

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

LaShann Moutique DeArcy Hall
LaShann Moutique DeArcy
LaShann Moutique Jones

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

United States District Judge for the Eastern District of New York

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

Morrison & Foerster LLP
250 West 55th Street
New York, New York 10019

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

1970; Hollywood, 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.

1997 – 2000, Howard University School of Law; J.D. (*magna cum laude*), 2000

1988 – 1992, Antioch College; B.A., 1992

6. **Employment Record**: List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

2010 – present
Morrison & Foerster LLP
250 West 55th Street
New York, New York 10019
Partner (January 2014 – present)
Of Counsel (2010 – 2013)

2005 – 2010
Gibson, Dunn & Crutcher LLP
200 Park Avenue
New York, New York 10166
Associate

2000 – 2005, Summer 1999
Cravath, Swaine & Moore LLP
825 8th Avenue
New York, New York 10019
Associate (2000 – 2005)
Summer Associate (Summer 1999)

June 1998 – August 1998
Circuit Court for Prince George's County, Maryland
14735 Main Street
Upper Marlboro, Maryland 20772
Judicial Intern to Judge Sheila Tillerson Adams

1995 – 1997
United States Air Force
Bolling Air Force Base
Chappie James Boulevard
Washington, D.C. 20032
Senior Airman

1995 – 1997
Grand Slam Sports Bar at the Grand Hyatt Hotel
1000 H Street, N.W.
Washington, D.C. 20001
Waitress

Approximately May 1994 – February 1995
SOB's
204 Varick Street
New York, New York 10014
Waitress

March – May 1994
English language school (the name of which I do not recall)
Seoul, South Korea
Conversational English Teacher

Approximately September 1993 – February 1994
Café Wha?/Comedy Cellar/Olive Tree
117 MacDougal Street
New York, New York 10012
Waitress

Approximately February – August 1993
United States House of Representatives
1035 Longworth House Office Building
Washington, D.C. 20515
Scheduler for Congressman Floyd H. Flake

January – February 1993
Temporary Employment Agency (the name of which I do not recall)
Washington, D.C.
Temporary Administrative Employee

July 1992 – January 1993
Bukom Café
2442 18th Street N.W.
Washington, D.C. 20009
Waitress

Other affiliations (uncompensated unless otherwise indicated):

2013 – present
Ommie LLC
17 Cooper Rd.
Monroe, New York 10950
Sole member

2012 – present
Howard University School of Law
2900 Van Ness Street, N.W.
Washington, D.C. 20008
Board of Visitors

2012 – present
Neighborhood Defender Service of Harlem
317 Lenox Avenue, 10th Floor
New York, New York 10027
Board of Trustees

2012 – May 2014
New York State Joint Commission on Public Ethics
540 Broadway
Albany, New York 12207
Commissioner
(stipend for attendance at meetings)

2011 – present
New York City Taxi and Limousine Commission
33 Beaver Street
New York, New York 10004
Commissioner

2010 – present
Greenwood Forest Farms Association
P.O. Box 212
Greenwood Lake, New York 10925
Board of Trustees

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.

1995 – 1997
United States Air Force
Senior Airman
Honorably Discharged

I am not required to register for selective service.

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

Women's Veteran Honoree, Metro-Manhattan (NY) Chapter of the Links, Incorporated
(2013)

Diversity Champion Award, New York City Bar Association (2009)

Champion, NITA Tournament of Champions National Competition (2000)

Captain, Huver L. Brown Trial Advocacy Moot Court Team (1999 – 2000)

Corpus Juris Secundum Award, Criminal Law, Howard University School of Law (1999)

Member, Howard Law Journal (1998 – 2000)

Best Advocate, Allegheny Trial Lawyers Association Trial Advocacy Competition (1998)

Howard University School of Law Merit Scholar (1997 – 1999)

Corpus Juris Secundum Award, Constitutional Law (1997)

I also received various awards while on active duty in the United States Air Force between 1995 and 1997.

Chatterjee Merit Scholarship (1990)

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 (2002 – present)

Metropolitan Black Bar Association (2012)

New York City Bar Association (2008 – present)

New York State Bar Association (2001 – 2009)

10. **Bar and Court Admission:**

- a. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.

New York, 2001

There has been no lapse in membership.

