

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Jennifer Lynne Hall
Jennifer Lynne Larson
Jennifer L. Larson
Jennifer Larson Hall

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

United States District Judge for the District of Delaware

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

Office address:
United States District Court, District of Delaware
844 North King Street, Unit 17
Wilmington, Delaware 19801

Place of current residence: Media, Pennsylvania

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

1976; Minneapolis, Minnesota

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.

2003 – 2006, University of Pennsylvania Law School; J.D. (*magna cum laude*), 2006

1997 – 2003, Yale University; Ph.D., 2003; M. Phil., 2000

1993 – 1997, University of Minnesota, B.S., 1997

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.

2019 – present

United States District Court, District of Delaware
844 North King Street, Unit 17
Wilmington, Delaware 19801
United States Magistrate Judge

2011 – 2019

United States Attorney's Office, District of Delaware
1313 North Market Street, Suite 400, P.O. Box 2046
Wilmington, Delaware 19801
Chief, Civil Division (2015 – 2019)
Assistant United States Attorney (2011 – 2019)

2008 – 2011

Fish & Richardson P.C.
222 Delaware Avenue, Suite 1700
Wilmington, Delaware 19801
Associate

2007 – 2008

United States Court of Appeals for the Third Circuit
844 North King Street, Unit 10
Wilmington, Delaware 19801
Law Clerk to the Honorable Kent A. Jordan

2006 – 2007

United States Court of Appeals for the Federal Circuit
717 Madison Place, Northwest
Washington, DC 20439
Law Clerk to the Honorable Sharon Prost

2004 – 2006

Morris, Nichols Arsht & Tunnell LLP
1201 North Market Street, P.O. Box 1347
Wilmington, Delaware, 19899
Summer Associate/School-term Law Clerk

2005 – 2006

University of Pennsylvania Law School
3400 Chestnut Street
Philadelphia, Pennsylvania 19104
Legal Writing Instructor

2005
Morgan, Lewis & Bockius LLP
1701 Market Street
Philadelphia, Pennsylvania 19103
Summer Associate

1997 – 2003
Yale University
Department of Molecular Biophysics & Biochemistry
266 Whitney Avenue
New Haven, Connecticut 06520
Graduate Student/Teaching Assistant

2000 – 2003
Outback Steakhouse
132 Marsh Hill Road
Orange, Connecticut 06477
Bartender/Server

1999 – 2000
Nata's the Pit Restaurant
850 West Main Street
Branford, Connecticut 06405
Server

1998 – 1999
Red Lobster
4485 Main Street
Bridgeport, Connecticut 06606
Server

1996 – 1997
Sally's Saloon & Eatery
712 Washington Avenue Southeast
Minneapolis, Minnesota 55414
Bartender/Server

1995 – 1997
Nicklow's Café and Bar
8466 Central Avenue Northeast
Spring Lake Park, Minnesota 55432
Bartender

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

selective service.

I did not serve in the military. I was not required to register for the 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.

University of Pennsylvania Law School

Graduated *magna cum laude* (top 5%), Order of the Coif (2006)

Edwin R. Keedy Cup Moot Court Competition Finalist (2006)

Yale University

McDougal Fellow, Graduate School (2002)

Outstanding Teaching Assistant Award, Department of Molecular Biophysics and Biochemistry (1999)

University of Minnesota

Stanley Dagley Memorial Scholarship (1996)

Undergraduate Research Opportunities Program Grant (1995)

Undergraduate Assistantship Scholarship, Institute of Technology (1994)

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

Civil Chiefs' Working Group of the U.S. Attorney General's Advisory Committee, Member (2018 – 2019)

Delaware Chapter of the Federal Bar Association (2009 – present)

Young Lawyers Section, Chair (2014 – 2015)

Lawyers Advisory Committee of the Judicial Council of the Third Judicial Circuit, Member (2016 – 2019)

Richard S. Rodney Inn of Court, Member (2019 – present, 2008 – 2010)

U.S. District Court for the District of Delaware Federal Trial Practice Seminar, Co-Chair (2016 – 2019)

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.

Delaware, 2008

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 Third Circuit, 2008
United States Court of Appeals for the Federal Circuit, 2008
United States District Court for the District of Delaware, 2009

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.

None.

- 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.

Not applicable.

12. **Published Writings and Public Statements:**

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

With Andrew D. Miranker, *The Mechanism of Insulin Action on Islet Amyloid Polypeptide Fiber Formation*, J. Molecular Biology, 335:221–31 (2004). Copy supplied.

Jennifer Larson Hall, *The Mechanism of Insulin Action on Islet Amyloid Polypeptide Fiber Formation*, Dissertation Presented to the Faculty of the Graduate School of Yale University on Candidacy for the Degree of Doctor of Philosophy (2003). Copy supplied.

With E. Ko & Andrew D. Miranker, *Direct Measurement of Islet Amyloid Polypeptide Fibrillogenesis by Mass Spectrometry*, *Protein Science*, 9:427-431 (2000). Copy supplied.

With Andrew D. Miranker, *Kinetic Studies of Islet Amyloid Polypeptide Fibrillogenesis*, Poster displayed at Protein Society Conference, Boston, Massachusetts (July 1999). Copy of abstract supplied.

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

None.

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

None.

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

I have searched my files and electronic databases in an effort to identify events responsive to this question. I have located the events listed below, but there may be some events that I have been unable to recall or identify.

May 4, 2023: Naturalization Ceremony, U.S. District Court for the District of Delaware. Notes supplied.

October 14, 2022: Comments made at the Presentation of the Portrait of Kent A. Jordan, United States Court of Appeals for the Third Circuit, Wilmington, Delaware. Speech supplied.

June 8, 2022: ChIPs Fireside Chat with Magistrate Judge Jennifer Hall of the United States District Court for the District of Delaware, virtual presentation. Outline supplied.

March 3, 2022: Naturalization Ceremony, U.S. District Court for the District of Delaware. Notes supplied.

November 17, 2021: Panelist, *Working with Judges*, Richard S. Rodney Inn of Court, Wilmington, Delaware. Outline supplied.

June 23, 2021: Panelist, *Reviewed Adjudicators*, Bench & Bar Conference, Federal Circuit Bar Association, virtual presentation (Wilmington, Delaware). Notes supplied.

December 10, 2020: Question-and-answer session, Delaware Chapter of the Federal Bar Association, virtual presentation (Wilmington, Delaware). Notes supplied.

October 9, 2020: Moderator, POWER Act Live Webinar, U.S. District Court for the District of Delaware, virtual presentation (Wilmington, Delaware). The program discussed opportunities for members of the bar to offer *pro bono* legal services to survivors of domestic violence. I have no notes, transcript, or recording. The address for the U.S. District Court for the District of Delaware is 844 North King Street, Wilmington, Delaware 19801.

August 25, 2020: Question-and-answer session with Professor Catherine Struve, University of Pennsylvania Law School, virtual presentation (Wilmington, Delaware). Video supplied.

June 16, 2020: Panelist, *Magistrate Judge Panel*, Federal Circuit Bar Association, virtual presentation (Wilmington, Delaware). Notes supplied.

December 5, 2019: Naturalization Ceremony, U.S. District Court for the District of Delaware, proceedings held at University of Delaware, Newark, Delaware. Notes supplied.

September 27, 2019: Speaker, Investiture of Magistrate Judge Jennifer L. Hall, Wilmington, Delaware. Transcript supplied.

January 4, 2019: Speaker, Investiture of Vice Chancellor Morgan T. Zurn, Wilmington, Delaware. Transcript supplied.

2014 (specific date unknown): Speaker, *From the Laboratory to the Courtroom*, Yale University Graduate School, Department of Molecular Biophysics & Biochemistry. I spoke about my career path from graduate school to becoming a trial attorney. I have no notes, transcript, or recording. The address for Yale University Graduate School, Department of Molecular Biophysics & Biochemistry is 266 Whitney Avenue, New Haven, Connecticut 06520.

