

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Charles Barnes Goodwin

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

United States District Judge, Western District of Oklahoma

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

William J. Holloway, Jr. United States Courthouse
200 NW 4th Street, Room 1305
Oklahoma City, OK 73102

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

1970; Clinton, Oklahoma.

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, University of Oklahoma College of Law - Juris Doctor, 1997

1988–1994, University of Oklahoma - B.A. in Letters (1994) and B.A. in Economics (1994)

Summer 1991, Southwestern Oklahoma State University – no degree received

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.

2013–Present

United States District Court for the Western District of Oklahoma

200 NW 4th Street
Oklahoma City, OK 73102
United States Magistrate Judge

2000–2013
Crowe & Dunlevy, A Professional Corporation
324 N. Robinson Avenue, Suite 100
Oklahoma City, OK 73102
Shareholder-Director (2006–2013)
Associate (2000–2006)

1998–2000
United States District Court for the Western District of Oklahoma
200 NW 4th Street
Oklahoma City, OK 73102
Law Clerk to United States District Judge Lee R. West

1998
United States District Court for the Northern District of Oklahoma
333 W. Fourth Street
Tulsa, OK 74103
Law Clerk to United States Magistrate Judge Claire V. Eagan

1995–1996
University of Oklahoma
660 Parrington Oval
Norman, OK 73019
Assistant to the President and Board of Regents

1995
Pray Walker, P.C.
100 W. Fifth Street, Suite 900
Tulsa, OK 74103
Summer Law Clerk

1993–1994
The Cordell Beacon
115 E. Main Street
Cordell, OK 73632
Editor

Other Affiliations:

First Oklahoma Investments, LLC
116 E. Sheridan Avenue, Suite 207
Oklahoma City, OK 73104

Limited Partner (Passive Investment Company)

Third Oklahoma Investments, LLC
116 E. Sheridan Avenue, Suite 207
Oklahoma City, OK 73104
Limited Partner (Passive Investment Company)

Avenue F, LLC
116 E. Sheridan Avenue, Suite 207
Oklahoma City, OK 73104
Limited Partner (Passive Investment Company)

Redrock Canyon Grill – Southlake, LLC
3101 W. Tecumseh Road, Suite 200
Norman, OK 73072
Limited Partner (Passive Investment Company)

Nancy B. Goodwin Trust
9000 N. May Avenue, Unit 73
Oklahoma City, OK 73120
Trustee

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 registered for 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.

Oklahoma Law Review Editorial Board

Harry Alley-Leroy Allen Memorial Prize for Best Case Note (1996)

Best Lawyers in America

Martindale AV Preeminent (5.0 out of 5.0)

Super Lawyers

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

Crowe & Dunlevy Ethics Committee (2000–2013)
Vice Chair (approx. 2006 to 2013)

Custer County Bar Association

Federal Bar Association

Federal Magistrate Judges Association

Local Civil Rules Committee, U.S. District Court for the Western District of Oklahoma
Chair, 2014–present

Luther Bohanon American Inn of Court

Oklahoma Bar Association
Bench and Bar Committee (2004–2006)

Oklahoma County Bar Association
Lawyers for Learning Committee (2013–2017)

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.

Oklahoma, 1997

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.

U.S. Supreme Court, 2011

U.S. Court of Appeals for the Tenth Circuit, 2002

U.S. District Court for the Eastern District of Oklahoma, 2002

U.S. District Court for the Western District of Oklahoma, 1998

U.S. District Court for the Northern District of Oklahoma, 1998

I have been admitted *pro hac vice* in various other courts, including the U.S. Court of Appeals for the Second Circuit, the U.S. District Court for the Southern District of New York, and the California appellate courts.

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.

First United Methodist Church of Clinton, Oklahoma (1988–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.

Bell Atlantic Corp. v. Twombly: A New Definition of Notice Pleading in Federal Courts, Oklahoma Bar Journal, 79 Okla. Bar. J. 519 (Mar. 8, 2008). Copy supplied.

The Progeny of United States vs. Lopez and the Future of Judicial Review of Federal Power Under the Commerce Clause, Oklahoma Law Review, 49 Okla. L. Rev. 159 (1996). Copy supplied.

From 1993 to 1994, I served as the Editor of The Cordell Beacon, a weekly newspaper in Cordell, Oklahoma. In that capacity, I wrote most of the original news content for the paper, often without a byline. To the best of my knowledge, I wrote all of the following articles.

Corn Bible Academy To Begin Football Program, THE CORDELL BEACON, Feb. 9, 1994. Copy supplied.

Utility Rate Reduction Approved, THE CORDELL BEACON, Feb. 9, 1994. Copy supplied.

Cordell City Council Holds Routine Meeting, THE CORDELL BEACON, Feb. 9, 1994. Copy supplied.

Three injured in accident north of Burns Flat, THE CORDELL BEACON, Feb. 9, 1994. Copy supplied.

Enid Businessman to Seek Sixth District Congressional Seat, THE CORDELL BEACON, Feb. 2, 1994. Copy supplied.

School Election Scheduled For Next Tuesday, S.Q. on Ballot, THE CORDELL BEACON, Feb. 2, 1994. Copy supplied.

Sales Tax Returns Show Sharp Increase, THE CORDELL BEACON, Jan. 26, 1994. Copy supplied.

Turnout High For Chamber Banquet, THE CORDELL BEACON, Jan. 26, 1994. Copy supplied.

Rutledge, Tointigh Enter Guilty Pleas, THE CORDELL BEACON, Jan. 26, 1994. Copy supplied.

County Tax Receipts Give Mixed Reviews, THE CORDELL BEACON, Jan. 19, 1994. Copy supplied.

Frank Lucas to Seek Sixth District Seat, THE CORDELL BEACON, Jan. 19, 1994. Copy supplied.

City OKs Salary Raises for Employees, THE CORDELL BEACON, Jan. 19, 1994. Copy supplied.

Cordell Crime Rate Drops, THE CORDELL BEACON, Jan. 12, 1994. Copy supplied.

Moving On: An Interview with Glenn English, THE CORDELL BEACON, Jan. 12, 1994. Copy supplied.

Dan Webber to run for Sixth District seat, THE CORDELL BEACON, Jan. 12, 1994. Copy supplied.

Hewitt Found Guilty of Second Degree Rape, THE CORDELL BEACON, Jan. 12, 1994. Copy supplied.

Cordell School Board Rehires Burrows, THE CORDELL BEACON, Jan. 12, 1994. Copy supplied.

Brief Cordell City Council Meeting Held, THE CORDELL BEACON, Jan. 5, 1994. Copy supplied.

Life in Washington: An Interview with Glenn English, THE CORDELL BEACON, Jan. 5, 1994. Copy supplied.

Expect Drunk Drivers on New Year's Eve, THE CORDELL BEACON, Dec. 29, 1993. Copy supplied.

Cordell's Congressman: An Interview with Glenn English, THE CORDELL BEACON, Dec. 29, 1993. Copy supplied.

Eleven Jury Trials to be Heard in January, THE CORDELL BEACON, Dec. 29, 1993. Copy supplied.

Election Recount Yields Same Result, Vote totals change to 1,003 for and 995 against, THE CORDELL BEACON, Dec. 22, 1993. Copy supplied.

Drop in Commercial Electricity Rates OK'd, THE CORDELL BEACON, Dec. 22, 1993. Copy supplied.

Candidates Draw No Opposition in County School Board Races, THE CORDELL BEACON, Dec. 15, 1993. Copy supplied.

School Board Examines Bus Safety, THE CORDELL BEACON, Dec. 15, 1993. Copy supplied.

Voters Reject Half-Cent Sales Tax, By Only Six Votes, THE CORDELL BEACON, Dec. 15, 1993. Copy supplied.

English Announces Resignation, THE CORDELL BEACON, Dec. 15, 1993. Copy supplied.

Council Considers Deputy City Clerk, Sale of Trash Dumpsters, THE CORDELL BEACON, Dec. 8, 1993. Copy supplied.

English Said To Be Up for REC Post, THE CORDELL BEACON, Dec. 8, 1993. Copy supplied.

Vote on Half-Cent Sales Tax Tuesday, THE CORDELL BEACON, Dec. 8, 1993.
Copy supplied.

Murder Charges May Be Filed Against Fletcher, Mooney, Decision pending autopsy of Canute man, THE CORDELL BEACON, Dec. 1, 1993. Copy supplied.

Vote on Half-cent Sales Tax Increase Dec. 14, THE CORDELL BEACON, Dec. 1, 1993. Copy supplied.

November Jury Term Wrapped Up, THE CORDELL BEACON, Dec. 1, 1993.
Copy supplied.

Farewell Set for Charles and Florence Edwards, THE CORDELL BEACON, Nov. 24, 1993. Copy supplied.

Four Young Burglars Nabbed in Burns Flat, THE CORDELL BEACON, Nov. 24, 1993. Copy supplied.

Jury Finds Ricky Fletcher Guilty, Sentence Set at 20 Years, THE CORDELL BEACON, Nov. 24, 1993. Copy supplied.

A Soldier's Memories of World War II, THE CORDELL BEACON, Nov. 17, 1993.
Copy supplied.

Trial of Ricky Fletcher Goes to Jury Today, THE CORDELL BEACON, Nov. 17, 1993. Copy supplied.

New Industry at Nottawa Gardens Site?, Prospects good, official tells City Council, THE CORDELL BEACON, Nov. 17, 1993. Copy supplied.

School Board Sets Vote for Member, Mill Levy, Filing Period for School Board Seat December 6-8, THE CORDELL BEACON, Nov. 10, 1993. Copy supplied.