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

United States Court of Appeals for the Second Circuit, 2010

United States Court of Appeals for the Fourth Circuit, 2008

United States District Court for the Southern District of New York, 2007

New York Court of Appeals, 2001

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.

Council of Urban Professionals (2011 – 2012)
Executive Member

Greenwood Forest Farms Association (2010 – present)
Board of Directors

Howard University School of Law (2012 – present)
Board of Visitors

Metro-Manhattan (NY) Chapter of The Links, Inc. (2011 – September 2014)
2012 Gala Committee Chair (2012)

Metropolitan Chapter of Jack and Jill of America (May 2014 – present)

Neighborhood Defender Service of Harlem (2012 – present)
Board of Trustees

New York City Taxi and Limousine Commission (2011 – present)

New York State Joint Commission on Public Ethics (2012 – May 2014)

- 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.

Jack and Jill of America, Inc., is an organization of mothers whose children are of African-American descent. Jack and Jill is dedicated to nurturing future African-American leaders by strengthening children through leadership development,

volunteer service, philanthropic giving and civic duty. The Links, Inc., is an international, not-for-profit corporation, which was established in 1946. It is a volunteer service organization of women of color who are committed to enriching and sustaining African-Americans and other persons of African ancestry. To the best of my knowledge, none of the other organizations listed 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.

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.

Class Notes, THE ANTIOCHIAN, Winter 2013. 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 a member of the New York State Joint Commission on Public Ethics ("JCOPE") from 2012 to May 2014, I approved the JCOPE's 2012 and 2013 Annual Reports. However, I have no recollection of having played a role in the drafting or editing of those reports. Copies of the reports are available at <http://www.jcope.ny.gov/pubs/POL/2012%20FINAL%20ANNUAL%20REPORT.pdf> and <http://www.jcope.ny.gov/pubs/POL/2013%20JCOPE%20Annual%20Report.pdf>.

- 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.

As a member of the New York City Taxi and Limousine Commission ("TLC") since 2011, I have participated in nearly all of the monthly hearings of the TLC. I have regularly offered remarks during the hearings about TLC matters and proposed rules. These remarks have been made extemporaneously and not from written text. My remarks involved issues related to wheelchair accessible taxis, lease caps, taxi fare rates, e-hail programs, the street hail livery program and NYC's Taxi of Tomorrow, among other things. Copies of 2014 meeting transcripts are supplied and transcripts, minutes, and videos of the meetings from

2011 to 2013 are available at:

http://www.nyc.gov/html/tlc/html/archive/archive_transcript_min_2013.shtml,
http://www.nyc.gov/html/tlc/html/archive/archive_transcript_min_2012.shtml,
and
http://www.nyc.gov/html/tlc/html/archive/archive_transcript_min_2011.shtml.

As one of 14 Commissioners for the New York State Joint Commission on Public Ethics ("JCOPE") from October 2012 until May 2014, I participated in the following hearings and decisions. I attended nearly all of the monthly JCOPE hearings. Although the majority of every JCOPE hearing is statutorily required to be closed and confidential, certain matters are discussed openly at brief public sessions held at the outset of every hearing. Public minutes and recordings are available at: http://www.jcope.ny.gov/public/open_meetings.html and <http://www.jcope.ny.gov/public/openmeetings2.html>. I also deliberated on and approved Investigation Reports, Settlement Agreements, and Decisions and Orders. Copies are available at <http://www.jcope.ny.gov/enforcement/index.html>. Finally, I participated in the drafting of JCOPE Advisory Opinion 13-02, dated March 28, 2013, concerning the general standards of use of state aircraft by the governor of New York State. Copy supplied. Although, as a Commissioner, my name appeared on the letterhead of Delinquency Notices that were sent by the Commission during my tenure, I did not sign these notices and I did not participate or consult in any way in their preparation. These Delinquency Notices are prepared entirely by Commission staffers. Copies of the notices are available at <http://www.jcope.ny.gov/public/candidates2012.html>.

- 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.

September 8, 2014: Speaker, Taxi and Limousine Commission, Taxi Honor Roll Recognition Ceremony, New York, New York. Video available at:
https://www.youtube.com/watch?feature=player_embedded&v=XQu0e2MUSVA

February 11, 2014: Speaker, "How to Write a Legal Memo," Howard University School of Law, Washington, D.C. PowerPoint supplied.

September 18, 2013: Speaker, "Hot Topics in Attorney-Client Privilege," American International Group, New York, New York. PowerPoint supplied.