2010 (specific date unknown): Speaker, *The Latest on Exhaustion*, Patent Enforcement and Defense 2010, Minnesota Continuing Legal Education. I spoke about leading Supreme Court cases on patent exhaustion. I have no notes, transcript, or recording. The address for Minnesota Continuing Legal Education is 2550 University Avenue West, Suite 160-S, Saint Paul, Minnesota 55114.

- 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.

None.

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.

On June 7, 2019, I was appointed by the United States District Court for the District of Delaware to an eight-year term as a United States Magistrate Judge. The jurisdiction of a federal magistrate judge is limited to matters that federal district judges may delegate under 28 U.S.C. § 636.

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

I have presided over 4 trials: 3 jury trials and 1 bench trial.

- i. Of these cases, approximately what percent were:

jury trials:	75%
bench trials:	25%

- ii. Of these cases, approximately what percent were:

civil proceedings:	100%
criminal proceedings:	0%

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

dissents.

See attached list of opinions.

- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature of 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 (4) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

1. *Arendi S.A.R.L. v. Google LLC*, No. 13-919-JLH (D. Del.)

This was a long-standing patent infringement dispute in which the plaintiff alleged that certain smartphone apps offered by the defendant infringed the plaintiff's patents. The plaintiff sought nearly \$46 million in damages. After the district judge originally assigned to the case was elevated to the Court of Appeals, the parties consented to my jurisdiction over the case in April 2022. I resolved a number of pretrial motions, including evidentiary motions. In April 2023, I presided over a jury trial. In May 2023, the jury returned a complete defense verdict in defendant Google's favor, finding that the asserted patents were both not infringed and invalid. Plaintiff filed post-trial motions in June 2023, and those motions are currently pending.

Counsel for Plaintiff

Neal C. Belgam
Smith, Katzenstein, & Jenkins LLP
1000 West Street, Suite 1501
Wilmington, DE 19801
(302) 652-8400

Kalpana Srinivasan
Susman Godfrey L.L.P.
Suite 1400
1900 Avenue of the Stars
Los Angeles, CA 90067
(310) 789-3106

John P. Lahad
Susman Godfrey L.L.P.
Suite 5100
1000 Louisiana
Houston, TX 77002
(713) 653-7859

Kemper Diehl
Susman Godfrey L.L.P.

401 Union Street
Suite 300
Seattle, WA 98101
(206) 373-7382

Max I. Straus
Seth Ard
Susman Godfrey L.L.P.
32nd Floor
1301 Avenue of the Americas
New York, NY 10019
(212) 336-8330

Counsel for Defendant

David Ellis Moore
Potter Anderson & Corroon, LLP
1313 North Market Street, Hercules Plaza, 6th Floor
P.O. Box 951
Wilmington, DE 19899
(302) 984-6000

Robert Unikel
Paul Hastings LLP
71 South Wacker Drive Suite 4500
Chicago, IL 60606
(312) 499-6030

Matthias A. Kamber
Paul Hastings LLP
101 California Street, Forty-Eighth Floor
San Francisco, CA 94111
(415) 856-7050

Chad J. Peterman
Paul Hastings LLP
200 Park Avenue
New York, NY 10166
(212) 318-6797

Andrea P. Roberts
Paul Hastings LLP
1117 South California Avenue
Palo Alto, CA 94304
(650) 320-1870

2. *In re Pattern Energy Grp. Inc. Sec. Litigation*, No. 20-275-MN-JLH, 2021

WL 311257 (D. Del. Jan. 28, 2021), *R & R adopted*, 2021 WL 765760 (D. Del. Feb. 26, 2021); 2021 WL 312752 (D. Del. Jan. 28, 2021); 2022 WL 263312 (D. Del. Jan. 27, 2022), *R & R adopted*, 2022 WL 957761 (D. Del. Mar. 30, 2021); 2023 U.S. Dist. LEXIS 143 (D. Del. Jan. 3, 2023), *R & R adopted*, 2023 U.S. Dist. LEXIS 51329 (D. Del. Mar. 27, 2023).

The plaintiffs, former shareholders of Pattern Energy Group, Inc., filed this class action securities lawsuit against Pattern Energy, its directors and officers, and others. The plaintiffs alleged violations of Sections 14(a) and 20(b) of the Securities Exchange Act of 1934 and related state law claims challenging certain statements made in proxy solicitation materials released in connection with the merger of Pattern Energy into a subsidiary of the Canada Pension Plan Investment Board. The case was referred to me for pre-trial proceedings. The defendants filed a motion to dismiss, which I concluded should be granted because the complaint failed to identify a statement in the proxy materials that was actionably false or misleading. The district judge adopted my report and recommendation. The plaintiffs subsequently amended the complaint to include additional factual allegations, and the defendants again moved to dismiss. This time, I concluded that the amended complaint plausibly alleged that the proxy materials contained at least two false statements and recommended that the motion to dismiss be denied with respect to the Securities Exchange Act claims. I recommended that the state law claims be dismissed, however, as they must be litigated in the Delaware Court of Chancery pursuant to a valid forum selection clause. The district judge again adopted my report and recommendation. I also ruled on other motions in the case, including denying the plaintiffs' motion for limited relief from the Private Securities Litigation Reform Act ("PSLRA") discovery stay, and recommending certification of the plaintiffs' proposed class. The case is currently pending; the parties have filed motions for summary judgment, and trial is scheduled for October 2023.

Counsel for Plaintiffs

Andrew J. Entwistle
Entwistle & Cappucci LLP
500 West 2nd Street, Suite 1900
Austin, TX 78701
(512) 710-5960

Vincent R. Cappucci
Johnathan H. Beemer
Jessica A. Margulis
Entwistle & Cappucci LLP
230 Park Avenue, 3rd Floor
New York, NY 10169
(212) 894-7200

Sue L. Robinson

Brian E. Farnan
Michael J. Farnan
Farnan LLP
919 North Market Street, 12th Floor
Wilmington, DE 19801
(302) 777-0300

Marc M. Seltzer
Krysta Kauble Pachman
Susman Godfrey L.L.P.
1900 Avenue of the Stars, Suite 1400
Los Angeles, CA 90067
(310) 789-3100

Counsel for Pattern Energy Defendants

Alan S. Goudiss
K. Mallory Brennan
Shearman & Sterling LLP
599 Lexington Avenue
New York, NY 10022
(212) 848-4000

A. Thompson Bayliss
April M. Ferraro
Abrams & Bayliss LLP
20 Montchanin Road, Suite 200
Wilmington, DE 19807
(302) 778-1000

Counsel for Defendant Riverstone

Matthew A. Schwartz
Y. Carson Zhou
Sullivan & Cromwell LLP
125 Broad Street
New York, NY 10004
(212) 558-4000

Rudolf Koch
Matthew D. Perri
Dorronda R. Bordley
Richards, Layton & Finger, P.A.
920 North King Street
Wilmington, DE 19801
(302) 651-7700

3. *West v. Emig*, No. 13-2103-JLH, 2022 WL 13944580 (D. Del. Oct. 24, 2022)

The plaintiff, a state prison inmate, filed this lawsuit under 42 U.S.C. § 1983, alleging that prison officials subjected him to cruel and unusual punishment in violation of the Eighth Amendment by depriving him of a mattress for certain periods during his incarceration. After a district judge denied the defendants' motion for summary judgment, the parties consented to my jurisdiction for trial. I presided over a bench trial in April 2022. I concluded that the defendants were entitled to qualified immunity because it was not clearly established at the time of the alleged deprivation that prison officials cannot deprive a prisoner of a mattress at night on the advice of mental health professionals and with the intent and purpose of protecting the prisoner, who had a lengthy history of harming himself by ingesting inedible items. Accordingly, I entered judgment for the defendants. The case is currently on appeal to the Third Circuit.