Team Gives Recommendations for City, THE CORDELL BEACON, Nov. 10, 1993. Copy supplied.

Sales Tax Returns on Rise Across County, Eight out of ten towns shown increase, THE CORDELL BEACON, Nov. 3, 1993. Copy supplied.

Public Meetings on Sales Tax Increase Scheduled, THE CORDELL BEACON, Nov. 3, 1993. Copy supplied.

Team of Experts Analyzing Community, THE CORDELL BEACON, Nov. 3, 1993.
Copy supplied.

Council Raises Salaries of Employees, THE CORDELL BEACON, Nov. 3, 1993.
Copy supplied.

Five Main Street Officials to Focus on Cordell, "Resource Team" Consists of State and National Main Street Experts, THE CORDELL BEACON, Oct. 20, 1993. Copy supplied.

Washita County Jury Term Set, THE CORDELL BEACON, Oct. 20, 1993. Copy supplied.

Over 2,500 Attend Cordell Pumpkin Festival, THE CORDELL BEACON, Oct. 20, 1993. Copy supplied.

Rail line at Clinton-Sherman Airpark back in operation, THE CORDELL BEACON, Oct. 20, 1993. Copy supplied.

Council Authorizes Election for 911 System, Cordell Citizens Will Vote in Spring on Emergency Service, THE CORDELL BEACON, Oct. 20, 1993. Copy supplied.

Giblet Named National Merit Scholar Semifinalist, THE CORDELL BEACON, Oct. 20, 1993. Copy supplied.

County Cotton Harvest Waiting on Frost, THE CORDELL BEACON, Oct. 20, 1993. Copy supplied.

School Board Discusses Band Trip, Project Fund, Football, THE CORDELL BEACON, Oct. 13, 1993. Copy supplied.

Auditor Lauds Hospital for Financial Moves, THE CORDELL BEACON, Oct. 13, 1993. Copy supplied.

EPA Deadline Change Has Little Effect on City, Cordell Landfill Will Remain Closed, THE CORDELL BEACON, Oct. 13, 1993. Copy supplied.

An Editorial, THE CORDELL BEACON, Oct. 6, 1993. Copy supplied.

Sales Tax Returns on the Rise Across County, THE CORDELL BEACON, Oct. 6, 1993. Copy supplied.

Feb. 15 Execution Date Set for Richard Rojem, THE CORDELL BEACON, Oct. 6, 1993. Copy supplied.

Council Debates Certified Cities, Window Repair, THE CORDELL BEACON, Oct. 6, 1993. Copy supplied.

PDI Will Contest District Court Decision, THE CORDELL BEACON, Oct. 6, 1993. Copy supplied.

State legislators hold hearing at Airpark, THE CORDELL BEACON, Sep. 29, 1993. Copy supplied.

Nellie Mae Morrison: A Lifetime of Music, THE CORDELL BEACON, Sep. 29, 1993. Copy supplied.

Council Agrees To Pursue Sidewalk Grant, Main Street Program Will Begin Application Process, THE CORDELL BEACON, Sep. 29, 1993. Copy supplied.

Art in the Park Promises Summer Delights, THE CORDELL BEACON, Sep. 22, 1993. Copy supplied.

Curfew Begun, Citizens Heard By City Council, THE CORDELL BEACON, Sep. 22, 1993. Copy supplied.

Judge Says PDI Contract Invalid, THE CORDELL BEACON, Sep. 22, 1993. Copy supplied.

State Director of Dept. of Transportation to Speak, THE CORDELL BEACON, Sep. 15, 1993. Copy supplied.

Sidewalk Plan Discussed at Public Meeting, Committee Formed to Make Recommendation to City Council, THE CORDELL BEACON, Sep. 15, 1993. Copy supplied.

Group Endorses Turnpike Route, Plans Underway for Letter Writing Campaign, THE CORDELL BEACON, Sep. 8, 1993. Copy supplied.

County Fair To Begin Thursday, THE CORDELL BEACON, Sep. 8, 1993. Copy supplied.

'Streetscapes' Plan Pushed by Main Street, THE CORDELL BEACON, Sep. 8, 1993. Copy supplied.

June Sales Tax Returns Increase for County, THE CORDELL BEACON, Sep. 1, 1993. Copy supplied.

Basketball Coach Receives Four Game Suspension, THE CORDELL BEACON, Sep. 1, 1993. Copy supplied.

Six Involved in Burns Flat Accident, THE CORDELL BEACON, Sep. 1, 1993. Copy supplied.

Vote on Half-Cent Sales Tax Set for Dec. 14, THE CORDELL BEACON, Sep. 1, 1993. Copy supplied.

Area Leaders Consider Western Turnpike Route, THE CORDELL BEACON, Aug. 25, 1993. Copy supplied.

Wreck with Semi Ends Driver's Life, THE CORDELL BEACON, Aug. 25, 1993. Copy supplied.

Decision on Sales Tax Election Postponed, County Commissioners Want Merchants Made Aware of Issue Before Putting It on Ballot, THE CORDELL BEACON, Aug. 25, 1993. Copy supplied.

Bristol Pleads Guilty to Sexual Molestation, Sentenced to Thirty Years Imprisonment, THE CORDELL BEACON, Aug. 18, 1993. Copy supplied.

Washita County 4-H'ers Honored At Assembly, THE CORDELL BEACON, Aug. 18, 1993. Copy supplied.

Gallery of the Plains Indian to Present 12th Intertribal Show, THE CORDELL BEACON, Aug. 18, 1993. Copy supplied.

Council Picks Tri-County to Haul City's Trash, THE CORDELL BEACON, Aug. 18, 1993. Copy supplied.

Main Street Calling for New Sidewalks, Plan Underway to Replace 80 Year Old Structures, THE CORDELL BEACON, Aug. 11, 1993. Copy supplied.

Alleged Post Office Burglars Caught Monday, THE CORDELL BEACON, Aug. 11, 1993. Copy supplied.

Enrollment Figures Given at School Board Mtg., Approximately 700 Students Expected for '93-'94 School Year, THE CORDELL BEACON, Aug. 11, 1993. Copy supplied.

Winners of Cordell Ranch Rodeo Announced, THE CORDELL BEACON, Aug. 4, 1993. Copy supplied.

Charges Filed Against Alleged Drunk Driver in Pearce Accident, THE CORDELL BEACON, Aug. 4, 1993. Copy supplied.

Cordell students to enroll Aug. 9, classes begin Aug. 12, THE CORDELL BEACON, Aug. 4, 1993. Copy supplied.

Burns Flat Post Office Robbed, THE CORDELL BEACON, Aug. 4, 1993. Copy supplied.

Sparks Flare at Cordell City Council Meeting, THE CORDELL BEACON, Aug. 4, 1993. Copy supplied.

Sales Tax Returns Increase Throughout County, Only Corn, Foss, and Dill City Drop, THE CORDELL BEACON, July 28, 1993. Copy supplied.

Arts and Humanities Council Plans Theatre Production, THE CORDELL BEACON, July 28, 1993. Copy supplied.

Wildcat Well Ignites Interest In Drilling Field NE of Corn, THE CORDELL BEACON, July 28, 1993. Copy supplied.

Ranch Rodeo and Sidewalk Sale Scheduled, THE CORDELL BEACON, July 28, 1993. Copy supplied.

Ambulance Runs for Month of June Approach Record, THE CORDELL BEACON, July 21, 1993. Copy supplied.

Council Discusses Weeds, Salaries, THE CORDELL BEACON, July 21, 1993. Copy supplied.

Main Street Architect To Travel To Cordell, THE CORDELL BEACON, July 21, 1993. Copy supplied.

State Supreme Court Reinstates Canute Case, Suit of Former Trustees to Proceed to Trial, THE CORDELL BEACON, July 21, 1993. Copy supplied.

Two Sexual Offense Charges Filed, THE CORDELL BEACON, July 14, 1993. Copy supplied.

Washita County Pioneer Raymond Wesner Dies, THE CORDELL BEACON, July 14, 1993. Copy supplied.

Council Requests Bids for Trash Carrier--Again, Gipson Hired As Airport Manager, THE CORDELL BEACON, July 14, 1993. Copy supplied.

Stipe Pushes Wayport Proposal for Airpark, Area Legislators Try to Drum Up Local Support, THE CORDELL BEACON, July 7, 1993. Copy supplied.

City National Bank Switches from National to State Banking Charter, THE CORDELL BEACON, July 7, 1993. Copy supplied.

James Beadles Convicted, THE CORDELL BEACON, July 7, 1993. Copy supplied.

Extension Center Bets Future on Sales Tax, County Commissioners Grant One Year Reprieve from Budget Cuts, THE CORDELL BEACON, July 7, 1993. Copy supplied.

Mixed Reviews for April Sales Tax Receipts, THE CORDELL BEACON, June 30, 1993. Copy supplied.

Old Cordell Jr. High Building to be Destroyed, School Board Votes to Buy a Suburban, THE CORDELL BEACON, June 30, 1993. Copy supplied.

National, State Main Street Advisers Travel to Cordell, THE CORDELL BEACON, June 30, 1993. Copy supplied.

Cordell Awarded Two Government Grants, THE CORDELL BEACON, June 30, 1993. Copy supplied.

Wheat Harvest Winding Down, THE CORDELL BEACON, June 23, 1993. Copy supplied.

Attorney Opens Office, THE CORDELL BEACON, June 23, 1993. Copy supplied.