July 8, 2013: Panelist, "What do Litigators Really Do," Sponsors for Educational Opportunity, New York, New York. The panel provided a practical explanation of the day-to-day work of commercial litigators. I have no notes, transcript, or recording. The address for Sponsors for Educational Opportunity is 55 Exchange Place, Suite 601, New York, New York 10005.

June 19, 2013: Speaker, "Tips for Successful Pre-trial Motion Practice," Association of Corporate Counsel, Washington, D.C. Outline and PowerPoint supplied.

February 26, 2013: Speaker, "How to Write a Legal Memo," Howard University School of Law, Washington, D.C. I used the PowerPoint previously supplied in connection with the entry for the February 11, 2014 event noted above.

December 9, 2012: Speaker, Metro-Manhattan Chapter of the Links, Realizing the Dream Gala, New York, New York. I offered welcome remarks and introduced J.P. Morgan Chase as the organization's 2012 corporate honoree. I have no notes, transcript, or recording. The address for the Metro-Manhattan Chapter of the Links, Incorporated is P.O. Box 5916, Englewood, New Jersey 07631.

February 19, 2012: Panelist, "Litigation Management Roundtable," American Bar Association Litigation Section, Chicago, Illinois. The panel was on the best practices for litigation management. I have no notes, transcript, or recording. The address for the American Bar Association is 321 North Clark Street, Chicago, Illinois 60654.

February 8, 2012: Speaker, "How to Write a Legal Memo," Howard University School of Law, Washington, D.C. I used the PowerPoint previously supplied in connection with the entry for the February 11, 2014 event noted above.

June 21, 2011: Panelist, "What Do Litigators Really Do," Sponsors for Educational Opportunity, New York, New York. The panel provided a practical explanation of the day-to-day work of commercial litigators. I have no notes, transcript, or recording. The address for Sponsors for Educational Opportunity is 55 Exchange Place, Suite 601, New York, New York 10005.

May 27, 2009: Speaker, Diversity Champion Award Acceptance Speech, New York City Bar Association, New York, New York. Remarks supplied.

April 2008: Welcome Remarks, Howard University School of Law Alumni Reception hosted by Gibson Dunn & Crutcher LLP, New York, New York. My remarks consisted of a welcome to the alumni and a brief introduction of the Dean of Howard University School of Law. I have no notes, transcript, or recording. The address for Howard University School of Law is 2900 Van Ness Street, N.W., Washington, DC 20008.

- 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, City and Industry Leaders Join Mayor DeBlasio, TLC Chair Joshi in Honoring 295 Taxi & For-Hire Drivers Who Will Make Up the First-Ever Vision Zero Safe Driver Honor Roll, September 8, 2014. Copy supplied.

Press Release, New York City Taxi and Limousine Commission, City of New York and Disability Advocates Announce Landmark Settlement to Dramatically Increase NYC Taxicab Accessibility. December 6, 2013. Copy supplied.

At Home with LaShann and Jayden, MATER MEA No. 40, March 25, 2013. Copy supplied.

Hall, 38 and DeArcy, 35, NY POST, November 26, 2006. Copy supplied.

ABC News Now/Top Priority, ABC Top Priority, September 14, 2006. Transcript supplied.

Out There: Washington; Good-Time Bookstore, N.Y. TIMES, November 29, 1992. Copy supplied.

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

I have never held judicial office.

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

- i. Of these, approximately what percent were:

jury trials: _____%
bench trials: _____% [total 100%]

civil proceedings: _____%
criminal proceedings: _____% [total 100%]

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

- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the

case; and (3) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

- d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.
 - e. Provide a list of all cases in which certiorari was requested or granted.
 - f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.
 - g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.
 - h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.
 - i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.
14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

I have never held judicial office.

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

taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

15. Public Office, Political Activities and Affiliations:

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

Since 2011, I have served as a Commissioner on the New York City Taxi and Limousine Commission after being appointed by Mayor Michael Bloomberg and confirmed by the New York City Council.

Between October 2012 and May 2014, I served as a Commissioner on the New York State Joint Commission on Public Ethics after being appointed by State Minority Leader John Sampson.

- 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 not held any offices in or rendered services to any political party or election committee. I have not 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 have not served as a judicial law clerk.