Counsel for Plaintiff

Stephen A. Hampton
6 North Bradford Street
Dover, DE 19904
(302) 678-1265

Joseph A. Ratasiewicz
Nicholas Casamento
Casamento & Ratasiewicz, P.C.
4 West Front Street
Media, PA 19063
(610) 891-0180

Counsel for Defendants

Nicholas D. Picollelli, Jr.
Carvel State Office Building
820 North French Street, 6th Floor
Wilmington, DE 19801
(302) 577-8400

4. *Innovative Memory Sys., Inc. v. Micron Tech., Inc.*, No. 14-1480-RGA, 2022 WL 4548644 (D. Del. Sept. 29, 2022)

The plaintiff asserted that certain flash memory products sold by the defendant infringed the plaintiff's patents. The district judge referred me the case to resolve discovery disputes and to resolve the parties' motions for summary judgment and to exclude certain expert damages testimony. I recommended granting the plaintiff's request for partial summary judgment that *inter partes review* estoppel barred the defendant from raising a certain prior art reference. I recommended denying the defendant's requests for summary judgment of non-infringement, obviousness, and unpatentable subject matter. I recommended granting the defendant's requests for partial summary judgment that the plaintiff could not

obtain pre-suit damages or damages for foreign sales. Finally, I granted the defendant's request to exclude certain of the plaintiff's expert damages testimony. Shortly thereafter, the parties settled the case and filed a stipulation of dismissal.

Counsel for Plaintiff:

Brian E. Farnan
Michael J. Farnan
Farnan LLP
919 North Market Street, 12th Floor
Wilmington, DE 19801
(302) 777-0300

Edward C. Flynn
Philip E. Levy
Jack B. Cobetto (Retired)
Eckert Seamans Cherin & Mellott, LLC
600 Grant Street, 44th Floor
Pittsburgh, PA 15219
(412) 566-6000

Daniel Melman
Eckert Seamans Cherin & Mellott, LLC
10 Bank Street Suite 700
White Plains, NY 10606
(914) 286-6447

Counsel for Defendant:

Frederick L. Cottrell, III
Travis S. Hunter
Tyler E. Cragg
Richards, Layton & Finger, P.A.
One Rodney Square
920 North King Street
Wilmington, DE 19801
(302) 651-7000

Jared Bobrow
Jason Lang
Orrick, Herrington & Sutcliffe LLP
1000 Marsh Road
Menlo Park, CA 94025
(650) 614-7400

5. *Szubielski v. Pierce*, No. 15-984-JLH, Dkt. No. 229 (D. Del. Nov. 19, 2021)

The plaintiff, a state prison inmate, filed this lawsuit under 42 U.S.C. § 1983,

alleging that prison officials kept him in the Secure Housing Unit (SHU) in violation of his constitutional rights. The case was originally assigned to another judge in our district, who ruled that the plaintiff's claim against the prison warden for First Amendment retaliation should proceed to trial. The parties subsequently consented to the jurisdiction of a magistrate judge and the case was referred to me. In July 2021, I presided over a jury trial. The jury was unable to reach a unanimous verdict and I declared a mistrial. I presided over a second jury trial in November 2021. The jury found for the plaintiff but awarded only nominal damages.

Counsel for Plaintiff:

Joanna J. Cline
Emily Wheatley
Troutman Pepper Hamilton Sanders LLP
1313 North Market Street, Suite 5100
Wilmington, DE 19801
(302) 777-6500

Laurence Shiekman
Troutman Pepper Hamilton Sanders LLP
3000 Two Logan Square
Eighteenth and Arch Streets
Philadelphia, PA 19103
(215) 981-4000

Jenna C. Hutchinson
Troutman Pepper Hamilton Sanders LLP
875 Third Avenue
New York, NY 10022
(212) 704-6034

Mary Weeks
Troutman Pepper Hamilton Sanders LLP
600 Peachtree Street, Northeast, Suite 300
Atlanta, GA 30308
(404) 885-3634

Karli E. Cozen (formerly with Troutman Pepper Hamilton Sanders LLP)
Faegre Drinker Biddle & Reath LLP
One Logan Square, Suite 2000
Philadelphia, PA 19103
(215) 988-2700

Counsel for Defendant:

Kenneth Lee-Kay Wan
Rebecca Song

Delaware Department of Justice
820 North French Street
Wilmington, DE 19801
(302) 577-8400

6. *Truinject Corp. v. Nestlé Skin Health, S.A.*, No. 19-592-LPS-JLH, 2019 WL 6828984 (D. Del. Dec. 13, 2019), *R & R adopted*, 2020 WL 1270916 (D. Del. Mar. 17, 2020); 2020 WL 70981 (D. Del. Jan. 7, 2020), *R & R adopted*, 2020 WL 1270916 (D. Del. Mar. 17, 2020); 2020 WL 3287047 (D. Del. June 18, 2020), *R & R adopted*, 2020 WL 6817088 (D. Del. Nov. 20, 2020); 2020 WL 5095448 (D. Del. Aug. 28, 2020), *R & R adopted*, 2020 WL 6817088 (D. Del. Nov. 20, 2020); 2021 WL 4355570 (D. Del. Sept. 24, 2021)

In this patent case, the plaintiff alleges that the defendants misappropriated trade secrets and infringed patents on a device used to teach medical professionals the proper technique for facial injections. The district judge referred the case to me to hear all pretrial matters. I ruled on five motions to dismiss the complaint, and I issued lengthy opinions that recommended dismissing some claims and defendants and allowing leave to amend. The district judge adopted all of my recommendations. After the plaintiff amended its complaint, I issued another report and recommendation on a second round of motions to dismiss. I also issued a report and recommendation that construed the claims of the patents in suit. The district judge adopted my recommendations in full. The case is currently pending; the parties have filed motions for summary judgment, and trial is scheduled for October 2023.

Counsel for Plaintiff:

David A. Jenkins
Neal C. Belgam
Smith, Katzenstein & Jenkins LLP
1000 West Street, Suite 1501
Wilmington, DE 19801
(302) 652-8400

Leo R. Beus (formerly with Beus Gilbert PLLC)
(deceased)

Counsel for Defendants:

Michael C. Wilson
Jenny L. Martinez
Munck Wilson Mandala, LLP
600 Banner Place Tower
12770 Coit Road
Dallas, TX 75251
(972) 628-3600

Jamil N. Alibhai (formerly with Munck Wilson Mandala, LLP)
Munch Hardt Kopf & Harr, P.C.
500 North Akard Street, Suite 3800
Dallas, TX 75201
(214) 880-1061

7. *SC Botanicals, LLC v. Intragenix Holdings, LLC*, No. 20-1698-JLH, Dkt. No. 81 (sealed Memorandum Opinion) (D. Del. May 20, 2021), Dkt. No. 86 (unsealed version) (copy supplied); 2021 WL 2156503 (D. Del. May 27, 2021)

The plaintiff sued three individual defendants and two corporate defendants alleging that they misappropriated the plaintiff's secret process for remediating CBD oil. The district judge referred the case to me for pretrial proceedings, and the parties subsequently consented to have a magistrate judge preside over the entire case. I granted the individual defendants' motion to dismiss for lack of personal jurisdiction. I also granted the corporate defendants' motion to dismiss with respect to the tortious interference with contract, fraud and fraudulent inducement, conversion, and conspiracy claims. The plaintiff requested a preliminary injunction. After considering the briefing, submissions from experts, and oral argument, I denied the motion on the basis that the plaintiff failed to demonstrate a reasonable likelihood that the defendants misappropriated a trade secret. Shortly thereafter, the parties settled the case and filed a stipulation of dismissal.

Counsel for Plaintiff:

Andres Correa
Lynn Pinker Hurst & Schwegmann, LLP
2100 Ross Avenue, Suite 2700
Dallas, TX 75201
(214) 981-3800

Counsel for Defendants:

David S. Hollander (formerly with Lauletta Birnbaum, LLC)
Royer Cooper Cohen Braunfeld LLC
100 North 18th Street, Suite 710
Philadelphia, PA 19103
(215) 839-1000

8. *Columbus Life Ins. Co. v. Wilmington Tr., N.A.*, No. 20-735-JLH, 2021 WL 1820573 (D. Del. May 6, 2021), *R & R adopted*, 2021 WL 3886370 (Aug. 31, 2021)

The plaintiff insurance company sued the defendant policyholder, alleging that a policy death benefit should not be paid because it was an illegal stranger oriented life insurance (STOLI) policy. I analyzed a number of open questions of

Delaware state law and recommended that the district judge dismiss a number of the defendant's affirmative defenses and counterclaims. The district judge adopted my recommendations. My analysis (set forth in a related case over which I presided) was later adopted by the Delaware Supreme Court. The parties consented to my jurisdiction. The case is currently pending; the parties have filed motions for summary judgment.

