

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR NON-JUDICIAL NOMINEES

PUBLIC

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

Matthew Dean Krueger

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

United States Attorney for the Eastern District of Wisconsin

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

United States Attorney's Office
Eastern District of Wisconsin
517 E. Wisconsin Avenue, Room 530
Milwaukee, WI 53202

Residence: Whitefish Bay, WI

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

1978; Milwaukee, Wisconsin

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.

University of Minnesota Law School, 2003–2006
J.D., *summa cum laude*, 2006

University of Wisconsin–Madison, 1996–2000
B.S. in Political Science and Certificate in Business, with Honors, 2000

University of Edinburgh, Scotland, 1998
Visiting student in Politics Department, no degree received

6. **Employment Record**: List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation

from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

United States Attorney's Office for the Eastern District of Wisconsin
517 E. Wisconsin Avenue, Room 530
Milwaukee, WI 53202
Assistant United States Attorney, Criminal Division, October 2015–Present
Criminal Healthcare Fraud Coordinator, October 2015–Present
Assistant United States Attorney, Civil Division, May 2013–October 2015
Affirmative Civil Enforcement Coordinator, May 2013–October 2015

Sidley Austin LLP
1501 K Street NW
Washington, DC 20005
Associate, October 2008–April 2013

Office of the Solicitor General
United States Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530
Bristow Fellow, August 2007–August 2008

The Honorable Paul V. Niemeyer
United States Court of Appeals for the Fourth Circuit
101 W. Lombard Street
Baltimore, MD 21201
Law Clerk, August 2006–August 2007

University of Minnesota Law School
229 19th Avenue South
Minneapolis, MN 55455
Research Assistant, June 2006–July 2006
Legal Writing Instructor, September 2004–May 2005

Covington & Burling, LLP
850 Tenth Street NW
Washington, DC 20001
Summer Associate, May 2005–July 2005

Southwest Minnesota Regional Legal Services
450 N. Syndicate Street, Suite 285
St. Paul, MN 55104
Law Clerk, May 2004–August 2004

Office of State Senator Alberta Darling
Room 317 East, State Capitol

Madison, WI 53707
Legislative Aide, September 2001–March 2003

Sojourners/Call to Renewal
408 C Street NE
Washington, DC 20002
Public Policy Intern, September 2000–August 2001

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

I have not served in the U.S. Military. I have registered for selective service.

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

University of Wisconsin–Madison
Academic Excellence Scholarship, 1996–2000
Phi Beta Kappa, 1998 (est.)
Pi Sigma Alpha, 1999 (est.)
Trewartha Grant for Honors Senior Thesis, 2000
College of Letters & Science Honors Program, 2000

University of Minnesota Law School
Best Brief Award, 1L Legal Writing, 2004
Editor-in-Chief, Minnesota Law Review, 2005–2006
Sidney J. Kaplan Merit Scholarship, 2006

Office of Solicitor General, United States Department of Justice
Bristow Fellowship, 2007–2008

Sidley Austin LLP
Vincent L. Prado Pro Bono Awards, 2008, 2009, 2010 and 2011

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
Member, intermittently 2008–2016

District of Columbia Bar
Member, 2008–Present

Eastern District of Wisconsin Bar Association
Member, 2013–Present
Civil Committee Co-Chair, 2015–2016
Newsletter Committee Member, 2013–2015

Seventh Circuit Bar Association
Member, 2013–2015

United States Attorney's Office
Health Care Fraud Task Force Member, 2013–Present

Virginia State Bar
Associate Member, 2014–Present
Active Member, 2006–2014

Wisconsin State Bar
Active Member, 2014–Present

10. **Bar and Court Admission:**

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

District of Columbia Bar
Member, 2008–Present

Virginia State Bar
Associate Member, 2014–Present
Active Member, 2006–2014

Wisconsin State Bar
Active Member, 2014–Present

- 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.

Federal Courts

Supreme Court of the United States, Admitted November 29, 2010, Active
U.S. Court of Appeals for the First Circuit, Admitted December 3, 2007, Active
U.S. Court of Appeals for the Second Circuit, Admitted February 13, 2013, Active
U.S. Court of Appeals for the Third Circuit, Admitted January 6, 2011, Voluntarily Inactive (since April 28, 2017)

U.S. Court of Appeals for the Fourth Circuit, Admitted May 23, 2007, Active
U.S. Court of Appeals for the Seventh Circuit, Admitted May 17, 2013, Active
U.S. Court of Appeals for the Tenth Circuit, Admitted August 13, 2012, Active
U.S. Court of Appeals for the D.C. Circuit, Admitted March 15, 2011, Active
U.S. District Court for the District of Maryland, Admitted May 3, 2007,
Voluntarily Inactive (since July 1, 2013)
U.S. District Court for the Eastern District of Wisconsin, Admitted May 9, 2013,
Active

My memberships in the Third Circuit and District of Maryland lapsed because I chose not to renew them.