- 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 – 2005
Cravath, Swaine & Moore LLP
825 8th Avenue
New York, New York 10019
Associate

2005 – 2010
Gibson, Dunn & Crutcher LLP
200 Park Avenue
New York, New York 10166
Associate

2010 – present
Morrison & Foerster LLP
250 West 55th Street
New York, New York 10019
Of Counsel (2010 – 2013)
Partner (January 2014 – 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 never served as a mediator or arbitrator.

b. Describe:

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

In 2000, I joined the law firm of Cravath, Swaine & Moore LLP as an associate. I worked primarily on civil litigation in a variety of areas, including antitrust, securities, contract, and tort claims. I performed research and legal analysis, drafted documents, and conducted written and deposition discovery. I also served on three trial teams, where I prepared direct and cross-examination outlines, identified trial exhibits, drafted motions *in limine*, and conducted the examination of a trial witness.

In 2005, I joined the law firm of Gibson, Dunn & Crutcher LLP. My practice there encompassed many areas of civil litigation, including antitrust, securities, contract, and tort claims. As an experienced associate, I had a greater role in managing case teams and supervising other associates. Among other things, I authored various written submissions to the court, appeared at hearings, and second-chaired three proceedings before arbitral tribunals.

Since 2010, I have practiced at the firm of Morrison & Foerster LLP, first as Of Counsel and later as Partner. At Morrison & Foerster, my work has continued to focus primarily on complex commercial litigation. I have worked at a senior level on all of my cases, devising litigation and trial strategies. I have played a key role in all phases of litigation from the initiation of or response to a complaint through to the resolution of the litigation through settlement or trial. I have prepared and responded to written discovery, examined and defended witnesses at deposition, drafted and argued various motions, appeared at pretrial conferences and status hearings, worked with experts in the preparation of their reports, and examined and cross-examined witnesses at trial. In addition to my legal work, I also take part in mentoring and training young attorneys.

- 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 client base has consistently included Fortune 500 companies, as well as individuals across a variety of industries, including banking institutions, accounting firms, media companies, technology companies, and insurers.

- c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

The vast majority of my practice has been in litigation. As an associate from 2000 to 2009, I was in court on occasion. Since joining Morrison & Foerster LLP in 2010, my appearances in court have increased. Depending on the procedural posture of my cases, my appearances in court can be characterized as frequent, such as when I am at trial or scheduled to argue various motions. Otherwise, my appearance is occasional.

- i. Indicate the percentage of your practice in:

1. federal courts:	80%
2. state courts of record:	20%
3. other courts:	0%
4. administrative agencies:	0%

- ii. Indicate the percentage of your practice in:

1. civil proceedings:	95%
2. criminal proceedings:	5%

- 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 two cases to verdict, as well as two cases that settled during trial. I was associate counsel in all four cases. In addition, I have participated as associate counsel in three proceedings before arbitral tribunals.

i. What percentage of these trials were:

- | | |
|--------------|------|
| 1. jury: | 100% |
| 2. non-jury: | 0% |

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.

I have listed the cases in reverse chronological order.

1) *In re Residential Capital, LLC*, No. 12-12020 (Bankr. S.D.N.Y. 2013).

We represented Residential Capital, LLC and certain of its affiliates (collectively, "ResCap" or the "Debtors") as Debtors' counsel in this bankruptcy action. ResCap had entered into an \$8.7 billion settlement with certain investors and, pursuant to Rule 9019 of the Bankruptcy Code, numerous creditors lodged objections to the proposed settlement. I oversaw the drafting of the Debtors' written responses to each of the nine objections filed against the proposed settlement. A hearing on the objections was slated to take place over two weeks and was to include the presentation of live witnesses. I was responsible for all aspects of the Debtors' hearing preparation, including document discovery and deposition discovery. I identified the Debtors' potential hearing exhibits and negotiated evidentiary objections with opposing counsel. I was the principal author

of the direct examination for several key hearing witnesses. On the eve of the hearing, a universal settlement was negotiated with all of ResCap's creditors, which resolved all challenges to the proposed settlement.