Counsel for Plaintiff:

Donald L. Gouge, Jr.
800 King Street, Suite 303
Wilmington, DE 19801
(302) 658-1800

Joseph M. Kelleher
Michael J. Miller
Philip J. Farinella
Cozen O'Connor
One Liberty Plaza
1650 Market Street, Suite 2800
Philadelphia, PA 19103
(215) 665-2000

Counsel for Defendant:

John M. Seaman
Samuel Cordle
Abrams & Bayliss LLP
20 Montchanin Road, Suite 200
Wilmington, DE 19807
(302) 778-1000

Harry S. Davis
Robert E. Griffin
Schulte Roth & Zabel LLP
919 Third Avenue
New York, NY 10022
(212) 756-2000

9. *Del. Dep't of Nat. Res. & Env'tl. Control v. Mountaire Farms of Del., Inc.*, No. 18-838-JLH, 2021 WL 1380595 (D. Del. Apr. 12, 2021)

Plaintiff Delaware Department of Natural Resources & Environmental Control ("DNREC") sued defendant Mountaire Farms of Delaware, a chicken processor, for spraying wastewater containing chicken feces onto fields where it contaminated the groundwater. The plaintiff alleged that the defendant's conduct violated the Federal Resource Conservation and Recovery Act ("RCRA") and the Clean Water Act. The plaintiff and the defendant negotiated a consent decree, but

some neighboring property owners objected to the settlement and exercised their statutory right under RCRA to intervene in the case. I held multiple hearings regarding the intervenors' objections and concluded that the consent decree was fair, adequate, and reasonable, as required by law. The parties ultimately consented to the jurisdiction of a magistrate judge and I entered the consent decree, resolving the case.

Counsel for Plaintiff DNREC:

Devera Breeding Scott
Delaware Department of Justice
102 West Water Street
Dover, DE 19904
(302) 739-4636

William Joseph Kassab
Delaware Department of Justice
820 North French Street, 6th Floor
Wilmington, DE 19801
(302) 577-8906

Counsel for Intervenor-Plaintiffs:

Chase Traver Brockstedt
Baird Mandalas Brockstedt LLC
1413 Savannah Road, Suite 1
Lewes, DE 19958
(302) 645-2262

Counsel for Defendant:

Timothy K. Webster
Sidley Austin LLP
1501 K Street, Northwest
Washington, DC 20005
(202) 736-8138

Michael William Teichman
Parkowski, Guerke & Swayze, P.A.
1105 North Market Street, 19th Floor
Wilmington, DE 19801
(302) 654-3300

10. *In re Sensipar (Cinacalcet Hydrochloride Tablets) Antitrust Litigation*, Nos. 19-md-2895, 19-44-LPS, 19-369-LPS, 19-396-LPS, 19-1460-LPS, 19-1461-LPS, 20-345-LPS, Dkt. No. 157 (sealed R & R) (D. Del. July 22, 2020), Dkt. No. 160 (unsealed version) (copy supplied), *R & R adopted in part*, 2020 WL 7022364 (D. Del. Nov. 30, 2020); Dkt. No. 163 (sealed R & R) (D. Del. July 31, 2020), Dkt. No. 164 (unsealed version) (copy supplied)

This multidistrict antitrust litigation consists of four putative class actions and one individual action, all of which allege anticompetitive conduct in connection with patent litigation settlements between the manufacturer of the branded drug Sensipar® and generic drug manufacturers. The defendants filed motions to dismiss the actions, and the district judge referred the motions to me. Among other things, I concluded that the Supreme Court’s opinion in *F.T.C. v. Actavis, Inc.*, 570 U.S. 136 (2013), governed the analysis of the sufficiency of the plaintiffs’ antitrust claims. I also concluded that the plaintiffs failed to plausibly allege that the settlement agreements constituted “large and unjustified” reverse payments within the meaning of *Actavis*. One of the cases then settled. As to the remaining cases, the district judge adopted most of the legal conclusions set forth in my report and recommendation but disagreed with my conclusion that the plaintiffs failed to plausibly allege an unlawful reverse payment. Accordingly, the district judge denied the defendants’ motion to dismiss. The district judge indicated on the record that there were grounds for difference of opinion and that he would consider certifying the issue for interlocutory appeal. The defendants filed a motion for certification for interlocutory appeal on the basis that there are substantial grounds for difference of opinion and the issue is one of first impression within the Third Circuit, and the plaintiffs did not oppose that motion. The case was then reassigned to a different district court judge who held that there was a substantial ground for difference of opinion but that he lacked the authority to certify the issue for interlocutory appeal; however, he certified for appeal the procedural issue of whether he had the authority to certify the substantive issue for appeal. The cases are currently pending.

Counsel for Plaintiffs:

James W. Dabney
Hughes Hubbard & Reed LLP
One Battery Park Plaza
New York, NY 10004
(212) 837-6803

Thomas M. Sobol
Hagens Berman Sobol Shapiro LLP
1 Faneuil Hall Square, 5th Floor
Boston, MA 02109
(617) 482-3700

Matthew J. Perez (formerly with Labaton Sucharow)
Dicello Levitt
485 Lexington Avenue, Suite 1001
New York, NY 10017
(616) 933-1000

Counsel for Defendants:

Ashley E. Johnson
Gibson, Dunn & Crutcher LLP
2001 Ross Avenue, Suite 2100
Dallas, TX 75201
(214) 698-3111

Eric J. Stock
Gibson, Dunn & Crutcher LLP
200 Park Avenue
New York, NY 10166
(212) 351-2301

Henninger S. Bullock
Mayer Brown LLP
1221 Avenue of the Americas
New York, NY 10020
(212) 506-2500

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

1. *Burnett v. Prudent Fiduciary Servs. LLC*, No. 22-270-RGA-JLH, 2023 WL 387586 (D. Del. Jan. 25, 2023), *R & R adopted*, 2023 WL 2401707 (Mar. 8, 2023)

Counsel for Plaintiffs:

Peter K. Stris
John Stokes
Radha Pathak
Victor O'Connell
Stris & Maher, LLP
777 South Figueroa Street, Suite 3850
Los Angeles, CA 90017
(213) 995-6800

Counsel for Defendants:

Jennifer C. Jauffret
Christine D. Haynes
Richards, Layton & Finger, P.A.
One Rodney Square
920 North King Street
Wilmington, DE 19801
(302) 651-7700

Jeffrey S. Russell
Bryan Cave Leighton Paisner LLP
One Metropolitan Square
211 North Broadway, Suite 3600
St. Louis, MO 63102
(314) 259-2000

Joseph B. Cicero
Mark L. Desgrosseilliers
Aidan T. Hamilton
Chipman Brown Cicero & Cole
Hercules Plaza
1313 North Market Street, Suite 5400
Wilmington, DE 19801
(302) 295-0191

2. *Innovative Memory Sys., Inc. v. Micron Tech., Inc.*, No. 14-1480-RGA, 2022
WL 4548644 (D. Del. Sept. 29, 2022)

Counsel for Plaintiff:

Brian E. Farnan
Michael J. Farnan
Farnan LLP
919 North Market Street, 12th Floor
Wilmington, DE 19801
(302) 777-0300

Edward C. Flynn
Philip E. Levy (Retired)
Jack B. Cobetto
Eckert Seamans Cherin & Mellott, LLC
600 Grant Street, 44th Floor
Pittsburgh, PA 15219
(412) 566-6000

Daniel Melman
Eckert Seamans Cherin & Mellott, LLC
10 Bank Street, Suite 700
White Plains, NY 10606
(914) 286-6447

Counsel for Defendant:

Frederick L. Cottrell, III
Travis S. Hunter
Tyler E. Cragg
Richards, Layton & Finger, P.A.

