For the first two trials, I served as sole counsel, and for the third trial, I served as lead counsel. The first two trials, which both lasted for two days, resulted in hung juries. After the third two-day trial, the jury reached a guilty verdict, and Mr. Burton was sentenced to 120 months of imprisonment and three years of supervised release. The United States Court of Appeals for the Fourth Circuit affirmed Mr. Burton's conviction.

Representation: 2003 – 2005

Judge and Court: Honorable J. Frederick Motz, United States District Court for the District of Maryland

Co-Counsel: Ari Scott Casper (formerly at United States Attorney's Office)
The Casper Law Firm LLC
One South Street, 27th Floor
Baltimore, Maryland 21202
(410) 989-5097

Opposing Counsel: Howard L. Cardin
Cardin and Gitomer, PA
211 Saint Paul Place
Baltimore, Maryland 21202
(410) 727-3868

7. *United States v. Gadsden*, Criminal No. 05-0297-WDQ, *aff'd*, 215 F. App'x 283, 2007 WL 299990 (4th Cir. 2007) (unpublished *per curiam* opinion)

I prosecuted this case against Mr. Gadsden, who was alleged to be the getaway driver in a bank robbery. After a three-day trial, the jury returned a guilty verdict. Mr. Gadsden was sentenced to 24 months of imprisonment and three years of supervised release. Mr. Gadsden's conviction was affirmed by the United States Court of Appeals for the Fourth Circuit, which held that the evidence introduced at trial was sufficient to establish that Mr. Gadsden had aided and abetted the bank robbery.

Representation: 2005 – 2007

Judge and Court: Honorable William D. Quarles, Jr., United States District Court for the District of Maryland

Opposing Counsel: Thomas Crowe
Solo Practitioner
11 Osborne Avenue
Catonsville, Maryland 21228
(410) 747-8369

8. *United States v. White*, Criminal No. 05-0506-WDQ

As an Assistant United States Attorney, I served as co-trial counsel in this case charging Mr. White with possession of a firearm and ammunition by a convicted felon, in violation of 18 U.S.C. § 922(g)(1). After a two-day trial, the jury returned a guilty verdict on both counts. Mr. White was sentenced to 235 months of imprisonment for each count, to be served concurrently, and five years of supervised release.

Representation: 2006 – 2008

Judge and Court: Honorable William D. Quarles, Jr., United States District Court for the District of Maryland

Co-Counsel: Paul Tiao (formerly at United States Attorney's Office)
Hunton & Williams LLP
2200 Pennsylvania Avenue, NW
Washington, District of Columbia 20037
(202) 955-1618

Opposing Counsel: Joseph Balter
Federal Public Defender's Office
100 South Charles Street, Suite 900
Baltimore, Maryland 21201
(410) 962-3962

9. *United States v. Wackman*, Criminal No. 06-0427-WDQ

The defendant in this case was charged with two counts of conspiracy to distribute and possess with intent to distribute a controlled substance, in violation of 21 U.S.C. § 846. As an Assistant United States Attorney, I prosecuted the four-day trial with co-counsel. Mr. Wackman was convicted of one count and sentenced to 188 months of imprisonment and five years of supervised release.

Representation: 2007 – 2008

Judge and Court: Honorable William D. Quarles, Jr., United States District Court for the District of Maryland

Co-Counsel: Bryan Giblin (formerly at United States Attorney's Office)
Now in the Foreign Service.
Current contact information unavailable.

Opposing Counsel: Anton Keating
Law Office of Anton J. S. Keating
614 Colorado Avenue
Baltimore, Maryland 21210
(410) 435-5771

10. *United States v. Matthews*, Criminal No. 07-0581-CCB, *aff'd*, 373 F. App'x 386, 2010 WL 1452617 (4th Cir. Apr. 13, 2010) (unpublished *per curiam* opinion)

As an Assistant United States Attorney, I prosecuted this case, which charged Mr. Matthews with narcotics and felony firearms offenses. The case received significant publicity because Mr. Matthews was the cameraman for the *Stop*

Snitchin' video, an infamous "street video" designed to discourage defendants from cooperating with law enforcement officials. I served as lead counsel for the government in two trials. The first four-day trial resulted in a mistrial after a guilty verdict, because a piece of inadmissible evidence was sent to the jury room. After a second, three-day trial, a new jury again returned a guilty verdict on all counts, and Mr. Matthews was sentenced to 360 months of imprisonment and three years of supervised release. The United States Court of Appeals for the Fourth Circuit affirmed Mr. Matthews's conviction.

