UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

   Andrew Patrick Gordon

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

   United States District Judge for the District of Nevada

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.

   McDonald Carano Wilson LLP
   2300 West Sahara Avenue, Suite 1000
   Las Vegas, Nevada 89102

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

   1962; San Francisco, California

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.

   1984 – 1987, Harvard Law School; J.D., 1987
   1980 – 1984, Claremont McKenna College; B.A. (*cum laude*), 1984
   Summer 1982, University of Nevada at Las Vegas; no degree awarded

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.

   1994 – present
   McDonald Carano Wilson LLP
   2300 West Sahara Avenue, Suite 1000
   Las Vegas, Nevada 89102

Associate (1994 –1997)
Partner (1997 – present)

1992 – 1994
Dawson and Associates, an affiliate of Streich Lang
3800 Howard Hughes Parkway, Suite 1500
Las Vegas, Nevada 89109
Associate

Summer 1986, 1987 – 1992
Streich Lang Weeks and Cardon
100 West Washington, Suite 2100
Phoenix, Arizona 85004
Associate (1987 – 1992)
Summer Associate (Summer 1986)

Summer 1986
McCutchen Black Verleger and Shea
[Firm no longer exists]
Los Angeles, California
Summer Associate

Summer 1985
Lionel Sawyer and Collins
300 South Fourth Street, Suite 1700
Las Vegas, Nevada 89101
Summer Associate

Summer 1984
Henry R. Gordon, Chtd.
300 East Fremont Street
Las Vegas, Nevada 89101
Runner/office help

Other Affiliations (uncompensated):

2010 – present
Desert Spring United Methodist Church
120 North Pavilion Center
Las Vegas, Nevada 89144
Trustee

2010 – present
Southern Nevada Sports Hall of Fame Foundation, Inc.
P.O. Box 50495

Henderson, Nevada 89016
Trustee

1999 – 2000
Las Vegas Founders Club, Inc.
1680 Village Center Circle
Las Vegas, Nevada 89134
Secretary

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 never served in the military. I registered 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.

   Professional
   Martindale Hubbell AV Preeminent rating

   Life Fellow of the American Bar Foundation (2012)

   Mountain States Super Lawyers (2009 – present)
   Mountain States Top 10 (2012)

   Best Lawyers in America for the categories of Bet-the-Company Litigation; Commercial Litigation; Litigation – Labor and Employment; Litigation – Real Estate; and Litigation – Construction (2006 – present)

   Chambers USA (2004 – present)

   Legal Elite 2011, Published in Nevada Business Magazine (2011)

   Nevada Super Lawyers (2007 – 2008)

   Academic
   1984 Nevada nominee to the Rhodes Scholars program

   Claremont McKenna College Salvatori Scholar Award

   Uhlmann Merit Scholarship (upon admission at Claremont McKenna College)

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 (1988 – present)

Civil Rules Subcommittee of the Standing Committee on the Local Rules of Practice for the District of Nevada (2005 – present)

Clark County Bar Association (1992 – present)

District of Nevada Lawyer Admissions Fund Committee (2001 – 2004)

District of Nevada Lawyer Representative to the Ninth Circuit (2001 – 2004)
Co-chair (2003 – 2004)

Maricopa County Bar Association (1987 – 1992)

Nevada American Inn of Court
Barrister, Assistant Program Chair, and Program Chair (mid-to-late 1990s)

Ninth Circuit Conference Executive Committee (2004 – 2007)

Ninth Circuit Court of Appeals Lawyer Representatives Coordinating Committee (2004 – 2007)
Chair (2006 – 2007)
Chair-elect (2005 – 2006)
Vice chair (2004 – 2005)

State Bar of Arizona (1987 – present)

State Bar of Nevada (1988 – present)
CLE Committee (1993 – 2004)
Chair (2003 – 2004)
Executive Subcommittee (1993 – 1999)
CLE Publications Committee (2004 – 2007)
Chair (2004 – 2007)
Committee to draft Model Pattern Jury Instructions (2003 – 2011)
Chair (2003 – 2011)

United States Magistrate Judge Merit Selection Panel, District of Nevada (2011)

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.

Arizona, 1987
Nevada, 1988

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.

Supreme Court of the United States, 1999
United States Court of Appeals for the Ninth Circuit, 1993
United States District Court for the District of Arizona, 1987
United States District Court for the District of Nevada, 1988
Arizona state courts, 1987
Nevada state courts, 1988

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.

Boys and Girls Club of Las Vegas ("Boys Night Out" Fundraising Event Committee) (early 1990s)
Chair (early 1990s)

Desert Spring United Methodist Church
Trustee (2010 – present)

Las Vegas Chamber of Commerce Leadership Las Vegas Class of 1995

Las Vegas Founders Club (1993 – 2001)
Secretary (1999 – 2000)

Southern Nevada Sports Hall of Fame
Trustee (2010 – present)

St. Elizabeth Ann Seton Catholic Church Building Fund Committee (mid – 1990s)

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 in response to 11a above currently discriminates or formerly discriminated on the basis of race, sex, religion or national origin.