One Rodney Square
920 North King Street
Wilmington, DE 19801
(302) 651-7000

Jared Bobrow
Jason Lang
Orrick, Herrington & Sutcliffe LLP
1000 Marsh Road
Menlo Park, CA 94025
(650) 614-7400

3. *Allergan, Inc. v. Revance Therapeutics, Inc.*, No. 21-1411-RGA, 2022 WL 2866723 (D. Del. July 21, 2022), *R & R adopted*, Dkt. No. 44 (D. Del. Aug. 19, 2022).

Counsel for Plaintiffs:

Jack B. Blumenfeld
Jeremy A. Tigan
Morris, Nichols, Arsht & Tunnell LLP
1201 North Market Street, Suite 1600, P.O. Box 1347
Wilmington, DE 19801
(302) 658-9200

Eric W. Dittmann
Chad J. Peterman
Melanie R. Rupert
Bruce M. Wexler
Ashley N. Mays-Williams, Ph.D.
Paul Hastings LLP
200 Park Avenue
New York, NY 10166
(212) 318-6000

Counsel for Defendants:

Anne Shea Gaza
Samantha G. Wilson
Young Conaway Stargatt & Taylor, LLP
Rodney Square
1000 North King Street
Wilmington, DE 19801
(302) 571-6600

Dennies Varughese, Pharm. D.
Eldora L. Ellison, Ph.D.
Adam C. LaRock

Olga A. Partington, Ph.D.
Ryan E. Conkin
Sterne, Kessler, Goldstein & Fox P.L.L.C
1100 New York Avenue, Northwest, Suite 600
Washington, DC 20005
(202) 371-2600

4. *Sanofi-Aventis U.S. LLC v. Apotex Corp.*, No. 20-804-RGA, 2022 WL 2643532 (D. Del. July 8, 2022), *R & R adopted*, 2022 WL 4244613 (D. Del. Sept. 15, 2022)

Counsel for Plaintiff:

Jack B. Blumenfeld
Derek J. Fahnestock
Morris, Nichols, Arsht & Tunnell LLP
1201 North Market Street, Suite 1600, P.O. Box 1347
Wilmington, DE 19801
(302) 658-9200

William E. Solander
Daniel J. Minion
Whitney L. Meier
Katherine Adams
Venable LLP
1270 Avenue of the Americas, 24th Floor
New York, NY 10020
(212) 307-5500

Counsel for Defendants:

John C. Phillips, Jr.
Megan C. Haney
Phillips, McLaughlin, & Hall, P.A.
1200 North Broom Street
Wilmington, DE 19806
(302) 655-4200

Andrew M. Alul
Roshan P. Shrestha, Ph.D.
Taft Stettinius & Hollister LLP
111 East Wacker Drive, Suite 2800
Chicago, IL 60601-3713
(312) 527-4000

Derek B. Lavender
Taft Stettinius & Hollister LLP
1 Indiana Square

Indianapolis, IN 46204
(317) 713-3500

Dominick T. Gattuso
Heyman Enerio Gattuso & Hirzel LLP
300 Delaware Avenue, Suite 200
Wilmington, DE 19801
(302) 472-7311

Daryl L. Wiesen
Emily Rapalino
Kevin DeJong
Goodwin Proctor LLP
100 Northern Avenue
Boston, MA 02210
(617) 570-1000

Tiffany Mahmood
Goodwin Proctor LLP
620 Eighth Avenue
New York, NY 10018
(212) 813-8800

5. *United Therapeutics Corp. v. Liquidia Techs., Inc.*, No. 20-755-RGA-JLH,
2022 WL 823521 (D. Del. Mar. 18, 2022), *R & R adopted*, 2022 WL 1503923
(D. Del. May 12, 2022)

Counsel for Plaintiff:

Jack B. Blumenfeld
Michael J. Flynn
Morris, Nichols, Arsht & Tunnell LLP
1201 North Market Street, Suite 1600, P.O. Box 1347
Wilmington, DE 19801
(302) 658-9200

William C. Jackson
Goodwin Procter LLP
1900 N Street, Northwest
Washington, DC 20036
(202) 346-4000

Douglas H. Carsten
Arthur Dykhuis
Jiaxiao Zhang
Katherine Pappas
McDermott Will & Emery LLP

18565 Jamboree Road, Suite 250
Irvine, CA 92612
(949) 851-0633

Adam W. Burrowbridge
Joshua Revilla
Timothy M. Dunker
McDermott Will & Emery LLP
500 North Capitol Street, Northwest
Washington, DC 20001
(202) 756-8000

Counsel for Defendant:

Karen E. Keller
Jeff Castellano
Nathan R. Hoeschen
Shaw Keller LLP
I.M. Pei Building
1105 North Market Street, 12th Floor
Wilmington, DE 19801
(302) 298-0700

Sanya Sukduang
Jonathan Davies
Cooley LLP
1299 Pennsylvania Avenue, Northwest, Suite 700
Washington, DC 20004
(202) 842-7800

Erik Milch
Cooley LLP
11951 Freedom Drive, 14th Floor
Reston, VA 20190
(703) 456-8000

Ivor Elrifi
Cooley LLP
55 Hudson Yards
New York, NY 10001
(212) 479-6000

6. *Dragon Intellectual Prop. LLC v. Dish Network LLC*, Nos. 13-2066-RGA, 13-2067-RGA, 2021 U.S. Dist. LEXIS 153658 (D. Del. Aug. 16, 2021), *R & R adopted*, 2021 U.S. Dist. LEXIS 215347 (Nov. 8, 2021)

Counsel for Plaintiff:

Timothy Devlin
Devlin Law Firm LLC
1526 Gilpin Avenue
Wilmington, DE 19806
(302) 449-9010

Robert E. Freitas
Freitas Angell & Weinberg LLP
350 Marine Parkway, Suite 200
Redwood Shores, CA 94065
(650) 593-6300

Counsel for Defendants:

Rodger Dallery Smith, II
Morris, Nichols, Arsht & Tunnell LLP
1201 North Market Street, Suite 1600, P.O. Box 1347
Wilmington, DE 19801
(302) 658-9200

Jamie R. Lynn
Baker Botts L.L.P.
700 K Street, Northwest
Washington, DC 20001
(202) 639-7700

7. *Columbus Life Ins. Co. v. Wells Fargo Bank*, No. 20-833-MN-JLH, 2021 WL 106919 (D. Del. Jan. 12, 2021)

Counsel for Plaintiff:

Donald L. Gouge, Jr.
800 King Street, Suite 303
Wilmington, DE 19801
(302) 658-1800

Joseph M. Kelleher
Michael J. Miller
Philip J. Farinella
Cozen O'Connor
One Liberty Plaza
1650 Market Street, Suite 2800
Philadelphia, PA 19103
(215) 665-2000

Counsel for Defendants:

Steven L. Caponi
Matthew Goeller

K&L Gates LLP
600 North King Street, Suite 901
Wilmington, DE 19801
(302) 416-7000

8. *Zinetti v. Deutsche Bank Nat'l Tr. Co.*, No. 19-1279-LPS-JLH, 2020 WL 409725 (D. Del. Jan. 24, 2020), *R & R adopted*, 2020 WL 1536092 (D. Del. Feb. 14, 2020)

Counsel for Plaintiffs:

Frances Gauthier
Legal Services Corporation of Delaware, Inc.
100 West 10th Street, Suite 203
Wilmington, DE 19801
(302) 575-0408

Counsel for Defendants:

Walter J. Buzzetta
Stradley Ronon Stevens & Young, LLP
2000 K Street, Northwest, Suite 700
Washington, DC 20006
(202) 507-6407