Representation: 2007 – 2008

Judge and Court: Honorable Catherine C. Blake, United States District Court for the District of Maryland

Co-Counsel: Jason M. Weinstein (formerly at United States Attorney's Office)
Steptoe & Johnson, LLP
1330 Connecticut Avenue, NW
Washington, District of Columbia 20036
(202) 429-8061

Opposing Counsel: John A. Bourgeois
Ezra Gollogly
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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 tenure at Levin & Gallagher, I represented FBI agents in internal disciplinary proceedings, including both investigations and appeals of adverse disciplinary actions. In two such appeals, I successfully obtained reinstatement for agents who had been terminated. I served as sole counsel in those proceedings.

Also, while I worked at Akin, Gump, I represented clients in two significant arbitration proceedings. In the first, I represented an individual in a three-day arbitration of a non-compete dispute with the company he had founded. The second case involved a two-week arbitration of a contractual dispute between our client, a resort management company, and its former employee. At each arbitration, I participated in the direct and

cross-examination of various witnesses, and assisted with legal arguments.

I have also participated extensively in bar programs sponsored by the Federal Bar Association. I have planned some of the programs, and I have served as a speaker or panelist for other programs. Those programs include continuing legal education events, programs to educate the public on legal history, and social events to enhance the relationships between the federal bench and federal legal practitioners.

I have not performed lobbying activities on behalf of any client or organization.

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

I have not taught any courses.

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

I have no expectations of deferred income or future benefits.

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.

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

See attached Financial Disclosure Report.

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

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

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

I maintain a conflicts list on file with the clerk of court and my chambers staff. Currently, that list includes the law firm of Levin & Curlett, LLC, which is the successor firm to Levin & Gallagher, and the Securities and Exchange Commission, where my husband is employed. Every month, the clerk provides me with a list of any potential conflicts in my caseload, based upon my conflicts list. No such conflicts have arisen, but if any were to arise, I would recuse from involvement with the case.

During my tenure as an Assistant United States Attorney, I prosecuted hundreds of defendants. When one of those individuals appears before the court, typically to answer an accusation that he/she has violated a term of supervised release, I immediately alert the parties to the conflict and ask another magistrate judge to handle the proceeding. If confirmed, I would follow the same practice.

- 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 continue to strictly adhere to the Code of Conduct for United States Judges and all other relevant statutes, ethical canons, and rules regarding resolution of actual or potential conflicts of interest. Further, should I learn of any situation which may present a conflict of interest or an appearance issue, I will alert the parties to the situation, solicit their views, and recuse if the circumstances require.

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.

Because I am no longer engaged in the active practice of law, I currently volunteer my time with the Cathedral Food Program (a program at my church providing food to hungry individuals and families) and with Icing Smiles (a non-profit organization serving families of critically ill and terminally ill children). I co-chair the Open Doors program, which is an annual event at the Baltimore courthouse in which students at public high schools in the inner city are invited to observe presentations from judges and attorneys and to participate in mock jury trials. Finally, I serve on the Criminal Justice Act Committee of the United States District Court for the District of Maryland, which works to ensure that indigent defendants are afforded qualified legal counsel and the additional resources needed to prepare a defense to federal criminal charges.

During my tenure in private practice at Akin Gump, I participated in *pro bono* representation of prisoners in civil litigation, and I also assisted in my firm's *pro bono* representation of two defendants on death row. At Levin & Gallagher, I represented an individual in his dispute with his former landlord through the Maryland Volunteer Lawyers' Service. I also spent significant time representing indigent defendants through numerous appointments under the Criminal Justice Act, both in the United States District Court for the District of Maryland in the Northern and Southern Divisions, and in the United States Court of Appeals for the Fourth Circuit.

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.

On March 4, 2013, I submitted an application to the office of Senator Barbara Mikulski. On March 18, 2013, I was interviewed by a panel of attorneys convened by Senators Mikulski and Cardin in Baltimore. On May 20, 2013, I was interviewed by Senators Mikulski and Cardin in Baltimore. On January 14, 2014, Senator Mikulski informed me that my name was among those submitted to the White House for consideration for a previous vacancy. On June 18, 2015, Senator Mikulski informed me that my name was again among those submitted to the White House for consideration for this vacancy. Since July 7, 2015, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On August 24, 2015, I interviewed with attorneys from the White House Counsel's Office and the Department of Justice in Washington, D.C. On September 8, 2015, the President submitted my nomination to the Senate.

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

No.