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.

Andrew P. Gordon, "Special Feature: Ninth Circuit Riding Wave of Immigration Appeals," Nevada Lawyer, July 2006. Copy supplied.

Andrew Gordon, "Recent Developments in the Federal Court System," Nevada Lawyer, February 2004. Copy supplied.

Andrew P. Gordon, "Lawyer Representatives to the Ninth Circuit Conference: Your Connection to Federal Court," Nevada Lawyer, June 2003. Copy supplied.

Andrew P. Gordon and Ronold P. Platner, "Nevada Limited Liability Companies, A New Way To Do Business," Inter Alia (Journal of the State Bar of Nevada), October 1992. Copy supplied.

Andrew P. Gordon, "An Analysis of Legalized Prostitution," Claremont Journal of Public Affairs, Summer 1984. Copy supplied.

As a member and Chair of the State Bar of Nevada's CLE and CLE Publications Committees, I oversaw production of the State Bar's Family Law Manual (2004), Appellate Manual (2004), and Nevada Jury Instructions - Civil (2011). Copies of the title/cover pages, tables of contents, and introductions of each are supplied. (I do not have a copy of the 2004 version of the Family Law Manual, so the materials supplied are from the updated 2008 version.)

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 a member of the Civil Rules Subcommittee of the Standing Committee on the Local Rules of Practice for the District of Nevada, I helped draft revisions to some of the Local Rules of Civil Practice. Particularly, I drafted early versions of revisions to Local Rules 6-2, 7-2, 7-5, 7-6, 10-5, and 26-4. The Local Rules can be found at: http://www.nvd.uscourts.gov/Files/LOCAL%20RULES%20OF%20PRACTICE%20August%202011.pdf.

In 2011, I assisted District Judge Gloria Navarro and her committee in drafting the District Court's General Order regarding the Patent Pilot Program. Copy supplied.

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

On June 1 and June 8, 1995, I testified before the Nevada State Senate Committee on Taxation on behalf of my client, Sun City Summerlin Community Association, Inc., regarding SB 512, which related to the assessment of taxes for units in common-interest communities. Minutes 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.

The following list includes seminars and presentations that I have identified from my files and personal recollections. There may be other presentations or lectures I have participated in that I have been unable to identify or recall.

"Deposition Skills" for the National Institute for Trial Advocacy. I have presented this program twice each year, in Phoenix, Arizona (2002 – 2008, 2011 – present) and Las Vegas, Nevada (2007 – present). I serve as a Team Leader and

faculty member, and I lecture on "preparing for depositions," "witness preparation" and "use of exhibits." I also critique student performances. My standard outlines and presentation slides are supplied.

June 28, 2012 – Faculty Member, Nevada State Bar's Trial Academy, Coronado, California. I lectured and led a discussion on "trial themes and theories," and critiqued student performances. Outline supplied.

July 19, 2007 – Panelist in a public question-and-answer session with Supreme Court Associate Justice John Paul Stevens at the Ninth Circuit Judicial Conference, Honolulu, Hawaii. The program was taped and broadcast on C-SPAN and is available for viewing at http://www.c-spanvideo.org/program/PaulSte.

July 18, 2007 – Ninth Circuit Judicial Conference, Honolulu, Hawaii. I introduced a panel discussion on Confidentiality in the Courts. I also presided over the introduction and discussion of Resolutions to be considered by the Conference. I have no notes, transcript, or recording. The Conference was organized by Renee Lorda, Assistant Circuit Executive, Office of the Circuit Executive for the Ninth Circuit, United States Court of Appeals for the Ninth Circuit, 95 Seventh Street, San Francisco, CA 94103.

July 16, 2007 – Ninth Circuit Judicial Conference, Honolulu, Hawaii. As Chair of the Lawyer Representatives Coordinating Committee, I presided over the New Lawyer Representatives Orientation Program, and the Lawyer Representatives Business Meeting. I led the discussion on a variety of topics, including the role of Lawyer Representatives and tasks to be accomplished in the upcoming year. I have no notes, transcript, or recording. The Conference was organized by Renee Lorda, Assistant Circuit Executive, Office of the Circuit Executive for the Ninth Circuit, United States Court of Appeals for the Ninth Circuit, 95 Seventh Street, San Francisco, CA 94103.

March 1, 2007 – Welcoming remarks, Conference of Chief District Judges of the Ninth Circuit, San Diego, California. I have no notes, transcript, or recording. The Conference was organized by Renee Lorda, Assistant Circuit Executive, Office of the Circuit Executive for the Ninth Circuit, United States Court of Appeals for the Ninth Circuit, 95 Seventh Street, San Francisco, CA 94103.

August 25, 2006 – Moderator for a "question and answer" presentation by the Federal Bar Association with Ninth Circuit Judges Hug, Schroeder, Kozinski and Rawlinson, Las Vegas, Nevada. I have no notes, transcript, or recording. The address of the Federal Bar Association is 1220 North Fillmore Street, Suite 444, Arlington, VA 22201.