9. *Truinject Corp. v. Nestlé Skin Health, S.A.*, No. 19-592-LPS-JLH, 2019 WL 6828984 (D. Del. Dec. 13, 2019), *R & R adopted*, 2020 WL 1270916 (D. Del. Mar. 17, 2020)

Counsel for Plaintiff:

David A. Jenkins
Neal C. Belgam
Smith, Katzenstein, & Jenkins LLP
1000 West Street, Suite 1501
Wilmington, DE 19801
(302) 652-8400

Leo R. Beus (formerly with Beus Gilbert PLLC)
(deceased)

Counsel for Defendants:

Michael C. Wilson
Jenny L. Martinez
Munck Wilson Mandala, LLP
600 Banner Place Tower
12770 Coit Road
Dallas, TX 75251
(972) 628-3600

Jamil N. Alibhai (formerly with Munck Wilson Mandala, LLP)
Munsch Hardt Kopf & Harr, P.C.
500 North Akard Street, Suite 3800
Dallas, TX 75201
(214) 880-1061

10. *3Shape Trios A/S v. Align Tech., Inc.*, No. 18-1332-LPS, 2019 WL 3824209
(D. Del. Aug. 15, 2019), *R & R adopted*, 2019 WL 4686614 (D. Del. Sept. 26,
2019)

Counsel for Plaintiff:
Geoffrey G. Grivner
Buchanan Ingersoll & Rooney P.C.
500 Delaware Avenue, Suite 720
Wilmington, DE 19801
(302) 552-4207

Wendelynne J. Newton
Buchanan Ingersoll & Rooney PC
Union Trust Building
501 Grant Street, Suite 200
Pittsburgh, PA 15219
(412) 562-8800

Derek Ludwin
Covington & Burling LLP
One City Center
850 Tenth Street, Northwest
Washington, DC 20001
(202) 662-6000

Counsel for Defendant:
John W. Shaw
Nathan R. Hoeschen
Shaw Keller LLP
I.M. Pei Building
1105 North Market Street, 12th Floor
Wilmington, DE 19801
(302) 298-0700

Thomas Brown (formerly with Paul Hastings LLP)
(415) 225-1277

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

I have searched electronic databases to determine whether certiorari was requested or granted in any of my cases. I did not find any 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.

In re Sensipar (Cinacalcet Hydrochloride Tablets) Antitrust Litig., No. 19-md-2895-LPS, Dkt. No. 157 (sealed R & R) (D. Del. July 22, 2020), Dkt. No. 160 (unsealed version) (copy previously supplied in response to Question 13c), *R & R adopted in part*, 2020 WL 7022364 (D. Del. Nov. 30, 2020). The district judge adopted most of the legal conclusions set forth in my report and recommendation but disagreed with my conclusion that the plaintiffs failed to plausibly allege an unlawful reverse payment. Accordingly, the district judge denied the defendants' motion to dismiss. The district judge indicated on the record that there were grounds for difference of opinion and that he would consider certifying the issue for interlocutory appeal. The defendants filed a motion for certification for interlocutory appeal on the basis that there are substantial grounds for difference of opinion and the issue is one of first impression within the Third Circuit, and the plaintiffs did not oppose that motion. The case was then reassigned to a different district court judge who held that there was a substantial ground for difference of opinion but that he lacked the authority to certify the issue for interlocutory appeal; however, he certified for appeal the procedural issue of whether he had the authority to certify the substantive issue for appeal. The cases are currently pending.

Amarin Pharma, Inc. v. Hikma Pharms. USA Inc., No. 20-1630-RGA-JLH, 2021 WL 3396199 (D. Del. Aug. 3, 2021), *R & R adopted in part*, 578 F. Supp. 3d 642 (D. Del. Jan. 4, 2022). The district judge adopted the conclusion in my report and recommendation that the plaintiff alleged a plausible claim of patent infringement against a health insurer. The district judge disagreed with my conclusion that the plaintiff alleged a plausible infringement claim against a generic drug manufacturer, noting that the Federal Circuit issued a relevant authoritative opinion in a different case two days after I issued my report and recommendation. The plaintiff appealed the district judge's decision to the Federal Circuit, and the appeal is pending.

- 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.

All of my opinions and orders are filed with the district court's electronic case filing system, and many are available on Westlaw/Lexis.

- 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.

West v. Emig, No. 13-2103-JLH, 2022 WL 13944580 (D. Del. Oct. 24, 2022)

Thorn v. New Castle Cnty., No. 21-1024-RGA, 2022 WL 2828837 (D. Del. July 20, 2022), *R & R adopted*, Dkt. No. 24 (D. Del. Sept. 7, 2022)

Doe v. Delaware State Univ., No. 20-1559-MN-JLH, 2022 WL 613361 (D. Del. Mar. 2, 2022), *R & R adopted*, 2022 WL 823580 (D. Del. Mar. 18, 2022)

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

I have not sat by designation on any federal court of appeals.

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

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

I review and address the necessity or propriety of recusal by reference to 28 U.S.C. § 455, the Code of Conduct for United States Judges, and all other laws, rules, and practices governing recusal. No litigant or party has ever requested that I recuse myself due to an asserted conflict of interest.

As a magistrate judge, I made the decision to automatically recuse myself from all cases and matters of which I had knowledge that were pending before the United States

Attorney's Office for the District of Delaware at the time I left that office in 2019.

I recused myself *sua sponte* in *iFIT Inc. v. Peloton Interactive, Inc.*, No. 20-1386-RGA (D. Del.), which had been referred to me by the district judge to resolve discovery disputes. The complaint alleged that the defendant was causing the users of its fitness cycles to infringe the plaintiff's patents. I own and use the defendant's product. I considered the allegations in the complaint according to the standards for recusal and made the decision to recuse myself to remove any appearance of a conflict of interest.

15. Public Office, Political Activities and Affiliations:

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

I have not held public office other than judicial 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.

None.

16. Legal Career: Answer each part separately.

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

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

From 2006 to 2007, I served as a law clerk for the Honorable Sharon Prost of the United States Court of Appeals for the Federal Circuit. From 2007 to 2008, I served as a law clerk for the Honorable Kent A. Jordan of the United States Court of Appeals for the Third Circuit.

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

I have not practiced law alone.

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

of your affiliation with each;

2008 – 2011
Fish & Richardson P.C.
222 Delaware Avenue, Suite 1700
Wilmington, Delaware 19801
Associate

2011 – 2019
United States Attorney's Office, District of Delaware
1313 North Market Street, Suite 400, P.O. Box 2046
Wilmington, Delaware 19801
Chief, Civil Division (2015 – 2019)
Assistant United States Attorney (2011 – 2015)

2019 – present
United States District Court, District of Delaware
844 North King Street, Unit 17
Wilmington, Delaware 19801
United States Magistrate Judge

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

I did not serve as a mediator or arbitrator in alternative dispute resolution proceedings prior to becoming a magistrate judge. As a magistrate judge, I regularly oversee settlement negotiations in cases referred to me by the district judges.

b. Describe:

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

In 2008, following my clerkships, I joined Fish & Richardson P.C. as an associate attorney. I litigated a variety of patent infringement and complex contract disputes in District Court and the United States Court of Appeals for the Federal Circuit.

In 2011, I joined the United States Attorney's Office for the District of Delaware as an Assistant United States Attorney. I became Civil Chief in 2015. I represented the United States government in federal court in both civil and criminal matters. I was the lead counsel and/or the supervisory attorney in over two hundred civil and criminal investigations and litigations. On the criminal side, I prosecuted health

care fraud, white collar crimes, and narcotics crimes. On the civil side, I supervised and litigated all types of affirmative and defensive matters, including fraud, antitrust, administrative, environmental, civil rights, medical malpractice, tort, intellectual property, and employment cases. I also successfully litigated before the United States Court of Appeals for the Third Circuit.

In 2019, I was appointed as a United States Magistrate Judge for the District of Delaware.

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

At Fish & Richardson, my clients included large pharmaceutical companies and other technology companies. As an Assistant United States Attorney, I represented the United States and its agencies and employees.

- 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.