State Officers Visit CLG Committee, Cordell Group Advised on Historical Preservation, THE CORDELL BEACON, June 23, 1993. Copy supplied.

Ordinance Amended to Dodge Nepotism Law, City Council Tables Town Meeting, THE CORDELL BEACON, June 23, 1993. Copy supplied.

Two Retirements at Robertson's, THE CORDELL BEACON, June 16, 1993. Copy supplied.

Special Council Meeting Fails to Make Quorum, THE CORDELL BEACON, June 16, 1993. Copy supplied.

Harris Guilty on Seven of Nine Counts, THE CORDELL BEACON, June 16, 1993. Copy supplied.

Harvest Underway Despite Moisture, THE CORDELL BEACON, June 16, 1993. Copy supplied.

Cadet Lawman Academy underway in Burns Flat, THE CORDELL BEACON, June 9, 1993. Copy supplied.

Funds for County Schools Announced, THE CORDELL BEACON, June 9, 1993. Copy supplied.

Methodist Minister to Take New Position, THE CORDELL BEACON, June 9, 1993. Copy supplied.

Cordell City Council Considers 911, Landfill, THE CORDELL BEACON, June 9, 1993. Copy supplied.

County Budget Shortfall Forces Cuts, Extension Center to Lose at Least Two Positions, THE CORDELL BEACON, June 9, 1993. Copy supplied.

Felony Charges Logged Against Eight Defendants, THE CORDELL BEACON, June 2, 1993. Copy supplied.

Woman Killed in Accident Near Bessie, Two Vehicles Collide at a County Road Intersection, THE CORDELL BEACON, June 2, 1993. Copy supplied.

Washita County Hall of Fame Honorees Named, THE CORDELL BEACON, June 2, 1993. Copy supplied.

Burns Flat Sues City of Clinton, Claims Money is Owed for Use of Its Sewer Lines, THE CORDELL BEACON, June 2, 1993. Copy supplied.

Airpark lease signed, THE CORDELL BEACON, May 26, 1993. Copy supplied.

Economic Intern to Assist City, THE CORDELL BEACON, May 26, 1993. Copy supplied.

County tax receipts show steady climb, THE CORDELL BEACON, May 26, 1993. Copy supplied.

Fire at Halliburton Causes Damage, THE CORDELL BEACON, May 26, 1993. Copy supplied.

Dill City Schools Closes Its Doors, THE CORDELL BEACON, May 26, 1993. Copy supplied.

Athletes Honored at All-Sports Banquet, THE CORDELL BEACON, May 19, 1993. Copy supplied.

Ninety-Three Year Old Attacked, Canute Man Left for Dead in Outburst of Violence, THE CORDELL BEACON, May 19, 1993. Copy supplied.

Flood Waters Claim Life of Sentinel Man, THE CORDELL BEACON, May 19, 1993. Copy supplied.

Trash Disposal Bids Stalled, THE CORDELL BEACON, May 19, 1993. Copy supplied.

Annual Awards Assembly Held, THE CORDELL BEACON, May 19, 1993. Copy supplied.

Cordell Class of 1993 Graduates, THE CORDELL BEACON, May 19, 1993. Copy supplied.

FNB Donates \$2,500 to Main Street, THE CORDELL BEACON, May 12, 1993. Copy supplied.

Board Approves Mission for Cordell Schools, THE CORDELL BEACON, May 12, 1993. Copy supplied.

1993 top seniors named at Corn Bible Academy, THE CORDELL BEACON, May 5, 1993. Copy supplied.

Eskew Arrested in Florida, THE CORDELL BEACON, May 5, 1993. Copy supplied.

Council Talks Trash, THE CORDELL BEACON, May 5, 1993. Copy supplied.

Town Hall Meeting Held Monday, THE CORDELL BEACON, May 5, 1993.
Copy supplied.

Botchlet Retires After 34 Years in Assessor's Office, THE CORDELL BEACON,
May 5, 1993. Copy supplied.

County Sales Tax Returns Jump, Only Cordell and Bessie Decrease, THE
CORDELL BEACON, April 28, 1993. Copy supplied.

Democrats Hold County Elections, THE CORDELL BEACON, April 28, 1993.
Copy supplied.

Maddox Arrested After Alleged Gun Altercation, THE CORDELL BEACON, April
28, 1993. Copy supplied.

McIntyre and Christensen named top Burns Flat seniors, THE CORDELL
BEACON, April 28, 1993. Copy supplied.

Main Street Plans Town Hall Meeting, THE CORDELL BEACON, April 28, 1993.
Copy supplied.

Wurtzel Arrested on Molestation Charges, THE CORDELL BEACON, April 21,
1993. Copy supplied.

Cordell Map Planned, THE CORDELL BEACON, April 21, 1993. Copy supplied.

Council Gains New Member, New Law, THE CORDELL BEACON, April 21,
1993. Copy supplied.

Shooting Reported in Corn, THE CORDELL BEACON, April 21, 1993. Copy
supplied.

Thursday is Tax Day, THE CORDELL BEACON, April 14, 1993. Copy supplied.

Dyck and Dickerson named as top Washita Heights seniors, THE CORDELL
BEACON, April 14, 1993. Copy supplied.

Easter Egg Hunt Enjoyed by Crowd, THE CORDELL BEACON, April 14, 1993.
Copy supplied.

Council Refuses to Hire Gipson, Members Fear Nepotism May Cause Trouble,
THE CORDELL BEACON, April 14, 1993. Copy supplied.

1930 Texaco Truck Honored, THE CORDELL BEACON, April 7, 1993. Copy
supplied.

Howell Freed for Lack of Evidence, THE CORDELL BEACON, April 7, 1993.
Copy supplied.

Cordell High School names top seniors, THE CORDELL BEACON, April 7, 1993. Copy supplied.

Burns Flat, Corn Hold Municipal Elections, THE CORDELL BEACON, April 7, 1993. Copy supplied.

Marijuana Seized in Foss, THE CORDELL BEACON, April 7, 1993. Copy supplied.

City Council Down to Four, THE CORDELL BEACON, April 7, 1993. Copy supplied.

Canute Names Top Freshmen Students, THE CORDELL BEACON, Mar. 31, 1993. Copy supplied.

Public Forum on AIDS Classes Set for Monday, THE CORDELL BEACON, Mar. 31, 1993. Copy supplied.

Pair Injured in Wreck, THE CORDELL BEACON, Mar. 31, 1993. Copy supplied.

Inmates Begin Work, THE CORDELL BEACON, Mar. 31, 1993. Copy supplied.

Felix Jones Celebrates 93 Years in Washita County, THE CORDELL BEACON, Mar. 31, 1993. Copy supplied.

Perring Celebrates Thirty Years of Service, THE CORDELL BEACON, Mar. 24, 1993. Copy supplied.

Sales Tax Returns Plunge for Washita County, THE CORDELL BEACON, Mar. 24, 1993. Copy supplied.

Local Federal Donates Computers to School, THE CORDELL BEACON, Mar. 24, 1993. Copy supplied.

Colony Man Suffers Accidental Death, THE CORDELL BEACON, Mar. 24, 1993. Copy supplied.

Clinton Approves Airpark Lease with SWODA, THE CORDELL BEACON, Mar. 24, 1993. Copy supplied.

Cordell Girls Fall to Seiling, THE CORDELL BEACON, Mar. 17, 1993. Copy supplied.

Inmate Labor Program, Complaints Top Council Agenda, THE CORDELL BEACON, Mar. 17, 1993. Copy supplied.

Main Street Board Holds First Meeting, THE CORDELL BEACON, Mar. 17, 1993. Copy supplied.

Beadles, Harris Arrested on Burglary Charges, THE CORDELL BEACON, Mar. 17, 1993. Copy supplied.

Herren Selected Academic All-State, THE CORDELL BEACON, Mar. 17, 1993. Copy supplied.

Cordell Girls Advance To State, THE CORDELL BEACON, Mar. 10, 1993. Copy supplied.

Highway Improvements Planned, THE CORDELL BEACON, Mar. 10, 1993. Copy supplied.

Fire Ravages Canute Home, THE CORDELL BEACON, Mar. 10, 1993. Copy supplied.

Cordell Celebrates Opening, THE CORDELL BEACON, Mar. 10, 1993. Copy supplied.

Cordell Hospital Marks Fourth Anniversary, Billboards Tell the Story, THE CORDELL BEACON, Mar. 10, 1993. Copy supplied.

Main Street program looks for volunteers, THE CORDELL BEACON, Mar. 3, 1993. Copy supplied.

Burns Flat Council Raises Garbage Rates, THE CORDELL BEACON, Mar. 3, 1993. Copy supplied.

Auditorium opens Sunday, THE CORDELL BEACON, Mar. 3, 1993. Copy supplied.

Cordell Abandons Regional Landfill, City Council Agrees to Withdraw Application, *The Cordell Beacon*, Mar. 3, 1993. Copy supplied.

Ken Wesner Joins Southwest State Bank, THE CORDELL BEACON, Feb. 24, 1993. Copy supplied.

City Council Discusses Landfill, Mutual Aid, THE CORDELL BEACON, Feb. 24, 1993. 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.

As the Chair of the Western District of Oklahoma's Local Civil Rules Committee, I drafted reports in 2015 and 2016 on proposed changes to the Court's local civil

rules. The recommendations reflect approval by a majority of the committee members and not necessarily my personal opinion. Copies of the reports are supplied.

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

Along with other federal circuit, district, and magistrate judges, I signed an August 14, 2014 letter to Senator James Inhofe requesting that the federal courthouse in Oklahoma City, Oklahoma be renamed the "William J. Holloway, Jr. United States Courthouse." A copy, as reprinted in the Congressional Record, is supplied.