July 12, 2006 – Ninth Circuit Judicial Conference, Huntington Beach, California. I presided over the introduction and discussion of Resolutions to be considered by

the Conference. I have no notes, transcript, or recording. The Conference was organized by Renee Lorda, Assistant Circuit Executive, Office of the Circuit Executive for the Ninth Circuit, United States Court of Appeals for the Ninth Circuit, 95 Seventh Street, San Francisco, CA 94103.

July 10, 2006 – Ninth Circuit Judicial Conference, Huntington Beach, California. I participated in panel discussions at the New Lawyer Representatives Orientation Program, and the Lawyer Representatives Business Meeting. Discussion topics included the role of Lawyer Representatives and tasks to be accomplished in the upcoming year. I have no notes, transcript, or recording. The Conference was organized by Renee Lorda, Assistant Circuit Executive, Office of the Circuit Executive for the Ninth Circuit, United States Court of Appeals for the Ninth Circuit, 95 Seventh Street, San Francisco, CA 94103.

January 18, 2006 – Moderator, Panel discussion on "Update on Security Issues: Threat Assessment and Criminal Defendant Monitoring," Conference of Chief District Judges of the Ninth Circuit, Tucson, Arizona. Discussion topics included the investigation and assessment of threats against federal judges, and then-current programs for protecting judges. I have no notes, transcript, or recording. The Conference was organized by Renee Lorda, Assistant Circuit Executive, Office of the Circuit Executive for the Ninth Circuit, United States Court of Appeals for the Ninth Circuit, 95 Seventh Street, San Francisco, CA 94103.

July 18, 2005 – Ninth Circuit Judicial Conference, Spokane, Washington. I participated in panel discussions at the New Lawyer Representatives Orientation Program, and the Lawyer Representatives Business Meeting. Discussion topics included the role of Lawyer Representatives and tasks to be accomplished in the upcoming year. I have no notes, transcript, or recording. The Conference was organized by Renee Lorda, Assistant Circuit Executive, Office of the Circuit Executive for the Ninth Circuit, United States Court of Appeals for the Ninth Circuit, 95 Seventh Street, San Francisco, CA 94103.

January 20, 2005 – Chair, Panel discussion on Congressional Relations at the Conference of Chief District Judges of the Ninth Circuit, Rancho Santa Fe, California. Discussion topics included the legislative process, the importance of maintaining good relationships with Congress, and the ethical limitations on what judges can do. I have no notes, transcript, or recording. The Conference was organized by Renee Lorda, Assistant Circuit Executive, Office of the Circuit Executive for the Ninth Circuit, United States Court of Appeals for the Ninth Circuit, 95 Seventh Street, San Francisco, CA 94103.

April 29, 2004 – Moderator for a "question and answer" session with various circuit, district, magistrate and bankruptcy judges at the District of Nevada's annual District Conference, Reno, Nevada. I have no notes, transcript, or recording. The Conference was organized by Lance Wilson, District Court

Executive, United States District Court, 333 Las Vegas Boulevard South, Las Vegas, NV 89101.

October 8, 2003 – Presenter, status report to the State Bar of Nevada Board of Governors about the Model Pattern Jury Instructions, Las Vegas, Nevada. Meeting minutes supplied.

May 6, 1997 – Participant, Seminar on Employer Liability that was presented to a group of business owners, Las Vegas, Nevada. I do not recall the sponsoring organization. Notes supplied.

I was a Barrister, Assistant Program Chair, and then Program Chair of the Nevada American Inn of Court in the mid-to-late 1990s. In those capacities, I helped to prepare and present educational programs to the Inn membership. I do not recall the dates or topics of those programs, and I have no notes, transcript, or recording of the presentations.

Over the years, I have lectured or participated in panel presentations to groups of lawyers on a variety of topics, including Federal Court Practice, Civil Discovery, Alternative Dispute Resolution and Construction Law. I do not recall the dates of those presentations, or the groups before whom I spoke. I have no notes, transcript, or recording of those presentations.

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.

Press release, *McDonald Carano Wilson Attorney Andrew Gordon Appointed to Chair Committee by State Bar of Nevada*, McDonald Carano Wilson, Sept. 2, 2003 (reprinted in multiple outlets). Copy supplied.

Steve Friess, *Plan to Adorn Medians Irks South Strip Owners*, Las Vegas Review-Journal, Aug. 4, 1998. Copy supplied.

Caren Benjamin, *Jury Awards $190,000 to Woman Made Pregnant as Teen in State Custody*, Las Vegas Review-Journal, June 3, 1997. Copy supplied.

In 1997, I was interviewed by one of the local television news programs immediately after the oral argument before the Supreme Court of Nevada in the appeal of Sun City Summerlin Community Association, Inc. v. Nevada. I have no notes, transcript, or recording of that interview.

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

I have never held a judicial office.

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

   i. Of these, approximately what percent were:

jury trials:	___%
bench trials:	___% [total 100%]
civil proceedings:	___%
criminal proceedings:	___% [total 100%]

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

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

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

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

f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.

g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.

h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.

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

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

I have not served as a judge.