Dates of Representation: 2012 – 2013

Presiding Judge: U.S. Bankruptcy Judge Martin Glenn

Co-counsel:

Jamie Levitt
Gary Lee
Morrison & Foerster LLP
250 West 55th Street
New York, New York 10019
212-468-8000

Opposing Counsel:

Sean A. O'Neal
Cleary Gottlieb Steen & Hamilton LLP
One Liberty Plaza
New York, New York 10006
212-225-2416
(Certain Unsecured Noteholders)

Richard L. Wynne
Jones Day
555 South Flower Street, 50th Floor
Los Angeles, California 90071
213-243-2548
(Creditor Financial Guaranty Insurance Company)

Kenneth H. Eckstein
Kramer Levin Naftalis & Frankel LLP
1177 Avenue of the Americas
New York, New York 10036
212-715-9229
(Official Committee of Unsecured Creditors)

2) *Fresh Del Monte v. Del Monte Foods Corp.*, 933 F. Supp. 2d 655 (S.D.N.Y. 2013).

I served as second chair representing defendant Del Monte Foods Corporation ("Del Monte") during a two-week jury trial, involving false advertising and breach of contract claims brought by Fresh Del Monte ("Fresh"). In particular, plaintiff alleged that Del Monte engaged in false advertising by representing that certain of its products were

“fresh” and had breached a licensing agreement by selling certain other products allegedly reserved to plaintiff under the licensing agreement. I managed all aspects of trial preparation, including identification of Del Monte’s trial exhibits, negotiation and formulation of all evidentiary objections, preparation of Del Monte’s designations and cross-designations of witness testimony, and drafting Del Monte’s proposed jury instructions and special verdict form. I also was responsible for drafting and arguing each of Del Monte’s ten motions *in limine*. At trial, my principal role was to present Del Monte’s damages case. I conducted the direct and cross-examinations of fact witnesses and damages experts, and I also argued Del Monte’s motion for a directed verdict. The jury rendered a verdict against Del Monte on liability and awarded \$13.5 million in damages, which was consistent with Del Monte’s damages theory. The court also issued an injunction against Del Monte, prohibiting it from disseminating certain advertisements and imposing labeling requirements.

Dates of Representation: 2011 – 2013

Presiding Judge: U.S. District Court Judge Sidney H. Stein

Co-counsel:

Arturo Gonzalez
Morrison & Foerster LLP
425 Market Street
San Francisco, California 94105
415-268-7000

Opposing Counsel:

Anthony Dreyer
Skadden, Arps, Slate, Meagher & Flom
4 Times Square
New York, New York 10036
212-735-3097

3) *TPTCC NY, Inc., v. Radiation Therapy Servs., Inc.*, 784 F. Supp. 2d 485 (S.D.N.Y. 2011), *aff’d in part, rev’d in part*, 453 F. App’x 105 (2d Cir. 2011).

I served as co-counsel for the plaintiffs in this action, which involved state law business tort and breach of contract claims, and federal antitrust claims. Plaintiffs alleged that the defendants conspired to exclude plaintiffs from the market for proton beam therapy services, which is a form of radiation therapy for the treatment of several types of cancer. Morrison & Foerster LLP was engaged to serve as co-counsel after the initial complaint was filed, and I co-authored the amended complaint. Over the course of the matter, I participated in numerous telephonic hearings. Defendants filed a motion to dismiss the complaint in its entirety, which was granted by the federal district court. TPTCC NY, Inc., represented by Morrison & Foerster as sole counsel, appealed the dismissal of the

stated business tort claims to the Second Circuit Court of Appeals. I was the principal drafter of the appellate submissions. The Second Circuit granted the appeal, in part, and remanded the surviving state law claims to state court for further proceedings. The case was resolved through settlement.

Dates of Representation: 2010 – 2011

Presiding Judge: U.S. District Judge Jed S. Rakoff

Co-counsel:

Michael Miller
Morrison & Foerster LLP
250 West 55th Street
New York, New York 10019
212-468-8000

Rachel Schwartz
William Thomashower
Schwartz & Thomashower LLP
15 Maiden Lane, Suite 705
New York, New York 10038
212-227-4300

Opposing Counsel:

Allan Arffa
Paul, Weiss, Rifkind, Wharton & Garrison LLP
1285 Avenue of the Americas
New York, New York 10019
212-373-3000

- 4) *Ormet Primary Aluminum Corp. v. Glencore Ltd.*, 09-cv-00289 (S.D. Ohio 2009)/International Centre for Dispute Resolution Arbitration Case No. 50 181 T 00187 09.