- 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 not kept a comprehensive list of the speeches and talks I have made. The following list is compiled from my records and is my best effort to recreate my history of speaking engagements. It is possible that I have omitted presentations for which I did not retain records.

April 11, 2017: Speaker, "The Role of the Magistrate Judge," Federal Bar Association-Oklahoma City Chapter. Notes supplied.

April 29, 2016: Speaker, Naturalization Ceremony, U.S. District Court for the Western District of Oklahoma. Notes supplied.

April 16, 2016: Speaker, "The Road to Unleashing Creativity," Oklahoma Symposium. I was a member of a panel discussing creativity in busy lives, in my case as a woodworker, gardener, and beekeeper. I have no notes, transcript, or recording. The address for the Oklahoma Symposium is PO Box 54516, Oklahoma City, Oklahoma, 73154.

November 24, 2015: Speaker, "Changes to Local Civil Rules," Federal Bar Association-Oklahoma City Chapter. Notes and PowerPoint presentation supplied.

April 23, 2015: Speaker, "Law Day," Custer County Bar Association. Notes supplied.

April 11, 2015: Speaker, "The Vitality of Our Small Communities," Oklahoma Symposium. I was a member of a panel discussing the state of small towns in Oklahoma. I have no notes, transcript, or recording. The address for the Oklahoma Symposium is PO Box 54516, Oklahoma City, Oklahoma, 73154.

March 27, 2015: Speaker, Naturalization Ceremony, U.S. District Court for the Western District of Oklahoma. I used the same notes that are supplied for the naturalization ceremony on April 29, 2016.

January 8, 2015: Speaker, "The Duties of a Federal Magistrate Judge," Federal Bar Association-Oklahoma City Chapter. Notes and PowerPoint presentation supplied.

December 12, 2014: Speaker, "Settlement Conferences in Employment Discrimination Cases," Oklahoma Employment Lawyers Association. In this continuing legal education seminar, another magistrate judge and I discussed best practices for judicial settlement conferences. I have no notes. The Oklahoma Employment Lawyers Association does not have a permanent mailing address.

June 3, 2014: Speaker, "Brown Bag Lunch with Magistrate Judge Charles B. Goodwin," Federal Bar Association-Oklahoma City Chapter. In this meeting, I answered questions from attendees regarding the duties of a magistrate judge and recommendations for lawyers practicing in federal court. I have no notes. The Federal Bar Association-Oklahoma City Chapter does not have a permanent mailing address.

April 30, 2014: Speaker, Investiture of Charles B. Goodwin as United States Magistrate Judge for the Western District of Oklahoma, U.S. District Court for the Western District of Oklahoma. Copy of transcript supplied.

June 2007 (approx.): Speaker, Crowe & Dunlevy, P.C. I spoke to law students employed by the firm as summer clerks on the role of the firm's ethics committee. I have no notes. The address for Crowe & Dunlevy is 324 N Robinson Ave, Suite 100, Oklahoma City, Oklahoma, 73102.

October 2006: Speaker, "Developing an Effective and Rewarding Working Relationship with Your Legal Secretary," Crowe & Dunlevy, P.C. This presentation was to associate attorney employed by the firm. Copies of notes/handout supplied. The address for Crowe & Dunlevy is 324 N Robinson Ave, Suite 100, Oklahoma City, Oklahoma, 73102.

June 2006 (approx.): Speaker, Crowe & Dunlevy, P.C. I spoke to law students employed by the firm as summer clerks on the role of the firm's ethics committee.

I have no notes. The address for Crowe & Dunlevy is 324 N Robinson Ave, Suite 100, Oklahoma City, Oklahoma, 73102.

May 1994 (approx.): Speaker, Rotary Club of Clinton, Oklahoma. I spoke to my hometown Rotary Club regarding recently completed international travel. I have no notes.

May 1994 (approx.): Speaker, Kiwanis Club of Clinton, Oklahoma. I spoke to my hometown Kiwanis Club regarding recently completed international travel. I have no notes.

1989–1991: various. While attending the University of Oklahoma I was a member of the undergraduate student congress and a candidate for president of the student association and, in those capacities, gave various speeches. I have no notes.

- 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.

Meet a Federal Magistrate Judge, The Verdict, Cox Communications Channel 3 (Oklahoma City, OK), Feb. 12, 2017. Recording supplied.

Poultry growers see successful end to lawsuit, Tulsa World, May 9, 2011. Copy supplied.

Supreme Court hands \$14.5M judgment to Okla. farmers, The Norman Transcript, May 8, 2011. Copy supplied.

Supreme Court refuses Ark. poultry company appeal, AP Alert – Oklahoma, May 4, 2011. Copy supplied.

U.S. Supreme Court upholds ruling awarding \$14.5 million to Oklahoma poultry farmers, The Journal Record (Oklahoma City, OK), May 4, 2011. Copy supplied.

U.S. Supreme Court upholds jury award for Oklahoma chicken farmers, The Oklahoman, May 3, 2011. Copy supplied.

Federal appeals court upholds judgment against poultry firm, Tulsa World, Oct. 20, 2010. Copy supplied.

Federal Appeals Court upholds \$14.5 million judgment for poultry farmers, Poteau Daily News & Sun, Oct. 20, 2010. Copy supplied.

\$14.5 million award upheld for Oklahoma chicken farmers, The Oklahoman, Oct.

20, 2010. Copy supplied.

Appeals court affirms verdict in Okla poultry suit, AP News Service, Oct. 19, 2010. Copy supplied.

\$14.5 million award upheld for Oklahoma chicken farmers, The Oklahoman, Oct. 19, 2010. Copy supplied.

Poultry farmers sue firm, win, Tulsa World, Mar. 13, 2008. Copy supplied.

Court Awards Poultry Growers \$21 Million, Times Record (Fort Smith, AR), Mar. 13, 2008. Copy supplied.

Federal jury awards \$21M to Oklahoma poultry growers, The Journal Record (Oklahoma City, OK), Mar. 12, 2008. Copy supplied.

OK Foods Hit With \$21M Judgment, Morning News of Northwest Arkansas, Mar. 12, 2008. Copy supplied.

Poultry Lawsuit Heads Back To Jury, Times Record (Fort Smith, AR), Aug. 6, 2007. Copy supplied.

Appeals court reinstates poultry farmers' lawsuit, The Oklahoman, Aug. 1, 2007. Copy supplied.

Contractors sue poultry company, Tulsa World, June 1, 2002. Copy supplied.

Oklahoma farmers file lawsuit Chicken company accused of fraud, The Daily Oklahoman, May 31, 2002. Copy supplied.

400 chicken growers sue O.K. Foods, Arkansas Democrat-Gazette, May 31, 2002. Copy supplied.

Protesters fail to influence UOSA allocations, OU Daily, Oct. 10, 1990. Copy supplied.

Student Paper Criticizes Switzer; Oklahoma Football Coach Told to Fix Problems or Resign, St. Paul Pioneer Press, Feb. 16, 1989. Copy supplied.

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

Since August 30, 2013, I have served as a United States Magistrate Judge for the U.S. District Court for the Western District of Oklahoma. This is an appointed position. In this judicial district, magistrate judges are generally granted jurisdiction that is

coextensive with the full range of powers authorized under the Federal Magistrates Act, 28 U.S.C. § 636.

For civil cases, magistrate judges have the authority to conduct trials and enter judgments if the parties consent to their jurisdiction. Additionally, the district judges of this district routinely refer the following types of civil cases to magistrate judges: noncapital habeas corpus petitions, prisoner civil rights actions, social security disability benefits appeals, and postjudgment collection applications. For such referrals, magistrate judges issue reports and recommendations on dispositive matters and independently decide most nondispositive matters.

For criminal cases, magistrate judges in this district routinely conduct trials and enter judgments in Class B and Class C misdemeanor actions and, subject to the parties' consent, Class A misdemeanor actions. For felony actions, magistrate judges preside over a variety of pretrial proceedings, including initial appearances, preliminary hearings, and detention hearings. Magistrate judges also hear applications for search and seizure warrants and for electronic communications data warrants.

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

I have had four cases where a trial was held and judgment entered.

- i. Of these, approximately what percent were:

| | |
|-----------------------|-------|
| jury trials: | 0 % |
| bench trials: | 100 % |
| civil proceedings: | 0 % |
| criminal proceedings: | 100 % |

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

During my service as a federal magistrate judge, I have issued approximately 25 opinions or substantive orders in consent cases or other matters over which I presided and over 400 reports and recommendations in cases referred to me by a district judge. See attached list for citations to all opinions and also all substantive reports and recommendations. The list does not include reports and recommendations involving some basic procedural matters, such as the transfer of a case to another district, denial of *in forma pauperis* status, or dismissal for failure to prosecute.

- 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. *Packer v. Colvin*, No. CIV-15-655-CG, 2016 WL 6770271 (W.D. Okla. Nov. 15, 2016)

In this appeal from a denial of disability insurance benefits, the plaintiff alleged that the administrative law judge erred by failing to recognize a variety of mental and physical limitations on plaintiff's capacity to work. Addressing each of the alleged limitations in turn, I found that they were either properly considered or would not lead to a reversal of the administrative law judge's decision even if established. I affirmed the denial of benefits.