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

b. a brief description of the asserted conflict of interest or other ground for recusal;

c. the procedure you followed in determining whether or not to recuse yourself;

d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

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

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

I have never held public office. I have never been an unsuccessful candidate for elective office or an unsuccessful nominee 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 held office in or rendered services to any political party or election committee. I have never held a position or played a role in a political campaign.

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

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

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

I did not serve as a clerk to a judge.

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.

1987 – 1992
Streich Lang Weeks and Cardon
100 West Washington, Suite 2100
Phoenix, Arizona 85004
Associate

1992 – 1994
Dawson and Associates, an affiliate of Streich Lang
3800 Howard Hughes Parkway, Suite 1500
Las Vegas, Nevada 89109
Associate

1994 – present
McDonald Carano Wilson LLP
2300 West Sahara Avenue, Suite 1000
Las Vegas, Nevada 89102
Associate (1994 –1997)
Partner (1997 – present)

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

I have served as a private arbitrator and mediator over the past approximately ten years. The matters I have handled include disputes involving professional services firms, construction disputes, breach of fiduciary duty claims, employment disputes (including wrongful termination), and real estate investment disputes. Because arbitrations and

mediations are confidential, I cannot share specific details about these matters. Therefore, the following matters are discussed in general terms.

1. Wrongful termination (arbitration): A casino marketing executive was terminated based upon allegations of improper extensions of credit, improper loans to a customer, and improperly allowing a customer to cash out chips while a debt was pending. The executive commenced an arbitration proceeding alleging wrongful termination. As the arbitrator, I had to rule upon numerous discovery motions, motions in limine, and substantive motions. The arbitration hearing lasted 15 days, and involved over 300 documents and exhibits and testimony from several witnesses.

2. Breach of fiduciary duty/derivative action (arbitration): A member in a limited liability company sued the manager of the LLC alleging, among other things, that the manager breached fiduciary duties by loaning over $850,000 of the LLC's funds to an affiliated entity without proper authorization. The member asserted direct claims of fraud and derivative claims (on behalf of the LLC and its investors) of breach of fiduciary duty. The member sought to pierce the corporate veil of the LLC and its manager (which also was an LLC) to collect against the funds of an individual. The parties filed approximately 10 motions for partial summary judgment, numerous discovery motions and a motion in limine. The arbitration hearing lasted three days and involved hundreds of documents and exhibits and testimony from three witnesses. I was the chair of the arbitration panel.

3. Clergy employment dispute (mediation): A member of the clergy entered into a separation agreement with his church. The agreement contained a non-disparagement provision. He applied for, but was denied, a similar position at a church in another state. He later heard that people associated with his former church made disparaging statements to the church he applied to. He filed a lawsuit claiming breach of contract, defamation and interference with prospective economic advantage. I successfully mediated the parties to a settlement of this very emotional dispute.

4. Construction dispute (arbitration): This arbitration arose from a dispute between the owner of a race track and a general contractor who performed remodeling work at the track. The dispute involved the interpretation of construction contracts, plans and change orders; an analysis of whether additional payments were owed to the contractor; and whether the owner was entitled to offsets and deductions for allegedly defective work. The arbitration hearing lasted three days. After entry of the Interim Award, the parties filed motions for attorneys' fees.

5. Intellectual property (mediation): The creator of a computer-based fantasy sports game entered in to a Memorandum of Understanding with another company that would invest funds and help market and distribute the product. Shortly thereafter, disputes arose as to access to and control of software and computer source codes. After the parties terminated their relationship, the game creator claimed that the investor stole his intellectual property and created a similar product. I mediated the case to a settlement after a full-day mediation.

6. Real estate development joint venture (arbitration): This dispute involved a joint venture created to build over 1200 homes in a master-planned community. Various disputes arose during the life of the project, some of which were resolved by the parties and some of which lingered for years. Litigation ensued, and the matter was referred to arbitration. I chaired the three-member arbitration panel. Plaintiffs' allegations included breach of fiduciary duty, self-dealing, improper payments to various entities affiliated with one of the partners, and improper accounting and budgeting. Plaintiffs sought compensatory and punitive damages. The parties engaged in significant motion practice (both before and after the arbitration hearing), including motions for summary judgment, motions in limine, and discovery motions. Eventually, the parties stipulated to a hybrid, condensed arbitration proceeding, which lasted three days and involved several witnesses and hundreds of documents and exhibits.

7. Partnership (arbitration): A partner in a mini-storage business sued the partnership and the other partners alleging breach of fiduciary duty for failing to pay him distributions, both while the partnership existed and upon dissolution. The hearing lasted three days. The parties filed motions for summary judgment and motions for reconsideration.

8. Accounting Partnership (arbitration): An accountant retired from her firm and later performed part-time accounting work for another accountant. Her former firm refused to pay her full retirement payments based, in part, upon a non-compete provision in the firm's Partnership Agreement, and her alleged breaches of fiduciary duty while she was still at the firm. The parties filed claims against each other seeking compensatory and punitive damages. Prior to the arbitration hearing, the parties submitted cross-motions for partial summary judgment, which resolved some of the issues. The ultimate decision required me to analyze the merits of the various claims, and to calculate the damages and offsets claimed by each party.