I served as the lead associate on a team representing plaintiff Ormet Primary Aluminum Corporation (“Ormet”), which filed a complaint for breach of contract against Glencore Ltd. (“Glencore”). The contract at issue was an exclusive supply agreement between the parties that required Ormet to convert specified quantities of alumina into aluminum on behalf of Glencore at pre-fixed prices. The district court granted Glencore’s motion to dismiss based on the contract’s arbitration clause, and Ormet subsequently brought an arbitration proceeding against Glencore. I was integrally involved in every aspect of this litigation. Before the district court, I authored all written submissions, including the federal complaint, motion for preliminary injunction, and plaintiff’s opposition to defendant’s motion to dismiss. Subsequently, before the arbitral tribunal, I authored all

written submissions, including the interim measures pre-hearing brief, full merits pre-hearing brief, and various motions *in limine*. I oversaw the preparation of witness statements, expert reports, and every phase of the arbitration preparation, including witness preparation for direct and cross-examinations. I second chaired two separate proceedings in this matter – an interim measures hearing and the full merits hearing. The results of the arbitration are confidential.

Dates of Representation: 2009 – 2010

Presiding Judge: U.S. District Judge Edmund Sargus/Arbitral Tribunal

Co-counsel:

Mitchell Karlan
Gibson, Dunn & Crutcher LLP
200 Park Avenue
New York, New York 10166
212-351-4000

Opposing Counsel:

Turner P. Smith
Curtis, Mallet-Prevost, Colt & Mosle LLP
101 Park Avenue
New York, New York 10178
212-696-6121

- 5) *In re Royal Ahold N.V. Sec. & ERISA Litig.*, No. 1:03-MD-01539, 2007 WL 1832141 (D. Md. June 18, 2007), *aff'd sub nom. Public Employees' Retirement Ass'n of Colorado v. Deloitte & Touche LLP*, 551 F.3d 305 (4th Cir. 2009).

I was the lead associate on a team representing Deloitte Netherlands ("Deloitte") in this securities class action. Royal Ahold N.V. ("Ahold") had overstated its earnings on financial reports, and Deloitte had audited Ahold's subsidiaries and acted as a reviewer for Ahold's filings with the Securities and Exchange Commission. Plaintiffs alleged that Deloitte was complicit in and liable for Ahold's fraud. This case originally commenced in 2004. In 2005, the complaint was dismissed against Deloitte in its entirety. Plaintiffs then moved to amend their pleadings. In 2006, I was the principal author of Deloitte's motion in opposition to plaintiffs' motion, which was granted in its entirety. Plaintiffs subsequently appealed. I was the principal author of Deloitte's appellate submission, and I worked closely with co-counsel in preparation for his oral argument before the Fourth Circuit. The Fourth Circuit affirmed the trial court's denial of plaintiffs' motion for leave to amend.

Dates of Representation: 2005 – 2009

Presiding Judge: U.S. District Judge Catharine C. Blake

Co-counsel:

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New York, New York 10019
212-713-3295

Marshall King
Lee Dunst
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200 Park Avenue
New York, New York 10166
212-351-4000

Counsel for Defendant:

Andrew Entwistle
Entwistle & Cappucci LLP
280 Park Avenue
26th Floor West
New York, New York 10017
212-894-7200

6) *In re Redback Networks Inc. Sec. Litig.*, No. Co3-5642 JF (HRL), 2007 WL 4259464 (N.D. Cal. Mar. 20, 2006), *aff'd*, 329 F. App'x 715 (9th Cir. 2009).

With co-counsel, I defended PricewaterhouseCoopers LLP ("PwC") in a securities fraud case filed in the Northern District of California. In this case, plaintiffs alleged that PwC's audits of Redback's financial statements for fiscal years 2000, 2001 and 2002 were not completed in accordance with Generally Accepted Auditing Standards and that PwC improperly represented that Redback's financials were prepared in accordance with Generally Accepted Accounting Principles in violation of sections 10B, 10b-5 and 18 of the Private Securities Litigation Reform Act. I was the principal author of a motion to dismiss plaintiffs' third amended complaint, which resulted in the dismissal of all claims against PricewaterhouseCoopers, with leave to amend. Plaintiffs subsequently amended their pleadings, which were again dismissed by the district court, and affirmed on appeal by the Ninth Circuit. I was not involved in these subsequent proceedings.