Plaintiff's Counsel:

Miles L. Mitzner
Mitzner Law Firm
P.O. Box 7375
Edmond, Oklahoma 73083
(405) 348-3400

Defendant's Counsel:

Pamela M. Wood
Social Security Administration
1961 Stout Street, Suite 4169
Denver, Colorado 80294
(303) 844-0449

2. *McClaflin v. Colvin*, No. CIV-14-1128-CG, 2016 WL 5390908 (W.D. Okla. Sept. 27, 2016).

In this appeal from a denial of supplemental security income, the plaintiff alleged that the administrative law judge did not properly consider the extent to which plaintiff's acknowledged disability was caused by his mental health impairments rather than his history of alcohol abuse. Noting that the administrative law judge had not sufficiently addressed this question or followed the correct legal standard in so doing, I ordered that the decision be reversed and the case remanded for further consideration.

Plaintiff's Counsel:

Casey L. Saunders
Casey L. Saunders Attorney at Law
P.O. Box 2318
Ada, Oklahoma 74821
(580) 622-2413

Defendant's Counsel:

Kathryn C. Bostwick

Social Security Administration
1961 Stout Street, Suite 4169
Denver, CO 80294
(303) 844-7025

3. *Hall v. Colvin*, No. CIV-15-105-CG, 2016 WL 5239832 (W.D. Okla. Sept. 22, 2016).

In this appeal from a denial of disability insurance benefits, the plaintiff alleged, among other things, that the administrative law judge was required to re-contact plaintiff's physicians and secure additional testing before ruling on the application. Noting a change in the governing regulation, I discussed the standard for when an administrative law judge must seek additional evidence and held that in this instance the record was sufficient for the administrative law judge to determine whether the plaintiff was disabled. In light of that and other findings, I affirmed the denial of benefits.

Plaintiff's Counsel:

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Olinsky Law Group
300 South State Street, Suite 520
Syracuse, NY 13202
(315) 701-5780

Mark E. Buchner
Mark E. Buchner, PLC Attorney at Law
7030 S. Yale Avenue, Suite 401
Tulsa, OK 74136
(918) 663-5006

Defendant's Counsel:

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Denver, CO 80294
(303) 844-2149

4. *United States v. Gastelum*, No. 16-CR-20 (W.D. Okla. Jan. 22, 2016).

In this case, the defendant was charged with bank robbery in violation of 18 U.S.C. § 2113. After a contested hearing, I ordered that the defendant be detained pending trial so as to assure his appearance at trial and the safety of the community.

Government Counsel:

Nick Patterson

U.S. Attorney's Office
210 W. Park Avenue, Suite 400
Oklahoma City, Oklahoma 73102
(405) 553-8700

Defendant's Counsel:

Teresa Brown
Federal Public Defender
215 Dean A McGee Avenue, Suite 109
Oklahoma City, Oklahoma 73102
(405) 609-5930

5. *In re Extradition of Sarellano*, 142 F. Supp. 3d 1182 (W.D. Okla. 2015).

In this extradition proceeding, the United States sought a certification of extradition for an alleged fugitive Mexican national found residing within the United States. I granted the certification. The extradition determination was then placed before the United States Secretary of State.

Government Counsel:

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Defendant's Counsel:

Susan M. Otto
Federal Public Defender
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Oklahoma City, Oklahoma 73102
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6. *United States v. Ren*, No. 15-mj-350-CG (W.D. Okla. Oct. 13, 2016).

After criminal charges were filed against this defendant, she appeared in court and her counsel raised the question of the defendant's competency to stand trial. Following the procedures set forth in 18 U.S.C. § 4241, including ordering evaluation and treatment of the defendant, I found that the defendant was not competent within the meaning of the statute, the treatment provided had not improved her mental condition to the point of competency, and no substantial probability existed that additional treatment would cause such improvement. The United States did not dispute these findings and dismissed the charges against the defendant.

Government Counsel:

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(405) 553-8700

Defendant's Counsel:

Susan M. Otto
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Oklahoma City, Oklahoma 73102
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7. *In re Search of Cell Phone Used by Matthew Lane Durham in Kenya*, No. 14-mj-358-CG (W.D. Okla. Sept. 16, 2014).

In this matter, the United States sought a warrant to search a cellular telephone in order to find and secure evidence of the crimes of Travel with Intent to Engage in Illicit Sexual Activity and Engaging in Illicit Sexual Conduct in Foreign Places, both in violation of 18 U.S.C. § 2423. I found there was probable cause for the search and issued the warrant. Mr. Durham was ultimately charged with and convicted upon jury trial of connected crimes.

Government Counsel:

Robert D. Gifford II
Gungoll, Jackson, Box & Devoll, P.C.
101 Park Avenue, Suite 1400
Oklahoma City, Oklahoma 73102
(405) 272-4710

8. *United States v. Perez*, No. 14-mj-128-P (W.D. Okla. May 16, 2014).

In this case, the defendant was charged with conspiring to make false statements to the government, in violation of 18 U.S.C. § 371, in connection with a scheme to fraudulently obtain payments through the Federal Communications Commission's "Lifeline" telephone program. After a contested hearing, I ordered that the defendant be detained pending trial in order to assure his appearance at trial.

Government Counsel:

Scott Williams
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Defendant's Counsel:

William P. Early
Federal Public Defender's Office
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9. *In re Search of Sac and Fox Allotments*, No. 14-mj-21-CG (W.D. Okla.); *In re Search of Sac and Fox Allotments*, No. 14-mj-23-CG (W.D. Okla.); *In re Search of Sac and Fox Allotments*, No. 14-mj-46-CG (W.D. Okla.).

In these related matters, the United States sought warrants to search certain real property qualifying as "Indian country" under 18 U.S.C. § 1151(c), in order to find and secure evidence (including human remains) of the crime of Murder in Indian Country, 18 U.S.C. §§ 1111, 1152, 1153. I found there was probable cause for the searches and issued the warrants. Two persons were ultimately charged with and pled guilty to connected crimes.

Government Counsel:

Arvo Q. Mikkanen
U.S. Attorney's Office
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Oklahoma City, Oklahoma 73102
(405) 553-8700

10. *Robles v. Colvin*, No. CIV-13-378-CG, 2014 WL 2219230 (W.D. Okla. May 29, 2014).

In this appeal from a denial of disability insurance benefits, the plaintiff alleged, among other things, that the administrative law judge failed to properly determine whether the plaintiff was intellectually disabled. Noting that the administrative law judge had not considered evidence, including IQ scores, that facially showed that the plaintiff met the regulatory definition for intellectual disability, I ordered that the decision be reversed and the case remanded for further consideration.

Plaintiff's Counsel:

Casey L. Saunders
Casey L. Saunders Attorney at Law
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(580) 622-2413

Defendant's Counsel:

Linda H. Green
Social Security Administration
1301 Young Street, Suite A702

Dallas, Texas 75202
(217) 767-6154

- 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. *Smith v. Aldridge*, No. CIV-12-473-C, 2017 WL 2274474 (W.D. Okla. Mar. 9, 2017) (report and recommendation), *adopted*, 2017 WL 2274488 (W.D. Okla. May 24, 2017), *and appeal docketed*, No. 17-6149 (10th Cir. Jun. 23, 2017). Copy supplied.

Petitioner's Counsel:

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Jones, Otjen, Davis & Bloyd
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Enid, Oklahoma 73701
(580) 242-5500

Respondent's Counsel:

Theodore M. Peeper
Oklahoma Attorney General's Office
313 NE 21st Street
Oklahoma City, Oklahoma 73105
(405) 521-3276

2. *De La Cruz v. Fox*, No. CIV-16-304-C, 2016 WL 8137659 (W.D. Okla. Dec. 22, 2016) (report and recommendation), *adopted*, 2017 WL 420159 (W.D. Okla. Jan. 31, 2017). Copy supplied.

Petitioner's Counsel:

Pro Se

Respondent's Counsel:

None (petition dismissed before service permitted)

3. *Harmon v. McCollum*, No. CIV-10-16-C, 2016 WL 886118 (W.D. Okla. Jan. 20, 2016) (report and recommendation), *adopted*, 2016 WL 890949 (W.D. Okla. Mar. 8, 2016), *and certificate of appealability denied*, 652 F. App'x 645 (10th Cir. 2016).

Petitioner's Counsel:

Pro Se

Respondent's Counsel:

Theodore M. Peeper
Attorney General's Office
313 NE 21st Street
Oklahoma City, Oklahoma 73105
(405) 521-4274

4. *In re Extradition of Sarellano*, 142 F. Supp. 3d 1182 (W.D. Okla. 2015).

Government Counsel:

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(405) 553-8700

Defendant's Counsel:

Susan M. Otto
Federal Public Defender
215 Dean A McGee Avenue, Suite 109
Oklahoma City, Oklahoma 73102
(405) 609-5930

5. *Franklin v. Patton*, No. CIV-12-865-F, 2015 WL 158923 (W.D. Okla. Jan. 8, 2015) (order adopting and incorporating report and recommendation), *certificate of appealability denied*, 605 F. App'x 768 (10th Cir. 2015). Copy supplied.

Petitioner's Counsel:

Pro Se

Respondent's Counsel:

Jay L. Schniederjan
Oklahoma Attorney General's Office
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6. *Smith v. Jones*, No. CIV-12-1365-HE, 2014 WL 5448890 (W.D. Okla. Oct. 23, 2014) (order adopting and incorporating report and recommendation), *aff'd*, 606 F. App'x 899 (10th Cir. 2015).

Plaintiff's Counsel:

Pro Se

Defendants' Counsel:

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7. *Omes v. Colvin*, No. CIV-13-375-HE, 2014 WL 4674364 (W.D. Okla. Aug. 29, 2014) (report and recommendation), *adopted*, 2014 WL 4674342 (W.D. Okla. Sept. 17, 2014). Copy supplied.