9. Contract dispute (arbitration): Buyer contracted with a home builder for construction of a semi-custom luxury home. Disputes arose over

numerous plan changes, the costs associated with those changes, the interpretation of the contract, and the timing of construction. Each party sought specific performance of the contract plus damages. I chaired the three-member arbitration panel.

10. Tax consulting company (arbitration): A company purchased tax-consulting services from a provider, based upon representations about the tax savings that could be achieved. Purchaser later realized that the promised savings could not be achieved without a corporate restructuring that was undesirable. Purchaser sought rescission of the contract based upon fraudulent misrepresentation, and/or damages for breach of contract.

b. Describe:

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

Since graduation from law school, my practice has continuously focused on civil litigation and alternative dispute resolution, with primary emphasis on complex, commercial disputes. I have significant experience in business, real property, construction, employment and title disputes, and disputes over the control and dissolution of partnerships and closely-held companies. From 1997 to 2004, I was more actively involved in litigation arising from commercial construction projects (primarily hotel/casino projects). Over the past ten years, I have become more active as a private arbitrator and mediator.

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

Throughout my career, my typical clients have been business entities or individual business owners, ranging in size from Fortune 500 companies to individuals and small, closely-held entities. Between 1997 and 2004, when I was more actively involved in construction litigation, my typical clients on such matters were contractors, subcontractors and owners in commercial construction litigation matters.

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.

Virtually all of my practice has been in litigation, with frequent court appearances. Over the years, I have occasionally assisted clients with transactional matters, but only on a very limited basis.

i. Indicate the percentage of your practice in:
   1. federal courts: 40%
   2. state courts of record: 60%
   3. other courts: 0%
   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 nine cases to verdict, judgment or final decision. I was sole counsel in two, lead counsel in five, and associate counsel in two.

i. What percentage of these trials were:
   1. jury: 22%
   2. non-jury: 78%

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

I have never practiced 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. Walters v. FSP Stallion 1, LLC, et al., Case No. A564089 (Eighth Judicial District Court; Judge Mark Denton); consolidated with Case No. A566640 (Judge Elizabeth

Gonzalez). Supreme Court of Nevada Case No. 55912 (writ petition denied); 2010 – 2012.

I represented the Federal Deposit Insurance Corporation ("FDIC"), as Receiver for Community Bank of Nevada ("CBN"). Defendant FSP Stallion entities (collectively "Borrowers") purchased a golf course from plaintiff Walters. To finance the purchase, they borrowed over $15 million from CBN; Walters guaranteed the loan. After Borrowers defaulted on the loan, Walters attempted to avoid his Guaranty by suing CBN and the Borrowers. CBN asserted claims against Walters and the Borrowers. The District Court granted CBN's Motion for Summary Judgment in part, finding Walters liable under the Guaranty but ordering a trial on the amount Walters owed under the Guaranty. Subsequently, the FDIC was named Receiver of CBN and intervened in the lawsuit in place of CBN. I and my firm were retained to represent the FDIC at this point.

Prior to trial, Walters filed a Petition with the Supreme Court of Nevada seeking a writ directing the District Court to vacate its entry of summary judgment. The Supreme Court of Nevada unanimously ruled against Walters. After a three-day trial, the judge ruled that the golf course's value was $10 million, leaving an initial deficiency of more than $7 million. Subsequently, the court granted our motion to add interest, costs and attorneys' fees to the deficiency amount, making the total deficiency judgment over $11 million. I was lead counsel on the trial, and second chair on the writ proceedings. I edited and argued most of the substantive and pre-trial motions, supervised trial preparation, cross-examined witnesses at trial, and gave the opening statement and closing argument. I edited the papers filed in opposition to the writ petition, and assisted in preparation for oral argument. This case recently settled.

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2. Sun City Summerlin Community Association, Inc. v. Nevada, 944 P.2d 234 (Nev. 1997). Eighth Judicial District Court matters were presided over by Judges Jeffrey Sobel and Mark Denton; 1993 – 2002.

   Each year from 1993 through 2002, Sun City Summerlin Community Association, Inc. ("SCSCAI") challenged the Clark County Assessor's valuations of its golf courses and recreation centers. SCSCAI contended, among other things, that the assessments violated the relevant statute, that the Assessor did not properly account for the deed restrictions on the use and sale of the properties, and that the assessments constituted a double taxation because the value of these amenity properties were reflected in (and therefore taxed through) the increased values of the homes in Sun City Summerlin. The legal challenges each year began with proceedings before the Clark County Board of Equalization, then an appeal to the State of Nevada Board of Equalization, then lawsuits filed in the Eighth Judicial District Court (Clark County, Nevada). Ultimately, the cases were appealed to the Supreme Court of Nevada, which held the statute unconstitutional and rejected the double-taxation argument, but agreed the Assessor did not properly account for the deed restrictions imposed on the properties. Thus, the case was remanded for further proceedings. Subsequently, the County and State Boards ruled that the parcels of land should have nominal values ($1,000), but that the improvements on those properties were not entitled to those nominal values. The District Court affirmed the State Board's reduction of the land values, but held that the improvements should be valued less. Thus, the District Court again remanded the matter for valuations of the improvements, and other related decisions. The parties filed cross-appeals of that decision to the Supreme Court of Nevada. Ultimately, the case was settled in 2002.