Prior to my appointment to the federal bench, almost 100 percent of my practice was in litigation. I regularly appeared in federal court. As an Assistant United States Attorney from 2011 to 2019, I appeared in federal court frequently (typically at least once per month). As an associate attorney from 2008 to 2011, I occasionally appeared in federal court.

- i. Indicate the percentage of your practice in:

- 1. federal courts: 100%
- 2. state courts of record: 0%
- 3. other courts: 0%
- 4. administrative agencies: 0%

- ii. Indicate the percentage of your practice in:

- 1. civil proceedings: 85%
- 2. criminal proceedings: 15%

- 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 tried four cases to verdict. I tried two cases to verdict in which I served as lead counsel or co-lead counsel. Both were jury trials. I tried an additional two cases to verdict in which I served as associate counsel. Both were bench trials.

Additionally, I argued an appeal before the Third Circuit.

- i. What percentage of these trials were:
 - 1. jury: 50%
 - 2. non-jury: 50%

- 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 not 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. *United States v. Aslam*, No. 17-cr-50 (D. Del. 2017); *United States v. Kim*, No. 17-cr-42 (D. Del. 2017)

Along with co-counsel, I led the prosecution of a Delaware physician and bank employee for conspiracy to commit bank fraud. Both defendants pleaded guilty. I withdrew from the matters at the time of my appointment as a magistrate judge, and the defendants were subsequently sentenced to 30 months and 18 months in prison, respectively.

Dates of representation: 2015 – 2019

Judge:

Honorable Richard G. Andrews
United States District Court for the District of Delaware

Co-counsel for the United States:

Robert F. Kravetz (formerly with United States Attorney's Office)
Bernstein Litowitz Berger & Grossmann LLP
1251 Avenue of the Americas

New York, NY 10020
(212) 554-1365

Counsel for Defendants:

Thomas A. Foley
1905 Delaware Avenue
Wilmington, DE 19806
(302) 658-3077

John P. Deckers
800 North King Street
Suite 303
Wilmington, DE 19801
(302) 656-9850

2. *United States v. Poore*, No. 14-cr-56 (D. Del. 2014)

I led the prosecution of the office manager of a Dover small business for embezzling more than \$1 million from the business. The defendant pleaded guilty and was sentenced to 45 months in prison and ordered to pay restitution.

Dates of representation: 2014 – 2017

Judge:

Honorable Sue L. Robinson
United States District Court for the District of Delaware

Counsel for Defendant:

Eugene J. Maurer, Jr.
1201-A King Street
Wilmington, DE 19801
(302) 652-7900

3. *Damiani v. Duffy*, 277 F. Supp. 3d 692, 696 (D. Del. 2017), *aff'd*, 754 F. App'x 142 (3d Cir. 2018)

The incarcerated plaintiff alleged that a number of federal and state officers used excessive force in connection with his arrest for armed robbery. I represented the United States and one of the defendants, a New Castle County Police Department Detective who at the time of the arrest was serving as a Task Force Officer with the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives. I successfully obtained a dismissal of the claims against the United States and summary judgment in favor of my individual client. The Third Circuit later affirmed; I did not work on the appeal.

Dates of representation: 2014 – 2019

Judge:

Honorable Richard G. Andrews
United States District Court for the District of Delaware

Counsel for Co-defendants:

Michael F. McTaggart (formerly with State of Delaware Department of Justice)
United States Attorney's Office, District of Delaware
1313 North Market Street, Suite 400, P.O. Box 2046
Wilmington, DE 19801
(302) 573-6277

Rosamaria Tassone-DiNardo
City of Wilmington Law Department
Louis L. Redding City/County Building
800 North French Street, 9th Floor
Wilmington, DE 19801
(302) 576-2175

Plaintiff:

Pro Se

4. *United States v. Bolles*, No. 13-cr-120 (D. Del. 2013); *United States v. Gold*, 14-cr-29 (D. Del. 2014) (Robinson, J.)

I led the prosecution of two Delaware physicians in connection with their illegal distribution of controlled substances on the Silk Road website. Both defendants pleaded guilty and were sentenced to 60 months and 30 months in prison, respectively.

Dates of representation: 2013 – 2015

Judge:

Honorable Sue L. Robinson
United States District Court for the District of Delaware

Co-counsel for the United States:

Shawn Weede
United States Attorney's Office
1313 North Market Street, Suite 400, P.O. Box 2046
Wilmington, DE 19801
(302) 573-6277

Counsel for Defendants:

Thomas Dreyer
Chadds Ford Professional Center
6 Dickinson Drive, Building 100, Suite 106
Chadds Ford, PA 19317

(610) 358-4454

Daniel I. Siegel (formerly with Federal Public Defender's Office)
(Current contact information unknown)

5. *United States v. Boney*, 769 F.3d 153 (3d Cir. 2014); 634 Fed. App'x 894 (3d Cir. 2015).

Along with co-counsel, I represented the United States in two appeals from an individual defendant's criminal conviction and sentence for conspiracy to possess with intent to distribute cocaine, attempting to retaliate against an informant, and solicitation of a person to retaliate against an informant. In the first appeal, the defendant appealed his conviction and the government cross-appealed the district court's sentence. I argued for the United States before the Third Circuit. The Third Circuit affirmed the defendant's conviction but agreed with the government that the district court should have applied the attempted murder sentencing guideline. On remand, the district court sentenced the defendant to 272 months in prison. The defendant appealed his sentence and the Third Circuit affirmed without oral argument.

Dates of representation: 2013 – 2015

Judges:

Honorable D. Brooks Smith, Honorable Thomas I. Vanaskie, Honorable Delores Sloviter (first appeal)

Honorable Julio M. Fuentes, Honorable Patty Shwartz, Honorable Franklin Van Antwerpen (second appeal)

United States Court of Appeals for the Third Circuit

Co-counsel for the United States:

Jamie M. McCall (formerly with United States Attorney's Office)
Kessler Topaz Melter & Check, LLP
280 King of Prussia Road
Radnor, PA 19087
(610) 421-1535

Ilana H. Eisenstein (formerly with United States Attorney's Office)

DLA Piper
One Liberty Place
1650 Market Street
Suite 5000
Philadelphia, PA 19103
(215) 656-3351

Counsel for Defendant:

Raymond M. Radulski
John Williams, P.A.

1225 North King Street, Suite 700
Wilmington, DE 19801
(302) 658-9388

6. *United States v. Plumley*, No. 13-cr-33 (D. Del. 2013)

Along with co-counsel, I led the prosecution of the former Camden Town Manager and his co-conspirator in connection with a kickback scheme to defraud the state of Delaware of more than \$200,000. Both defendants pleaded guilty and were sentenced to 24 months in prison and probation, respectively. The defendants were also ordered to pay restitution.

Dates of representation: 2013 – 2014

Judge:

Honorable Richard G. Andrews
United States District Court for the District of Delaware

Co-counsel for the United States:

Shawn Weede
United States Attorney's Office
1313 North Market Street, Suite 400, P.O. Box 2046
Wilmington, DE 19801
(302) 573-6277

Counsel for Defendants:

Eleni Kousoulis
Federal Public Defender's Office
800 North King Street, Suite 200
Wilmington, DE 19801
(302) 573-6010

Joseph A. Hurley
1215 King Street
Wilmington, DE 19801
(302) 568-8980

7. *United States v. Lavenant*, No. 12-cr-28 (D. Del. 2012)

I was co-counsel in the prosecution of a drug dealer for conspiracy to distribute cocaine. The case went to jury trial and I handled certain witness examinations and presented the opening statement and closing argument. The jury found the defendant guilty. The defendant was ultimately sentenced to 293 months in prison.

Dates of representation: 2013 – 2014

Judge:

Honorable Richard G. Andrews
United States District Court for the District of Delaware

Co-counsel for the United States:

Robert F. Kravetz (formerly with United States Attorney's Office)
Bernstein Litowitz Berger & Grossmann LLP
1251 Avenue of the Americas
New York, NY 10020
(212) 554-1365

Counsel for Defendant:

Mark S. Greenberg (former counsel)
920 Lenmar Drive
Blue Bell, PA 19422
(267) 253-7933

The defendant proceeded *pro se* at trial.