Plaintiff's Counsel:

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Defendant's Counsel:

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8. *DuBois v. McCollum*, No. CIV-13-721-R, 2014 WL 3397631 (W.D. Okla. July 10, 2014) (order adopting and incorporating report and recommendation). Copy supplied.

Petitioner's Counsel:

Pro Se

Respondent's Counsel:

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9. *Jones v. Cannon*, No. CIV-13-302-C, 2014 WL 1270982 (W.D. Okla. Mar. 26, 2014) (order adopting and incorporating report and recommendation), *aff'd*, 589 F. App'x 849 (10th Cir. 2014). Copy supplied.

Plaintiff's Counsel:

Pro Se

Defendants' Counsel:

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10. *Adams v. Suttmiller*, No. CIV-10-920-F, 2014 WL 584749 (W.D. Okla. Feb. 12, 2014) (order adopting and incorporating report and recommendation), *aff'd sub nom. Adams v. Jones*, 577 F. App'x 778 (10th Cir. 2014). Copy supplied.

Plaintiff's Lead Counsel:

Pro Se

Defendants' Lead Counsel:

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

Twobabies v. Patton, No. CIV-14-241-R, 2015 WL 9814364 (W.D. Okla. July 31, 2015) (report and recommendation), *adopted*, 2016 WL 205510 (W.D. Okla. Jan. 15, 2016), *certificate of appealability denied*, 662 F. App'x 574 (10th Cir. 2016), *and cert. denied sub nom. Twobabies v. Allbaugh*, 137 S. Ct. 1090 (2017).

Thomas v. Patton, No. CIV-13-578-F, 2015 WL 2131228 (W.D. Okla. May 6, 2015), *certificate of appealability denied*, 614 F. App'x 382 (10th Cir. 2015), *and cert. denied*, 136 S. Ct. 1192 (2016).

Farris v. Frazier, No. CIV-12-1099-W, 2014 WL 3749142 (W.D. Okla. July 29, 2014), *aff'd*, 599 F. App'x 851 (10th Cir. 2015), *and pet. for cert. dismissed*, 136 S. Ct. 833 (2016).

Robinson v. Kastner, No. CIV-13-1366-R, 2014 WL 2972378 (W.D. Okla. July 2, 2014), *aff'd*, 577 F. App'x 896 (10th Cir. 2014), *and pet. for cert. dismissed*, 135 S. Ct. 1016 (2015).

- 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.

To my knowledge, no opinion that I have issued has been reversed or significantly criticized by a reviewing court.

For reports and recommendations issued in civil cases, the district judge upon a party's objection may adopt, modify, or decline my recommendation. The decision to decline a suggested ruling may be based on new authority, new events, or newly presented information. Listed below are instances in which the reviewing judge declined to adopt my recommendation based on a substantive disagreement with my analysis or otherwise expressed significant criticism of my

analysis.

Williams v. Ormand, No. CIV-15-1288-HE, 2016 WL 6157651 (W.D. Okla. July 8, 2016) (report and recommendation), *declined*, 2016 WL 6157429 (W.D. Okla. Oct. 21, 2016). In this civil rights action, in which a prisoner claimed an unlawful deprivation of personal property without due process, I recommended that the action be dismissed because documents attached to the complaint indicated that the prison grievance procedure provided an adequate post-deprivation remedy. The district judge disagreed with my conclusion regarding the adequacy of that procedure. Copy supplied.

Campbell v. Jones, No. CIV-13-926-R, ECF No. 70 (W.D. Okla. Mar. 17, 2016) (report and recommendation), *declined*, 2016 WL 4991726 (W.D. Okla. Sept. 19, 2016), *aff'd*, 2017 WL 1337202 (10th Cir. Apr. 12, 2017). In this prisoner civil rights action, I recommended that the defendants' motion for summary judgment, based upon their affirmative defense of failure to exhaust administrative remedies, be denied, concluding that the prisoner was excused from failing to file an administrative appeal when the prison, among other things, had incorrectly returned a grievance based on an alleged procedural error and affirmatively told the prisoner that his repeated commission of procedural errors meant that he had forfeited the opportunity to participate further in the grievance process. The district judge disagreed with this conclusion and granted summary judgment for defendants, finding that the plaintiff remained able to but did not file an administrative appeal. Copy supplied.

Sanders v. Colvin, No. CIV-14-799-R, 2015 WL 5559868 (W.D. Okla. Aug. 18, 2015) (report and recommendation), *declined*, 2015 WL 5559872 (W.D. Okla. Sept. 21, 2015). In this social security appeal, I recommended that the Commissioner's denial of benefits be reversed and the case remanded for further consideration, finding that the administrative law judge had not evaluated the plaintiff's obesity in the manner articulated in unpublished Tenth Circuit decisions. The district judge relied upon a more recent unpublished Tenth Circuit decision, which was issued after my recommendation was made, to find that the administrative law judge's approach was proper. Copy supplied.

Campbell v. Jones, No. CIV-13-926-R, 2015 WL 3971674 (W.D. Okla. Mar. 31, 2015) (report and recommendation), *adopted in part and declined in part*, 2015 WL 3989137 (W.D. Okla. Jun. 30, 2015). In this prisoner civil rights action, I recommended that the motion to dismiss of the prison's medical services administrator be granted, finding in part that the prisoner had not alleged sufficient facts to support an individual-capacity claim against the administrator for denial of medical care because the allegations did not plausibly show that the administrator was aware that prescribed treatment had in fact not been provided. The district judge disagreed with this conclusion and denied the motion to dismiss as to the relevant claim, finding that the administrator was obligated to ensure that

the care at issue was provided and thus her knowledge could be assumed. Copy supplied.

Jennings v. Dowling, No. CIV-14-335-C, 2015 WL 12915602 (W.D. Okla. Mar. 3, 2015) (report and recommendation), *declined*, 2015 WL 12915603 (W.D. Okla. Mar. 31, 2015). In this prisoner civil rights action, I recommended that the defendants' motion for summary judgment, based upon their affirmative defense of failure to exhaust administrative remedies, be denied, concluding that the prisoner's grievance appeal had been improperly rejected without remedy and that he was thereby prevented from completing the exhaustion process. The district judge did not reach that issue but construed the substance of the prisoner's administrative complaint as different from the substance of his legal claim and found that the plaintiff had failed to exhaust his administrative remedies as to the pending claim. Copy supplied.

Ford v. GEO Grp. Inc., No. CIV-13-1013-R, 2014 WL 4929443 (W.D. Okla. Aug. 8, 2014) (report and recommendation), *declined*, 2014 WL 4929334 (W.D. Okla. Sept. 30, 2014). In this prisoner civil rights action, I recommended that summary judgment be granted to the defendants, concluding that the plaintiff failed to properly exhaust his administrative remedies. The district judge disagreed, finding that because the prison grievance policy did not specifically address the prisoner's obligations when a staff member failed to provide (as directed) an amended response to a grievance, the prisoner was excused from taking further action. Copy supplied.

There also have been instances in which the district judge adopted my recommendation but the district judge's ruling was reversed or criticized by a reviewing court. Those cases are listed below:

Wood v. McCollum, No. CIV-13-628-M, 2016 WL 775731 (W.D. Okla. Feb. 2, 2016), *adopted*, 2016 WL 815328 (W.D. Okla. Feb. 29, 2016); 833 F.3d 1272 (10th Cir. 2016). In this petition for writ of habeas corpus, a state prisoner asserted some claims as to which he had exhausted his state-court remedies and others as to which he had not. The petitioner subsequently requested that the court stay the case and hold his "mixed" habeas petition in abeyance or that the unexhausted claims be dismissed without prejudice. After determining that stay and abeyance was not warranted, I liberally construed the petitioner's request as a motion to amend the petition by deleting the unexhausted claims and recommended dismissal of those claims on that basis. I then addressed Petitioner's remaining, exhausted habeas claims and recommended that relief be denied under 28 U.S.C. § 2254(d). The district judge adopted my report and recommendation in its entirety but, as to the unexhausted claims, merely stated they were dismissed without prejudice. The Tenth Circuit reversed, finding that the district judge's order constituted an impermissible hybrid dismissal. Copy supplied.

Winick v. Colvin, No. CIV-14-116-C, ECF No. 13 (W.D. Okla. July 28, 2015), *adopted*, ECF No. 31 (W.D. Okla. Jan. 26, 2016); 674 F. App'x 816 (10th Cir. 2017). In this social security appeal, the district judge adopted my recommendation to affirm the Commissioner's denial of benefits. I found that the administrative law judge erred by not recognizing one of the plaintiff's physicians as a treating physician but that such error was harmless because the administrative law judge proceeded to evaluate the physician's opinion and make findings and criticisms that would direct the same result. The Tenth Circuit reversed, holding that the administrative law judge's initial error may have affected the weight assigned to the physician's opinion. Copy supplied.

Dutton v. Colvin, No. CIV-13-1339-HE, 2015 WL 1412585 (W.D. Okla. Mar. 26, 2015) (order adopting and incorporating report and recommendation); 635 F. App'x 504 (10th Cir. 2015). In this social security appeal, the district judge adopted my recommendation to affirm the Commissioner's denial of benefits. The Tenth Circuit reversed, finding that while a treating physician's medical opinion that was relied on by the administrative law judge in assessing the plaintiff's capacity generally supported that assessment, the ALJ had not adequately explained his consideration of aspects of the opinion that did not align with the assessment. Copy supplied.