State Courts

District of Columbia Court of Appeals, Admitted, March 7, 2008, Active
Virginia Supreme Court, Admitted, December 1, 2006, voluntarily converted to associate status on September 17, 2013, due to no longer practicing in Virginia
Wisconsin Supreme Court, Admitted, June 19, 2014, Active

Except as noted above, 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.

U.S. Attorney's Office Internship Program, Milwaukee, WI (2014–Present)
Co-Coordinator of Law Intern Program

Thomas Fairchild Inn of Court, Milwaukee, WI (2013–Present)
Barrister, 2015–Present
Associate, 2013–2015
Program Committee Member, 2015–Present
Pupilage Group Leader, 2015–Present

Milwaukee Art Museum, Milwaukee, WI (2013–Present)

Schlitz Audubon Nature Center, Bayside, WI (2013–Present)

Federalist Society (intermittently 2005–Present)

University of Wisconsin Alumni Association (2000–Present)

Wisconsin Athletic Club, Glendale, WI (2016–2017)

Edward Coke Appellate Inn of Court, Washington, DC (2011–2013)

In addition, I have made financial contributions to charitable organizations over the years. Such organizations may list me as a member by virtue of my financial contribution. I have not listed above any organizations to which I gave funds and did not otherwise participate in programmatic activities.

- b. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

To my knowledge, none of the organizations 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.

I have done my best to identify all books, articles, reports, letters to the editor, editorial pieces and other published material, including through a review of my personal files, and searches of publicly available electronic databases. Despite my searches, there may be other materials that I have been unable to identify, find, or remember. I have located the following:

Handling Jury Instructions With Care, Circuit Rider (2014) (with A.J. Peterman). Copy supplied.

General Session Overview: The Times They Are a Changin', Newsletter of the Eastern District of Wisconsin Bar Association (2014). Copy supplied.

Federal District Court Denies Relator's Bid for Expedited Discovery of Documents Produced to DOJ During Investigation, Sidley Austin LLP's Original Source Blog (April 16, 2013) (with Gordon Todd). Copy supplied.

New York Files False Claims Suit Against Sprint Alleging Tax Evasion, Sidley Austin LLP's Original Source Blog (April 23, 2012) (with Gordon Todd). Copy supplied.

In Search of the Modern Skidmore Standard, 107 COLUM. L. REV. 1235 (2007) (with Kristin Hickman). Copy supplied.

Note, *Respecting Religious Liberty: Why RLUIPA Does Not Violate the Establishment Clause*, 89 MINN. L. REV. 1179 (2005). 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.

I have done my best to identify any reports, memoranda, or policy statements I prepared or contributed to, including through a review of my personal files and searches of publicly available electronic databases. Despite my searches, I have not identified any responsive materials, and there may be other materials I have been unable to identify, find, or remember.

- 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.

I have done my best to identify any testimony, official statements, or other communications related, in whole or in part, to matters of public policy or legal interpretation, including a thorough review of my personal files and searches of publicly available electronic databases. Despite my searches, I have not identified any responsive communications, and there may be other materials I have been unable to identify, find, or remember.

- 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 done my best to identify transcripts or recordings of all speeches or talks delivered, including through a review of personal files and searches of publicly available electronic databases. I occasionally speak without notes or speak from a handwritten outline without retaining the outline. Despite my searches, there may

be other materials I have been unable to identify, find, or remember. I have located the following:

September 15, 2017, Co-Presenter
Everything a Healthcare Executive Needs to Know About the Anti-Kickback Statute
Healthcare Financial Management Association – Wisconsin Chapter
22 S. Carroll Street
Madison, WI
PowerPoint presentation supplied

February 7, 2017, Co-Presenter
Healthcare Fraud Charging Statutes
FBI Office
Milwaukee, WI
Training for federal and state law enforcement agents
PowerPoint presentation supplied

January 12, 2017, Panel Member
Electrifying Your Foundation: Laying a Foundation for Electronic Exhibits
Presentation to the Fairchild Inn of Court
424 East Wells Street
Milwaukee, WI 53202
Outline distributed with presentation supplied