   I was lead counsel for SCSCAI throughout the case. I coordinated the work of the experts, wrote the papers and argued the case before the County and State Boards of Equalization, wrote and argued the case and motions at the District Court, prepared the papers for the appeal, and argued before the Nevada Supreme Court.

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   Attorneys for Clark County and Defendant Schofield

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Attorneys for State of Nevada, Department of Taxation

Counsel for Amicus Curiae The Community Association Inc.:
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3. Fisher, et al. v. Fleming, et al., Case No. A-11-635650-B (Eighth Judicial District Court, Judge Elizabeth Gonzalez); Fleming v. Fisher Technical Services, Inc., et al., Case No. 2:11-cv-00499-GMN-LRL (United States District Court, District of Nevada, Judge Gloria Navarro); 2011 – 2012.

Fisher and Fleming were business partners. Disputes arose concerning the operations of their businesses, and Fisher sold his interest to defendant Fisher Technical Services Rentals, Inc. and several individual defendants (collectively, "Tait") in violation of agreements between Fisher and Fleming. Fleming asserted that Fisher and the Tait Defendants conspired to force Fleming to sell his interests in the businesses at a discounted price. Fleming filed a federal court lawsuit alleging, among other things, breach of various contracts, unjust enrichment, tortious interference with contracts, breach of fiduciary duty, and fraud. Unbeknownst to Fleming, Fisher had already filed, but not served, a state court lawsuit against him. Subsequently, Fisher amended his state court complaint to add additional parties, including two employees he had terminated and the Tait Defendants. Fisher sought a preliminary injunction removing Fleming from management and preventing the businesses from rehiring the fired employees. The court denied most of the requested relief, and instead entered injunctive relief generally favoring Fleming. As a result, Fleming dismissed the federal lawsuit and pursued his claims in the state court. The parties conducted extensive written discovery. Several motions were filed on discovery, procedural and substantive issues. The case was aggressively litigated, including several motions, an evidentiary hearing with witnesses, injunctions and motion hearings. The parties recently entered into a settlement.

I was lead counsel for defendant Fleming on all aspects of the case: supervising discovery, writing and/or editing court filings, arguing all motions, and examining and cross-examining witnesses at the evidentiary hearing.

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4. Houston v. Boone, et al., Case No. A388314 (Eighth Judicial District Court, Judge Huffaker), aff'd, 78 P.3d 71 (Nev. 2003); 2000 – 2004.

Boone owned a home that was encumbered by a deed of trust in favor of Norwest Mortgage ("Norwest"). In June 1998, Boone refinanced the Norwest loan with a loan from Bank of America. Bank of America's loan paid off the entire Norwest loan. By doing so, Bank of America expected to receive a first-position deed of trust lien against the home. Bank of America did not know that a few hours before it recorded its deed of trust, plaintiffs (the Houstons) recorded a Writ of Attachment against Boone's home. Neither the Writ of Attachment nor a related Lis Pendens appeared on the title search that Bank of America had obtained. Thus, Bank of America closed its loan and recorded its deed of trust unaware of the recorded Lis Pendens and Writ of Attachment.

The district court enjoined the Houstons from executing against the property pending the final resolution. The parties filed cross-motions for summary judgment in place of a trial on the merits. The court ruled that Bank of America satisfied the criteria for equitable subrogation, and therefore succeeded to Norwest's senior lien position. The Supreme Court of Nevada affirmed the summary judgment, ruling that the Houstons were not prejudiced by the equitable subrogation of Bank of America into the senior position formerly occupied by Norwest.

I was lead counsel for Bank of America. I wrote and/or edited all court filings, argued the motions, prepared the papers for the appeal, and argued before the Supreme Court of Nevada.

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5. Allison, Curtis, Kingsley, Moes, Michael & Sanchez v. Bernstein, Case No. A523262 (Eighth Judicial District Court, Judges Cherry and Gonzalez); 2006 – 2009.

Dr. Bernstein, a pediatric oncologist, worked with Plaintiff, a medical practice group. Plaintiff obtained an *ex parte* injunction against Dr. Bernstein preventing him from treating patients, speaking with referring physicians, and coming to the office. Plaintiff alleged that Dr. Bernstein threatened one of the doctors in the group, and therefore represented a threat to the safety and well-being of CCCN's physicians and employees.

I represented Dr. Bernstein. After filing a motion to dissolve the injunction, I convinced Plaintiff's counsel to modify the injunction to allow Dr. Bernstein to establish his own practice group, retrieve his files and personal effects, and communicate with Plaintiff's staff and doctors in connection with treating patients. Subsequently, Plaintiff interfered with Dr. Bernstein's ability to obtain patient files and other items and to establish his practice. We filed several motions to compel production of documents and information, five motions for contempt, and several

motions to strike Plaintiff's pleadings. The court entered many of the sanctions we requested. Eventually, the dispute was settled through negotiations between counsel for the parties.