- 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.

One opinion that I issued has been published: *In re Extradition of Sarellano*, 142 F. Supp. 3d 1182 (W.D. Okla. 2015). None of the reports and recommendations that I have issued has been published. All unpublished rulings are available through Westlaw or PACER.

- 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.

Many of the reports and recommendations I have issued in prisoner habeas actions and prisoner civil rights actions involve claims alleging violations of federal constitutional rights. For a full list of decisions regarding such claims, please see the cases cited in response to Question 13b. Listed below are decisions I would point to as particularly significant.

Ray v. Dep't of Corr., No. CIV-14-735-C, 2016 WL 1212773 (W.D. Okla. Mar. 2, 2016), *adopted*, 2016 WL 1228664 (W.D. Okla. Mar. 28, 2016). Copy supplied.

Harmon v. McCollum, No. CIV-10-16-C, 2016 WL 886118 (W.D. Okla. Jan. 20, 2016), *adopted*, 2016 WL 890949 (W.D. Okla. Mar. 8, 2016), *and certificate of appealability denied*, 652 F. App'x 645 (10th Cir. 2016). Copy supplied.

Miller v. Jones, No. CIV-15-295-M, 2015 WL 10009676 (W.D. Okla. Nov. 25, 2015), *adopted*, 2016 WL 502086 (W.D. Okla. Feb. 8, 2016), *and appeal dismissed*, No. 16-6254 (10th Cir. Sept. 16, 2016). Copy supplied.

Franklin v. Patton, No. CIV-12-865-F, 2015 WL 158923 (W.D. Okla. Jan. 8, 2015) (order adopting and incorporating report and recommendation), *certificate of appealability denied*, 605 F. App'x 768 (10th Cir. 2015). Copy supplied.

Smith v. Jones, No. CIV-12-1365-HE, 2014 WL 5448890 (W.D. Okla. Oct. 23, 2014) (order adopting and incorporating report and recommendation), *aff'd*, 606 F. App'x 899 (10th Cir. 2015). Copy supplied.

Ali v. Dowling, No. CIV-11-831-C, 2014 WL 4187009 (W.D. Okla. Aug. 21, 2014) (order adopting and incorporating report and recommendation). Copy supplied.

DuBois v. McCollum, No. CIV-13-721-R, 2014 WL 3397631 (W.D. Okla. July 10, 2014) (order adopting and incorporating report and recommendation). Copy supplied.

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

I have not sat by designation on 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.

The Western District of Oklahoma has instituted an automated system to aid judges in identifying conflicts of interest. I update the information for that system as needed and review any identified potential conflicts to determine if disqualification is warranted. Among other potentially disqualifying relationships, I have entered information regarding my former law firm and am alerted if assigned or referred any case involving an attorney from that firm. Moreover, I evaluate each case at the time of its assignment or referral to me to determine if disqualification is warranted.

In *Lightning Source, LLC v. Tate Publishing & Enterprises*, No. CIV-17-50-R (W.D. Okla.), a postjudgment collection proceeding was referred to me. I sua sponte entered my recusal upon determining that an attorney in my former law firm was an attorney of record in the case.

In *Johnson v. Mitchell et al.*, No. CIV-16-1137-M (W.D. Okla.), a pro se prisoner brought an action naming as defendants, among others, two magistrate judges from the Western District of Oklahoma. I sua sponte entered my recusal to avoid the appearance of a conflict.

In a sealed matter, the petitioner—who had been detained pending approval of his extradition to another country—filed a petition for writ of habeas corpus. I was the judge who had certified the petitioner as subject to extradition under 18 U.S.C. § 3184 and entered the detention order he was challenging through his habeas action. I sua sponte entered my recusal to avoid any conflict.

In *Beals v. Daniels*, No. CIV-15-194-C (W.D. Okla.), a pro se prisoner brought a civil rights action against, among others, a city police officer who arrested him, challenging whether a warrant that was issued in Beckham County, Oklahoma was properly issued. An exhibit submitted by the defendant indicated that although the warrant was issued by another judge, the case in which it was issued was for a time assigned to my father, who was a state-court district judge prior to his retirement. I sua sponte entered my recusal to avoid the appearance of a conflict.

In *Barta v. Howard*, No. CIV-14-1334-F (W.D. Okla.), a pro se prisoner filed a petition for writ of habeas corpus challenging his 2006 conviction upon guilty plea in Beckham County, Oklahoma. Upon determining that my father was the state-court judge who had accepted the plea and sentenced the petitioner, I sua sponte entered my recusal to avoid any conflict.

In *Rackley v. Oklahoma*, No. CIV-14-721-HE (W.D. Okla.), a pro se prisoner filed a petition for writ of habeas corpus challenging his 2006 conviction in Custer County, Oklahoma. The petitioner sought my disqualification, noting that the state-court judge who had presided over the petitioner's trial appeared to be me or someone related to me. Upon determining that the state-court judge in question was my father, I entered my recusal to avoid any conflict.

In *Burgess v. Jones*, No. CIV-13-724-M (W.D. Okla.), a prisoner who was the former sheriff in my home town filed a petition for writ of habeas corpus challenging his state-court convictions. As a youth, I had known the petitioner's mother, who attended the same church as my family. I sua sponte entered my recusal to avoid the appearance of a conflict.

In a sealed criminal case, I along with other magistrate judges in this district sua sponte recused from proceedings involving a family member of an agency employee who regularly worked on matters over which the magistrate judges presided.

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. I have not had any unsuccessful candidacies for elective office or unsuccessful nominations for appointed office.

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

In 2010, I provided legal advice to the Ryan Leonard for Oklahoma Attorney General campaign. I did not have a title or any specific responsibilities in the 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;

I served as a law clerk for U.S. Magistrate Judge Claire V. Eagan in the U.S. District Court for the Northern District of Oklahoma, upon her appointment in January 1998 through August of that year.

In the U.S. District Court for the Western District of Oklahoma, I served as a law clerk for U.S. District Judge Lee R. West from September 1998 to September 2000. During the clerkship for Judge West, I performed

substantial work for U.S. District Judge Vicki Miles-LaGrange from February 2000 to September 2000.

- 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.

2000-2013

Crowe & Dunlevy, A Professional Corporation
324 N. Robinson Avenue, Suite 100
Oklahoma City, OK 73102
Shareholder-Director (2006-2013)
Associate (2000-2006)

- 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.

b. Describe:

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

Throughout my tenure at Crowe & Dunlevy, I practiced primarily in commercial litigation, including cases involving allegations of securities fraud, anticompetitive trade violations, and contract disputes.

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

I handled matters for both plaintiffs and defendants in a wide range of commercial disputes. I did not specialize in any particular area of the law but my practice emphasized legal writing. I frequently partnered with trial teams to assist them on "critical" motions and briefs that, because of their strategic importance, warranted the highest quality of research and writing.

- 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 was exclusively in litigation. I appeared in court frequently.

i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|------|
| 1. federal courts: | 70 % |
| 2. state courts of record: | 25 % |
| 3. other courts: | 5 % |
| 4. administrative agencies: | 0 % |

ii. Indicate the percentage of your practice in:

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

- 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 approximately eight cases to verdict or final decision. I served as associate counsel in three jury trials and one bench trial. I served as lead counsel in a FINRA arbitration proceeding and in three state-court bench proceedings.

i. What percentage of these trials were:

- | | |
|--------------|------|
| 1. jury: | 37 % |
| 2. non-jury: | 63 % |

- 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.

In *Been et al. v. O.K. Industries, Inc. et al.*, No. 02-CIV-285 (E.D. Okla.), No. 05-7079 (10th Cir.), No. 08-7078 (10th Cir.), I served as counsel of record in opposing the defendants' petition for writ of certiorari to the U.S. Supreme Court. The petition was denied without argument. See *O.K. Industries, Inc. v. Been*, 563 U.S. 975 (2011). Copy of brief supplied.

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. *Ho et al. v. Duoyuan Global Water, Inc. et al.*, No. 10-cv-07233 (S.D.N.Y).

My firm represented the principal defendant, an international manufacturing company with stock traded on the New York Stock Exchange, in this securities fraud class action. I was the primary author of the defendants' joint motion to dismiss, which the court granted in part. *See Ho v. Duoyuan Global Water, Inc.*, 887 F. Supp. 2d 547 (S.D.N.Y. 2012). Subsequently, the case settled.

Dates of Representation: 2010-2013

Co-Counsel:

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Co-Defendants' Counsel:

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Adam S. Hakki
Shearman & Sterling LLP
599 Lexington Avenue
New York, New York 10022
(212) 848-4924

Nancy Chung
Sidley Austin LLP
787 Seventh Avenue
New York, New York 10019
(212) 839-6070

Opposing Counsel:

Robin Bronzaft Howald
10 Bay Street Landing, Apt. 8E

Staten Island, New York 10301
(718) 448-1544

2. *Been et al. v. O.K. Industries, Inc. et al.*, No. 02-CIV-285 (E.D. Okla.).

My firm represented the plaintiffs in this action alleging anticompetitive trade practices in violation of the Packers and Stockyards Act. Throughout the case, I served as associate counsel and as the primary author of the trial court and appellate court briefs. After the district court granted summary judgment for the defendants, our clients appealed to the Tenth Circuit, which reversed. *See Been v. O.K. Industries, Inc.*, 495 F.3d 1217 (10th Cir. 2007). At the subsequent trial, the jury returned a verdict for our clients. The Tenth Circuit affirmed. *See Been v. O.K. Industries, Inc.*, 398 F. App'x 382 (10th Cir. 2010). The Supreme Court denied defendants' petition for writ of certiorari. *See O.K. Industries, Inc. v. Been*, 563 U.S. 975 (2011).