November 15, 2015, Panel Member
Presenting Legal Authority Effectively
Presentation to the Fairchild Inn of Court
424 East Wells Street
Milwaukee, WI 53202
Outline distributed with presentation supplied

January 15, 2015, Panel Member
Fee-Shifting Rules and Practice
Presentation to the Fairchild Inn of Court
424 East Wells Street
Milwaukee, WI 53202
Copy not available

March 13, 2014, Panel Member
Nuts and Bolts of Subpoenas
Presentation to the Fairchild Inn of Court
424 East Wells Street
Milwaukee, WI 53202
Copy not available

February 26, 2014
Federal Fraud Prosecution
Association of Certified Fraud Examiners
19395 Capitol Drive Suite L08
Brookfield, WI 53045
Outline of remarks supplied

- 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.

I have done my best to identify all interviews given, including through a review of personal files and searches of publicly available electronic databases. Despite my searches, there may be other materials I have been unable to identify, find or remember. I have located the following:

October 2013
Eastern District of Wisconsin Bar Association Newsletter
New Faces at U.S. Attorney's Office.
Copy supplied

2005 (est.)
University of Minnesota Law School Alumni Magazine
Student Profile
Copy not available

13. 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.

- 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.

Volunteer, Wisconsin Republican State Senate Committee (2002). I volunteered for a committee that supported state senate campaigns. Responsibilities included coordinating mailings and making phone calls to solicit volunteers.

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

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

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

I served as a clerk to the Honorable Paul V. Niemeyer, United States Court of Appeals for the Fourth Circuit, 2006–2007

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

I have not 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.

United States Attorney's Office for the Eastern District of Wisconsin
517 E. Wisconsin Avenue, Room 530
Milwaukee, WI 53202
Assistant United States Attorney, May 2013–Present

Sidley Austin LLP
1501 K Street NW
Washington, DC 20005
Associate, October 2008–April 2013

Office of the Solicitor General
United States Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530
Bristow Fellow, August 2007–August 2008

- 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 not 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.

After serving as a law clerk to Judge Paul V. Niemeyer on the United States Court of Appeals for the Fourth Circuit, I served as a Bristow Fellow in the Office of the Solicitor General, United States Department of Justice. I assisted the Office in representing the United States before the Supreme Court and reviewing requests by U.S. Attorney's Offices to appeal adverse district court decisions. I also briefed and argued a federal criminal case in the First Circuit.

In 2008, I joined Sidley Austin LLP in its Washington, D.C. office. As a litigation and appellate associate, I conducted legal research; drafted memoranda, briefs, and pleadings; litigated preliminary injunction requests; engaged in discovery practices; prepared for trials; assisted in settlement negotiations; and assisted in appeals. The cases spanned a wide variety of legal matters, including administrative law, commercial disputes, environmental issues, securities fraud, products liability, and criminal law.

In 2013, I joined the U.S. Attorney's Office in Milwaukee, WI, as an Assistant United States Attorney in the Civil Division. I handled investigations and civil litigation under the False Claims Act involving parties who submitted false claims to federal programs. I also defended the United States in civil litigation.

In 2015, I transferred to the Criminal Division of the U.S. Attorney's Office where I currently lead criminal investigations and prosecutions for violations of federal laws. These cases have involved firearm crimes, drug crimes, and white collar crimes. I currently serve as the Criminal Healthcare Fraud Coordinator for the Eastern District of Wisconsin. Since joining the U.S. Attorney's Office, I have briefed and argued five cases in the Seventh Circuit.

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

As a Bristow Fellow in the Office of the Solicitor General, my sole client was the United States.

At Sidley Austin LLP, I represented a wide variety of clients including individuals, corporations, trade associations, and Indian tribes. Clients included a telecommunications company, a dietary supplement maker, and an energy trade association. As a member of the firm's Litigation and Appellate Litigation groups, my practice generally involved commercial and appellate litigation in federal and state courts around the country.

Since joining the United States Attorney's Office, my sole client has been

the United States. My practice generally involves investigations, prosecutions, and appeals of federal criminal cases, with an emphasis on white collar and healthcare fraud.

- 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.

At Sidley Austin LLP, as a litigation and appellate associate, my practice was 95% litigation and 5% advising clients on regulatory issues. I appeared in court occasionally.

Since joining the United States Attorney's Office, my practice has been 100% investigations and litigation. I appear in court frequently.

- i. Indicate the percentage of your practice in:

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

- ii. Indicate the percentage of your practice in:

2007–2015

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

2015–2017

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

- 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 three cases to verdict, one as lead counsel and two as associate counsel. In a fourth case, I was associate counsel, and the defendant agreed to plead guilty while the jury was deliberating. This does not include cases that reached judgment by way of summary judgment or other dispositive motions. I have argued seven appeals in federal and state appellate courts.