Dates of Representation: 2005

Presiding Judge: U.S. District Court Judge Jeremy Fogel

Co-counsel:

Fred Fields
Cravath, Swaine & Moore LLP
Worldwide Plaza
825 8th Avenue
New York, New York 10019
212-474-1000

Opposing Counsel:

Stuart Grant
Grant & Eisenhofer, P.A.
123 Justison Street
Wilmington, Delaware 19801
302-622-7000

7) *Aguiaza et al. v. Vantage Props., LLC*, No. 105197/08, 2009 WL 1511791 (N.Y. Sup. Ct. May 21, 2009).

I was the lead associate on a team defending Vantage Properties ("Vantage") in an action alleging unfair business practices and harassment. I defended against a motion for declaratory judgment seeking a determination that Vantage engaged in unlawful business practices and a permanent injunction requiring Vantage to cease any allegedly unlawful practices and harassment, which also sought unspecified compensatory damages and attorney's fees and costs. I was the principal author of Vantage's motion to dismiss, which was granted in part. I was the principal drafter of Vantage's appeal of the remaining claims, which was withdrawn after the parties reached a settlement. I led the settlement discussion on behalf of Vantage. Through the course of the matter, I appeared in court on numerous occasions.

Dates of Representation: 2008 – 2010

Presiding Judge: New York Supreme Court Justice Martin Schulman

Co-counsel:

Mitchell Karlan
Gibson, Dunn & Crutcher LLP
200 Park Avenue
New York, New York 10166
212-351-4000

Opposing Counsel:

Robert McCreanor
Catholic Migration Office
47-01 Queens Boulevard, Suite 201
Sunnyside, New York 11104
347-472-3500

The Honorable April Newbauer
Supreme Court, Bronx County, Criminal Division
261 East 161st Street
Bronx, New York 10451
718-618-3775

8) *Compuware Corp. v. Int'l Bus. Machs., Corp.*, No. 02-CV-70906 (E.D. Mich. 2005).

I was on a trial team defending IBM in a matter involving antitrust and copyright claims related to IBM's mainframe computers and software. At issue were five "mainframe software tools" for which a competing company, Compuware, had the dominant market share. IBM launched certain products that competed with Compuware's products. Compuware alleged that IBM tied its tools products to its mainframe products and offered them at predatory prices, damaging Compuware's business. I was the lead associate responsible for preparing the defense of the antitrust claims. I took and defended over 20 depositions and co-authored a motion for summary judgment, which was granted in part. I also drafted direct and cross-examinations of key witnesses. The case was resolved through settlement during trial.

Dates of Representation: 2003 – 2005

Presiding Judge: U.S. District Court Judge George Caram Steeh

Co-counsel:

Rowan Wilson
Cravath, Swaine & Moore LLP
825 8th Avenue
New York, New York 10019
212-474-1348

Opposing counsel:

Daniel Johnson, Jr.
Morgan, Lewis & Bockius
One Market, Spear Street Tower
San Francisco, California 94105
415-442-1392

9) *Arbitration representing Gibson, Dunn & Crutcher LLP.*

In 2006, I second-chaired a two-week confidential arbitration on behalf of Gibson, Dunn & Crutcher LLP. The case involved a contract dispute between Gibson, Dunn & Crutcher and another party. I was responsible for all aspects of the arbitration preparation, including the drafting of all written submissions and the preparation of witness examinations and exhibits. The results of the arbitration are confidential.

Dates of Representation: 2006

Co-counsel:

Mitchell Karlan
Gibson, Dunn & Crutcher LLP
200 Park Avenue
New York, New York 10166
212-351-4000

Opposing Counsel:

Katharine Griffing, Esq.
Current Address Unknown

10) *Tridee Assocs., Inc. v. Bd. of Educ. of City of N.Y.*, No. 047478/1997 (N.Y. Sup. Ct.)

This case involved a breach of contract claim brought by Tridee Associates, Inc. ("Tridee") against the Board of Education of New York City (the "BOE"). The BOE had sought to convert Tridee's building into an elementary school and entered into a lease whereby the BOE agreed to pay for the necessary construction work and Tridee agreed to select the contractor to perform the work. The dispute involved a bill for extra work that had been performed without the BOE's previous written authorization. The BOE declined to pay for the extra work, and Tridee brought a lawsuit to recover those expenses. The case was originally defended by New York City Corporation Counsel. Cravath, Swaine & Moore was engaged to serve as trial counsel for the BOE during a one-week trial in New York Superior Court. I was responsible for all aspects of trial preparation, and I conducted the direct examination of two witnesses during the trial. The jury rendered a verdict in favor of the plaintiff.