Dates of representation: 2002-2012

Co-Counsel:

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Opposing Counsel:

Jim Sturdivant, Ronald Ricketts, and Bradley Welsh
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(918) 595-4800

Don A. Smith and Matthew Horan
Smith, Cohen & Horan, PLC
P.O. Box 10205
Fort Smith, Arkansas 72917
(479) 782-1001

3. *Wilspec Technologies, Inc. v. DunAn Holding Group, Co., Ltd.*, No. CIV-06-818-M (W.D. Okla.).

My firm represented the defendant, an international manufacturing company, in this action alleging breach of contract, tortious interference with contract, and misappropriation of trade secret. I served as associate counsel and was the primary author of our legal briefs, including for a certified question that was presented to the

Oklahoma Supreme Court. *See Wilspec Technologies, Inc. v. DunAn Holding Group, Co., Ltd.*, 204 P.3d 69 (Okla. 2009). Upon return to federal court, the case settled immediately prior to trial.

Dates of representation: 2006-2009

Co-Counsel:

Mack J. Morgan III
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Opposing Counsel:

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James E. Warner, III
William J. Holloway, Jr. United States Courthouse
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Oklahoma City, OK 73102
(405) 609-5124

4. *Kerr-McGee Corp. v. Carl C. Icahn et al.*, No. CIV-05-276-F (W.D. Okla.).

My firm represented Kerr-McGee in this dispute involving a hostile takeover attempt. I was associate counsel. The case settled prior to any significant decision by the court.

Dates of representation: 2005

Co-Counsel:

Jonathan M. Sperling
Covington & Burling
The New York Times Building
620 Eighth Avenue
New York, New York 10018
(212) 841-1000

Harry A. Woods, Jr.
Crowe & Dunlevy, A Professional Corporation

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Opposing Counsel:

George S. Corbyn, Jr.
Corbyn Hampton Barghols Pierce, PLLC
211 N. Robinson Avenue, Suite 1910
Oklahoma City, Oklahoma 73102
(405) 239-7055

5. *In re Williams Securities Litigation*, No. 02-CV-72 (N.D. Okla.).

My firm represented former officers and directors of the Williams Communications Group who were defendants in this securities fraud class action. I served as associate counsel and was the primary author of a *Daubert* motion that was one basis for summary judgment being granted in favor of our clients. *See In re Williams Securities Litigation*, 496 F. Supp. 2d 1195 (N.D. Okla. 2007).

Dates of representation: 2002-2007

Co-Counsel:

Mack J. Morgan III and Molly Tolbert
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(405) 235-7700

Co-Defendants' Counsel:

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Ryan Whaley Coldiron Jantzen Peters & Webber PLLC
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Opposing Counsel:

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Law Offices of Behram V. Parekh
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El Segundo, California 90245
(310) 536-1000

James R. Hicks
Barrow & Grimm
110 W. Seventh Street, Suite 900
Tulsa, Oklahoma, 74119
(918) 584-1600.

6. *Caughern v. Williams*, Arbitration No. 12-00177, Financial Industry Regulatory Authority.

My firm represented the defendant, an individual financial advisor, in this FINRA claim alleging breach of contract, breach of fiduciary duty, and breach of the suitability doctrine. I served as lead trial counsel. The arbitration panel found in favor of my client and recommended that the claim be expunged from his record.

Dates of representation: 2012-2013

Opposing Counsel:

Wayne Whitaker
Whitaker Chalk Swindle & Schwartz PLLC
301 Commerce Street, Suite 3500
Fort Worth, Texas 76102
(817) 878-0500

7. *Pre-Paid Legal Services, Inc. v. Harrell*, No. CIV-06-019 (E.D. Okla.).

My firm represented the plaintiff, an Oklahoma company, in this dispute with a former independent contractor sales associate. Shortly prior to trial, Mack Morgan and I entered the case, which had previously been handled by another attorney. Mr. Morgan served as lead trial counsel. I was associate counsel at trial and the primary author of our legal briefs. Following a bench trial, the judge found in favor of our client. *See Pre-Paid Legal Services, Inc. v. Harrell*, No. CIV-06-019, 2008 WL 111319 (E.D. Okla. Jan. 8, 2008).

Dates of representation: 2006-2009

Co-Counsel:

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Opposing Counsel:

Bill V. Wilkinson
Wilkinson Law Firm
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(918) 663-2252

8. *Gray v. Hoffmann-LaRoche, Inc. et al.*, No. CIV-01-493 (E.D. Okla.).

My firm represented the defendants in this product liability case involving a prescription drug. As associate counsel, I drafted certain legal briefs and argued legal motions at trial. The jury returned a verdict for the defendants. The resulting judgment was affirmed by the Tenth Circuit on appeal. *See Gray v. Hoffman-La Roche, Inc.*, 82 F. App'x 639 (10th Cir. 2003). I was one of the authors of the appellate brief.

Dates of representation: 2001-2002

Co-Counsel:

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(405) 235-7700

Mary Morrissey Sullivan
The Sullivan Law Firm, LLP
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Cohasset, Massachusetts 02025
(781) 923-1702

Opposing Counsel:

Bill V. Wilkinson
Wilkinson Law Firm
4812 E. 81st Street, Suite 302
Tulsa, Oklahoma 74137
(918) 663-2252

9. *Zhang et al. v. Schlatter, et al.*, No. 12-CV-1793 (S.D.N.Y.).

My firm represented a group of international individual and company defendants in this action in the Southern District of New York alleging breach of contract. I served as lead counsel and was a primary author of our clients' motion to dismiss. That motion was granted by the district court. At the time of my appointment to be a U.S. Magistrate Judge, I was serving as lead counsel in the resulting appeal. After I withdrew, co-counsel

successfully presented and argued the case to the Second Circuit. *See Haining Zhang v. Schlatter*, 557 F. App'x 9 (2d Cir. 2014).

Dates of representation: 2012-2013

Co-Counsel:

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Co-Defendants' Lead Counsel:

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Robinson Waters & O'Dorisio, P.C.
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Opposing Counsel:

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Gouda Bushra Ali Gouda
Ali Gouda Law Group
502 Atlantic Avenue
Brooklyn, New York 11217
(718) 285-3969

10. *High Sierra Energy, LP v. Plains Pipeline, LP*, No. CJ-2007-60, Beckham County (Okla.) District Court; No. IN-104981, Oklahoma Supreme Court.

My firm represented defendant Plains Pipeline in this dispute. I was associate counsel. Following our filing of a petition for writ of prohibition to the Oklahoma Supreme Court, the case settled.

Dates of representation: 2007

Co-Counsel:

James Kincaid (retired) and Michael Gibbens
Crowe & Dunlevy, A Professional Corporation
321 S. Boston Avenue, Suite 500
Tulsa, Oklahoma 74103
(918) 592-9800

Molly Tolbert
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(405) 235-7700

Opposing Counsel:

Mart Tisdal
Tisdal & O'Hara, PLLC
814 Frisco Avenue
Clinton, Oklahoma, 73601
(580) 323-3964

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.)

My legal practice was as a civil litigator. I occasionally advised clients regarding business decisions but such advice was provided secondary to matters that were or could result in litigation. I have not worked as a lobbyist or performed any lobbying activities.

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

I have never taught a course.

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 deferred income arrangement, stock option, or other uncompleted contract with any former business associate, firm, employer, client, or customer.

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 do not currently have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during my service with the court.

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

See the 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 the 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.

My father was a state-court district judge before his retirement in 2010. I will continue to recuse from any federal habeas actions or other suits that in any way challenge a ruling made by him. Further, my mother has created a trust, as to which I and my brother and sister are listed as trustees. I will continue to review the trust's investments and recuse as required by the Code of Conduct for United States Judges, 28 U.S.C. § 455, and the pertinent advisory opinions. I do not anticipate conflicts of interest from any other family members, persons, parties, categories of litigation, or financial arrangements.

- 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 use the automated system in the Western District of Oklahoma to identify potential conflicts. I also will continue to evaluate cases upon their assignment to me, and upon receipt of any new and relevant information, to identify potential conflicts. I will carefully review all assigned

cases to determine if any actual or perceived conflicts of interest are present and, in accordance with the Code of Conduct for United States Judges, 28 U.S.C. § 455, and the pertinent advisory opinions, recuse as required.

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.

From 2013 to 2015, and again in 2017, I served as a reading volunteer two or three times per month for second and third grade students at a local elementary school in an economically disadvantaged area. I also, at various times throughout my legal career, have volunteered for a program that provides legal services for veterans of the U.S. Armed Forces, the Oklahoma Bar Association's Law Day outreach efforts, and the Oklahoma Mock Trial Program. I do not have records of the amount of time spent in these activities but would estimate it to be approximately 40 to 50 hours per year.

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 November 30, 2016, I submitted my application for the vacancy in the Western District of Oklahoma. On January 18, 2017, I interviewed with a committee organized by Senator Inhofe and Senator Lankford to recommend potential candidates. On January 26, 2017, I interviewed again with the committee. On February 22, 2017, I interviewed with Senator Lankford. On March 1, 2017, I interviewed with staff members for Senator Inhofe. On March 29, 2017, I interviewed with attorneys from the White House Counsel's Office and the Department of Justice in Washington, D.C. Since April 12, 2017, I have been in contact with officials from the Office of Legal Policy at the Department of Justice.

- 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.