- i. What percentage of these trials were:

- | | |
|--------------|-----|
| 1. Jury: | 75% |
| 2. non-jury: | 25% |

- 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.

As a Bristow Fellow in the Office of the Solicitor General, I drafted over a dozen briefs opposing petitions for certiorari, principally in criminal cases, in the October 2007 term. Despite my searches, I am unable to identify those cases.

For approximately ten merits cases, I assisted attorneys in researching legal issues for their briefs or oral arguments. Although I cannot recall all such merits cases, I have identified certain of those merits cases below. I did not draft the United States' briefs in these cases but have supplied copies for the Committee's reference.

Federal Express Corp. v. Holowecki, 552 U.S. 389 (2007)

Riegel v. Medtronic, Inc., 552 U.S. 312 (2008)

Sprint/United Management Co. v. Mendelson, 552 U.S. 379 (2008)

United States v. Williams, 553 U.S. 285 (2008)

Plains Commerce Bank v. Long Family Long & Cattle Co., 554 U.S. 316 (2008)

Morgan Stanley Capital Group Inc. v. Public Utility 1, 554 U.S. 527 (2008)

As an associate at Sidley Austin LLP, I helped draft briefs filed before the Supreme Court at the certiorari or merits stages in 15 cases (copies supplied):

Petition for Writ of Certiorari and Reply Brief in Support of Writ of Certiorari, *VFJ Ventures, Inc. v. Surtees*, No. 08-916 (2009).

Petition for Writ of Certiorari, *Qualcomm Inc. v. Broadcom Corp.*, No. 08-1228 (2009).

Brief of the Cato Institute as *Amicus Curiae* in Support of Petitioners, *Arizona Free Enterprise Club v. Bennett*, 131 S. Ct. 2806 (2011).

Briefs of National Association of Criminal Defense Lawyers as *Amicus Curiae* in Support of Certiorari and in Support of Petitioners, *Barber v. Thomas*, 560 U.S. 474 (2010). Merits brief supplied.

Petition for Writ of Certiorari and Reply Brief in Support of Writ of Certiorari, *Bayer Schering Pharma AG v. Barr Laboratories, Inc.*, No. 09-1022 (2010).

Brief of Biotechnology Industry Organization as *Amicus Curiae* in Support of Petition for Certiorari, *Ferring B.V. v. Meijer, Inc.*, No. 09-1175 (2010).

Brief for Petitioners and Reply Brief for Petitioners, *Chamber of Commerce v. Whiting*, 131 S. Ct. 1968 (2011).

Briefs of DRI—Voice of the Defense Bar as *Amicus Curiae* in Support of Certiorari and in Support of Petitioners, *Wal-Mart Stores, Inc. v. Dukes*, 131 S. Ct. 2541 (2011). Merits brief supplied.

Brief of National Congress of American Indians and Federal Bar Association—Indian Law Section as *Amicus Curiae* in Support of Respondent, *United States v. Jicarilla Apache Nation*, 131 S. Ct. 2313 (2011).

Petition for a Writ of Certiorari and Reply Brief in Support of Petition for Writ of Certiorari, *Arctic Slope Native Association, Ltd. v. Sebelius*, No. 11-83 (2011).

Brief of Stewart Information Services Corp., Fidelity National Financial, Inc., and Old Republic National Title Insurance Co. as *Amicus Curiae* in Support of Petitioners, *First American Financial Corp. v. Edwards*, No. 10-708 (2011).

Brief of the United States Chamber of Commerce as *Amicus Curiae* in support of Petition for Certiorari, *Blackstone Medical, Inc. v. United States*, No. 11-269 (2011).

Brief for Respondents, *Salazar v. Ramah Navajo Chapter*, 132 S. Ct. 2181 (2012).

Brief of DRI—Voice of the Defense Bar in support of Petition for Certiorari, *Comcast Corp. v. Behrend*, 133 S. Ct. 1426 (2013).

Petition for Writ of Certiorari and Reply Brief in Support of Petition for Writ of Certiorari, *Sanchez v. United States*, No. 12-335 (2013).