8. *Foraker v. Potter*, No. 09-400 (D. Del. 2009)

Along with co-counsel, I defended the U.S. Postal Service on a claim of disability discrimination. The case went to jury trial and I served as co-counsel handling certain witness examinations and presenting the closing argument. The jury found for the U.S. Postal Service.

Dates of representation: 2012

Judge:

Honorable Richard G. Andrews
United States District Court for the District of Delaware

Co-counsel for Defendant:

Patricia C. Hannigan (formerly with the United States Attorney's Office)
(Retired)

Counsel for Plaintiff:

Alan B. Epstein
Jennifer Myers Chalal
Spector Gadon Rosen Vinci, P.C.
1635 Market Street, Seventh Floor
Philadelphia, PA 19103
(215) 241-8888

9. *Allergan, Inc. v. Barr Labs., Inc.*, 808 F. Supp. 2d 715 (D. Del. 2011), *aff'd*, 501 F. App'x 965 (Fed. Cir. 2013)

Allergan, Inc. sued Barr Laboratories, Inc. and its affiliates and Sandoz Inc. for infringement of certain patents relating to bimatoprost ophthalmic solution. I was a member of the trial team representing the plaintiff. There was a bench trial in 2011. I drafted pretrial motions, participated in the fact and expert discovery process, assisted with the trial strategy, and prepared the expert and fact witnesses for their testimony. After trial, the district court found that the patents were valid and infringed. The Court of Appeals for the Federal Circuit affirmed; I did not work on the appeal.

Dates of representation: 2009 – 2011

Judge:

Honorable Sue L. Robinson
United States District Court for the District of Delaware

Co-counsel for Plaintiff

William J. Marsden, Jr. (deceased)
Douglas Edward McCann
Fish & Richardson, P.C.
222 Delaware Avenue, 17th Floor
P.O. Box 1114
Wilmington, DE 19899
(302) 652-5070

Juanita Brooks
Jonathan E. Singer
W. Chad Shear
Fish & Richardson, P.C.
12860 El Camino Real, Suite 400
San Diego, CA 92130
(858) 678-5070

Deanna Reichel
Fish & Richardson, P.C.
60 South Sixth Street
3200 RBC Plaza
Minneapolis, MN 55402
(612) 766-2037

Jeffrey T. Thomas
Gibson, Dunn & Crutcher LLP
3161 Michelson Drive, Suite 1200
Irvine, CA 92612
(949) 451-3967

Counsel for Defendants:

George C. Lombardi
Winston & Strawn LLP
353 West Wacker Drive
Chicago, IL 60601
(312) 558-5969

Thomas J. Filarski (formerly with Brinks Hofer Gilson & Lione)
Steptoe & Johnson LLP
227 West Monroe Street, Suite 4700
Chicago, IL 60606
(312) 577-1252

10. *In re Cyclobenzaprine Hydrochloride Extended-Release Capsule Pat. Litig.*, 794 F. Supp. 2d 517 (D. Del. 2011), *aff'd in part, vacated in part, rev'd in part*, 676 F.3d 1063 (Fed. Cir. 2012)

Beginning in 2008, Cephalon Inc., Eurand, Inc., and Anesta AG sued multiple generic drug manufacturers for infringement of certain patents relating to extended-release cyclobenzaprine hydrochloride products. I was a member of the trial team representing the plaintiffs. There was a bench trial against four of the defendants in 2010. I drafted pretrial motions, participated in the fact and expert discovery process, assisted with the trial strategy, and prepared the expert and fact witnesses for their testimony. After trial, the district court found that the patents were infringed but invalid. The district court's invalidity finding was later reversed on appeal.

Dates of representation: 2008 – 2011

Judge:

Honorable Sue L. Robinson
United States District Court for the District of Delaware

Co-counsel for Plaintiffs

William J. Marsden, Jr. (deceased)
Douglas Edward McCann
Jaclyn Michele Mason
Susan E. Morrison
Robert M. Oakes
Fish & Richardson, P.C.
222 Delaware Avenue, 17th Floor
P.O. Box 1114
Wilmington, DE 19899
(302) 652-5070

Juanita Brooks
Jonathan E. Singer
Geoffrey D. Biegler

Fish & Richardson, P.C.
12860 El Camino Real, Suite 400
San Diego, CA 92130
(858) 678-5070

John R. Lane
Fish & Richardson, P.C.
909 Fannin Street, Suite 2100
Houston, TX 77010
(713) 654-5307

Tryn T. Stimart (formerly with Cooley Godward Kronish LLP)
AbCellera Biologics
(Current contact information unknown)

Counsel for Defendants:

James H. Wallace, Jr. (formerly with Wiley Rein LLP)
(Current contact information unknown)

Mark A. Pacella (formerly with Wiley Rein LLP)
U.S. Department of Justice
Environmental and Natural Resources Division
150 M Street, Northeast
Washington, DC 20002
(202) 514-3126

George C. Lombardi
Winston & Strawn LLP
353 West Wacker Drive
Chicago, IL 60601
(312) 558-5600

Donald Mizerk
Husch Blackwell
120 South Riverside Plaza, Suite 2200
Chicago, IL 60606
(312) 526-1546

Daralyn J. Durie (formerly with Durie Tangri)
Morrison & Foerster LLP
425 Market Street
San Francisco, CA 94105
(415) 268-6055

18. **Legal Activities:** Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not

involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

As the Civil Chief in the United States Attorney's Office, I was involved in a supervisory capacity in numerous matters in which I did not enter a formal appearance. During my tenure at the United States Attorney's Office, I was lead counsel and/or the supervisory attorney in more than two hundred civil and criminal investigations and litigations.

As an attorney, I served as the co-chair of the Delaware Federal Trial Practice Seminar from 2016 to 2019. The seminar is a multi-week instructional trial practice program for lawyers with less than 10 years of practice experience who have an interest in regularly litigating in the district court in Delaware. My duties as co-chair included the selection of speakers and mentors, interviewing and selecting participants, leading discussions, and providing constructive criticism and feedback to the participants.

I have not performed any lobbying activities 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.

Legal Writing, University of Pennsylvania Law School, 2005 – 2006. I taught legal writing to a section of first-year law students. I am unable to locate a copy of the syllabus.

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.

None.

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.

None.

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).

When my nomination is formally submitted to the Senate, I will file my Financial Disclosure Report and will supplement this Questionnaire with a copy of that Report.

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

See attached Net Worth Statement.

24. **Potential Conflicts of Interest**:

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

If confirmed as a district judge, I would continue my practice of automatically recusing myself from all cases and matters of which I had knowledge that were pending before the United States Attorney's Office for the District of Delaware at the time I left that office in 2019.

- 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 review and address the propriety of recusal or another action to address a conflict of interest by reference to 28 U.S.C. § 455, the Code of Conduct for United States Judges, and all other laws, rules, and practices governing recusal and conflicts of interest.

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.

Most of my professional career has been in government service. As law clerk, a government attorney, and a magistrate judge, I have been restricted from performing *pro bono* legal work for clients. As a magistrate judge, I have organized three continuing legal education events to encourage attorneys to participate in *pro bono* legal services for survivors of domestic violence, dating violence, and sexual abuse.

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 January 31, 2023, I submitted a letter of interest, curriculum vitae, references, and a completed questionnaire to Senators Carper and Coons in response to their January 23, 2023, announcement seeking applications for District Judge for the District of Delaware. On March 3, 2023, I was interviewed by a nominating commission appointed by Senators Carper and Coons. On March 17, 2023, I was interviewed by Senators Carper and Coons. On March 24, 2023, I was contacted by an attorney from the White House Counsel's Office to schedule an interview. I interviewed with that office on March 27, 2023. On April 5, 2023, that office informed me that they would be continuing the process to consider me for a vacancy. Since April 5, 2023, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On June 28, 2023, the President announced his intent to nominate me.

- 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.