I was lead counsel for Dr. Bernstein, supervising all court filings and discovery, editing all court filings, arguing all motions, and examining the witnesses at the evidentiary hearing.

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Counsel for Plaintiff (during latter stages):
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Michael H. Singer, Ltd.
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6. Canfora v. ExxonMobil Corporation, et al., Case No. A417140 (Eighth Judicial District Court, Judges Sobel and Glass); 2000 – 2002.

Plaintiff, a young girl, was burned in a gasoline fire while filling her family's car at a gas station. Plaintiff claimed, among other things, that the fire was caused by an electrostatic shock. Plaintiff sued the gasoline company, the manufacturers of the car, pump and handle, the station owner and others. I began as lead counsel for ExxonMobil Corporation, Mobil Oil Corporation and Mobil Corporation. I oversaw our investigation and discovery, conducted several depositions, coordinated with experts and consultants, wrote and/or edited court filings, and argued many motions. I later served as secondary/local counsel. The parties engaged in extensive investigation and written discovery, and conducted several depositions. Numerous motions were filed, including discovery motions, motions for sanctions, motions in limine, and at least one motion for summary judgment. Eventually, the case settled before trial.

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[Firm no longer exists]

7. P.F. Chang's China Bistro, Inc. v. OpBiz, LLC, Case No. 2:08-cv-01253-RLH-LRL (United States District Court, District of Nevada, Judge Roger L. Hunt); 2008 – 2010.

P.F. Chang's operated a restaurant in the Aladdin Hotel & Casino, pursuant to a lease. Aladdin later filed for bankruptcy protection, and OpBiz desired to purchase it to convert it into the Planet Hollywood hotel and casino. OpBiz and P.F. Chang's agreed that OpBiz would assume the lease, with certain modifications, including a specific reconfiguration of P.F. Chang's restaurant. The agreement was memorialized in a Bankruptcy Court Order. After P.F. Chang's began preparations for the reconfiguration, OpBiz decided not to reconfigure, and instead remodeled the façade of the hotel, including the restaurant's façade. P.F. Chang's insisted that a new lease was needed, to avoid breaching the Bankruptcy Court Order. Nevertheless, without amending the Lease or Order, OpBiz demolished P.F. Chang's storefront, removed its exterior signage and blocked the direct access to and visibility of the restaurant, all without P.F. Chang's permission. P.F. Chang's sued for breach of contract, and OpBiz counterclaimed for breach of contract. The parties conducted written discovery and depositions, and filed discovery motions, motions for summary judgment and motions in limine. Shortly before trial, OpBiz negotiated the sale of the hotel/casino, and the parties (along with the new owner) negotiated a settlement. I was lead counsel for P.F. Chang's, supervising discovery, conducting depositions, arguing motions and preparing for trial.

Counsel for OpBiz:
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8. Nyamuswa v. Coleman-Toll, LLP, Case No. A508810 (Eighth Judicial District Court, Judge John Pilkington (deceased)); Coleman-Toll, LLP v. Nyamuswa, Case No. 51887 (Nevada Supreme Court); 2005 – 2008.

   Plaintiffs entered into a written contract to purchase a house built by Defendant Coleman-Toll, LLP, and deposited earnest money towards the purchase price. Plaintiffs later canceled the contract and demanded their earnest money back, claiming that the builder did not fully respond to all of their option requests. The Defendant/builder refused to return the earnest money because the contract provided that the funds could be retained as liquidated damages. The case initially was tried before an arbitrator, who found in favor of the Plaintiffs. Defendant appealed the decision, and a trial was conducted. The trial judge found that Defendant did not timely answer every request for information and pricing from Plaintiffs, and thereby breached the contract, entitling Plaintiffs to the return of their earnest money deposit. Defendant appealed that decision to the Supreme Court of Nevada. The case ultimately settled while that appeal was pending.

   I was lead counsel for Defendant on the case throughout. I oversaw written discovery, conducted depositions, conducted the trial, and supervised the appeal until the case was settled.

Counsel for Plaintiffs (initially):
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Counsel for Plaintiffs (later):
Kyle O. Stephens, Esq.
Larson & Stephens
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9. Selling Source, LLC v. Red River Ventures, LLC, et al., Case No. 2:09-cv-01491-JCM-GWF (United States District Court, District of Nevada, Judge James C. Mahan); 2010 – 2011.

Selling Source discovered that its database had been breached by defendant Red River, an entity affiliated with Selling Source's former employees: defendants Lane and Pope. Selling Source believed that the Defendants misappropriated Selling Source's data and were using and selling the data for their own gain. Selling Source believed that Defendants told their counsel (who also represented Selling Source) of their illicit activities. Selling Source filed this lawsuit and obtained an injunction against Defendants to preserve the computers, servers and data. At that point, I substituted in as counsel for Selling Source. We engaged in extensive investigation and written discovery, preparation of expert reports and motion practice. The parties briefed and argued whether Selling Source would be allowed to depose Defendants' counsel. Arguments focused on the crime/fraud exception to the attorney-client privilege and the ethical issues involved in an attorneys' joint representation of two clients. The court permitted the deposition to proceed. Two lawyers were deposed in the case. Eventually, the case settled before trial.