Dates of Representation: 2002 – 2003

Presiding Judge: New York State Supreme Court Judge Gloria C. Aronin

Co-counsel:

John Beerbower
Cravath, Swaine & Moore LLP
825 8th Avenue
New York, New York 10019
212-474-1000

Opposing Counsel:

Stacie Bryce Feldman
Kossoff, PLLC
217 Broadway, Suite 401
New York, New York 10007
212-267-6364

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.)

At Gibson, Dunn & Crutcher, I dedicated a portion of my time to antitrust counseling matters. For example, I was part of a team that provided antitrust counseling to a large oil services company in connection with a successful \$1.5 billion acquisition. I successfully responded to a civil investigation demand issued by the Department of Justice, Antitrust Division. In addition to antitrust counseling, I also did some transactional work, co-authoring a white paper as part of a successful merger approval.

Since 2011, I have served as a commissioner on the New York City Taxi and Limousine Commission. I was appointed to this nine-person commission by Mayor Michael Bloomberg. The Commission is a charter-mandated agency, the purpose of which is the continuance, further development and improvement of taxi and for-hire service in the City of New York. The Commission is responsible for licensing and regulating for-hire vehicles, commuter vans, and wheelchair accessible van services as they relate to the overall public transportation network of the city. As a commissioner, my principal role is to consider proposed rules to govern the operation of taxi and for-hire services.

Between October 2012 and May 2014, I served as a Commissioner for the New York State Joint Commission on Public Ethics. This 14-person Commission is the product of the Public Integrity Reform Act of 2011, which was signed into law by Governor Andrew Cuomo on August 15, 2011. The Commission has oversight over both the executive and legislative branches. The Commission provides information, education, and advice regarding current ethics and lobbying laws and promotes compliance through audits, investigations, and enforcement proceedings.

I have never performed any lobbying or registered as a lobbyist.

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.

If confirmed, I would receive a return of capital and payment of my remaining share of partnership proceeds after withdrawing from my law firm. In addition, I would be entitled to rollover my interest in the firm's defined benefits plan to a personal retirement account. The timing of these payments would be based on firm policy and the relevant ethics rules. Otherwise, I have no arrangements or expectations concerning future income or compensation.

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 confirmed, I have no 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.

Cases in which my current law firm, Morrison & Foerster LLP, represented a party or appeared would present a potential conflict. I would recuse myself from all other matters where a party is represented by Morrison & Foerster LLP for a reasonable period of time. As a general matter, I would recuse myself from any such matters as required by the Code of Conduct for United States Judges or any other relevant ethical canons or rules.

- 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 would handle all matters involving actual or potential conflicts of interest through careful application of the Code of Conduct for United States Judges, as well as other relevant canons and statutory provisions. I would consult my judicial colleagues on these issues as appropriate.

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.

Throughout my career, I have devoted thousands of hours to serving as pro bono counsel in a variety of matters, including representing plaintiffs in several cases brought under 42 U.S.C. §1983. Earlier in my career, I was part of the appellate team that challenged the conviction and death sentence of Louise Harris. This matter involved extensive briefing before the state courts of Alabama over the course of many years. The Alabama Court of Criminal Appeals granted Ms. Harris's state *habeas corpus* petition in part and commuted Ms. Harris's death sentence to life in prison. *In re Louise Harris*, 947 So.2d 1139 (Ala. 2005).

Beyond my pro bono legal practice, my husband and I established the LaShann DeArcy and Courtney C. Hall Endowed Scholarship Fund at Howard University School of Law. The purpose of the scholarship, which is awarded based on financial need, is to defray the high cost of law school textbooks.

26. Selection Process:

- a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so,

please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

In May 2013, I was contacted by an acquaintance who asked if I would be interested in being considered for a federal judgeship. I forwarded her my resume, which I understood would be considered by Senator Kirsten Gillibrand. On April 3, 2014, I was interviewed by Senator Gillibrand and a member of her staff in Washington, D.C. At the end of the interview, Senator Gillibrand informed me that she would be forwarding my name to the White House. Since May 5, 2014, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On June 9, 2014, I interviewed with attorneys from the White House Counsel's Office and the Department of Justice in Washington, D.C. On November 12, 2014, 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.