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10. In re Venetian Lien Litigation; Scott Company of California v. Venetian Casino Resort, Case No. A397391 (Eighth Judicial District Court, Senior Judge James Brennan) (lead case in consolidated proceedings); 1999 – 2004.

My client, Scott Company, was a subcontractor on the construction of the Venetian Casino Resort, Grand Canal Shops retail mall, and related improvements. Scott Company was not fully paid for its work and materials, so it recorded a lien against the subject properties and filed a Complaint to foreclose on its lien. The general contractor and numerous other subcontractors also recorded millions of dollars worth of liens, and filed Complaints. The cases were consolidated into one massive proceeding and a special master was appointed. The parties engaged in years of investigation, discovery, motion practice, and expert-related work. Ultimately, I and my firm withdrew from representation of Scott Company.

Lead counsel for Venetian Casino Resort Grand Canal Shops Mall Construction:
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Samuel Lionel, Esq.
Lionel Sawyer & Collins
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Lead counsel for Lehrer McGovern Bovis, Inc. and many of the subcontractors:
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Richard F. Scotti, Esq.
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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.)

I have served on a number of federal court and state bar committees. In 2001, I was appointed by the court as a Lawyer Representative to the Ninth Circuit Conference. In that capacity, I served on various committees with the District and Magistrate Judges, and acted as a liaison between the bench and the bar. After completing that three-year term, I was elected to a three-year term on the Ninth Circuit Lawyer Representative Coordinating Committee, eventually serving as Chair of the committee. During that time, I helped organize conferences for the District and Circuit Judges, and continued to serve on committees assisting the District of Nevada. I continue to sit on the District of Nevada's Civil Rules Subcommittee, helping revise the court's Local Rules. I also have spent considerable time on committees of the State Bar of Nevada, editing and overseeing production of practice manuals (including the Nevada Jury Instructions (Civil) and Nevada Appellate Manual), and organizing Continuing Legal Education seminars.

In the last ten years, I have expanded my practice to include serving as a private arbitrator and mediator on a variety of cases. In addition, I serve as a pro bono mediator for the United States District Court's Inmate Mediation program, which attempts to resolve lawsuits filed by inmates at an early stage.

In 1995, I registered as a lobbyist with the Nevada State Legislature. I appeared before the Nevada State Senate Committee on Taxation on June 1 and 8, 1995, on behalf of my

client, the Sun City Summerlin Community Association, Inc. I testified regarding Senate Bill 512, which related to the assessment of taxes for units in common-interest communities.

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 do not anticipate receiving any deferred income other than from my 401(k) retirement plan.

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

    If I am confirmed, 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.

My father and three of my siblings (and two of their spouses) are lawyers, although only three of them practice in Nevada. I would recuse myself from matters in which they are involved. In addition, for at least several years I would recuse myself from any case in which my law firm (McDonald Carano Wilson LLP) represents a party. Finally, cases involving my former clients may present a potential conflict of interest. I would follow the recusal statutes and the Code of Conduct for United States Judges, and recuse myself whenever necessary to avoid the appearance of a conflict of interest.

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

I will resolve all matters involving actual or potential conflicts of interest through the careful application of the Code of Conduct for United States Judges and all relevant statutes. In case of uncertainty, I will err on the side of recusal to avoid any appearance of impropriety.

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.

I have consistently complied with Nevada Supreme Court Rule 6.1, Nevada's pro bono rule. I have satisfied these obligations in a variety of ways. In prior years, I represented participants in adoption proceedings, and I worked with a team of lawyers representing an inmate on death row in a habeus corpus proceeding. I have provided legal advice and handled minor legal matters for various non-profit organizations on a pro bono basis, primarily involving compliance with state laws, corporate registration, and employment issues. I currently serve as a pro bono mediator for the United States District Court's Inmate Mediation pilot program, helping to resolve lawsuits filed by prison inmates. I also have satisfied Rule 6.1 by participation in activities for improving the law, the legal system, or the legal profession through significant service to the Nevada State Bar and the United States District Court. For instance, I have helped produce and edit Nevada State Bar manuals on Appellate Practice and Family Law, and the Nevada Jury Instructions - Civil.

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 30, 2012, I met with Senator Harry Reid, who asked me if I had an interest in becoming a United States District Judge. I am not aware,of how I came to his attention for such a position. On May 22, 2012, his staff informed me that Senator Reid would recommend me to the White House for consideration. Since May 23, 2012, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On June 22, 2012, I met with officials from the White House Counsel's Office and the Department of Justice in Washington, DC. On September 19, 2012, 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.

AFFIDAVIT

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

9/19/12
(DATE)

(NAME)

Subscribed & sworn to before me this 19th day of Sept., 2012

(NOTARY)

C. STUCHELL
Notary Public State of Nevada
No. 97-0173-1
My appt. exp. Jan. 22, 2013