15. **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. Stenson*
No. 16-CR-48 (E.D. Wis.)
The Honorable Pamela Pepper
Date of Representation: May 2017 to Present

Co-Counsel: Matthew Jacobs
Assistant United States Attorney
517 E. Wisconsin Avenue
Milwaukee, WI 53217
(414) 297-1700

Opposing Counsel
For Trulunda Stenson: Joshua Uller
Anderson Gansner
Federal Defender Services of Wisconsin
517 E. Wisconsin Avenue
Milwaukee, WI 53202
(414) 221-9900

The defendant in this case participated in a scheme to file approximately 90 fraudulent tax refund claims, including claims filed with stolen identities. I joined the case as co-counsel for the June 2017 trial. Before trial, I successfully defended against a motion to suppress witnesses' identifications of the defendant, handling the briefing and evidentiary hearing. After trial, the jury found the defendant guilty on all 34 counts. Sentencing will occur later this year.

2. *United States v. Forbes*
No. 16-CR-32 (E.D. Wis.)
The Honorable Pamela Pepper
Date of Representation: May 2016 to July 2017

Co-Counsel: Matthew Jacobs
Assistant United States Attorney
517 E. Wisconsin Avenue
Milwaukee, WI 53217
(414) 297-1700

Opposing Counsel
For Paula Forbes: Odalo Ohiku
633 W. Wisconsin Avenue, #1930
Milwaukee, WI 53202
(414) 287-0088

The defendant in this case conspired with others to file dozens of fraudulent tax refund claims. I took over as lead counsel when the prosecutor who originally indicted the case left the office. I obtained a superseding indictment that charged 13 counts after identifying additional offenses and evidence. With an associate counsel, I tried the case to a jury in January 2017. The jury found the defendant guilty on all counts, and the Court imposed a sentence of 24 months of incarceration and full restitution.

3. *United States v. Weiland*

No. 14-CV-1434 (E.D. Wis.)

The Honorable William Griesbach

Date of Representation: July 2013 to February 2017

Co-Counsel: None

Opposing Counsel

For Joseph Weiland:

Brent Nistler
Nistler Law Office, s.c.
7000 W. North Avenue
Wauwatosa, WI 53213
(414) 763-1147

Opposing Counsel

For Co-Owner

Jitendra Shah:

Michelle Jacobs
Biskupic & Jacobs, S.C.
1045 W. Glen Oaks Lane, Suite 106
Mequon, WI 53092
(262) 241-0033

I represented the United States in this civil suit against an individual for violating the False Claims Act. The defendant was the former co-owner of a company who made fraudulent representations to the Small Business Administration (SBA) to certify his company under a program designed to spur development in historically underutilized business zones. Using that certification, the defendant and co-owner fraudulently obtained over \$1.9 million in defense procurement contracts. Beginning in 2013, a criminal prosecutor and I led parallel civil and criminal investigations into the fraudulent scheme. We reached a favorable civil settlement with the co-owner in 2015. I filed suit against the defendant in December 2015 and pursued the case through discovery, preparing and disclosing expert witnesses, and deposing the defendant. After mediation, we reached a favorable settlement, and Chief Judge Griesbach entered a consent judgment in the United States' favor in February 2017. In addition, the defendant pleaded guilty to a felony offense.

4. *United States v. Diggins*

No. 15-CR-200 (E.D. Wis.)

The Honorable Lynn Adelman

Dates of Representation: May 2016 to October 2016

Co-Counsel: Mel Johnson
Assistant United States Attorney
517 E. Wisconsin Avenue
Milwaukee, WI 53217
(414) 297-1700

Opposing Counsel
For Ezzard Diggins: Craig Albee
Federal Defender Services of Wisconsin
517 E. Wisconsin Avenue
Milwaukee, WI 53202
(414) 221-9900

I represented the United States as co-counsel in this criminal prosecution of an individual for being a felon in possession of a firearm. I tried the case as co-counsel in July 2016. The trial concerned whether the defendant had possessed a firearm found along the path the defendant followed in fleeing from police. After the jury began deliberations, the defendant agreed to plead guilty pursuant to a plea agreement.

5. *United States ex rel. Ramos v. Watry Homes LLC*
No. 13-CV-926 (E.D. Wis.)
The Honorable J.P. Stadtmueller
Dates of Representation: July 2013 to October 2015

Co-Counsel: None

Opposing Counsel
For Watry Homes, LLC: Douglas Raines
von Briesen & Roper, s.c.
411 E. Wisconsin Avenue
Suite 1000
Milwaukee, WI 53202
(414) 287-1482

I represented the United States in this civil *qui tam* suit against a construction company and its owner for violating the False Claims Act. The defendants had obtained over \$3 million in subcontracts for federally funded housing projects that were subject to prevailing wage requirements. The defendants systematically falsified wage reports to conceal that they did not pay workers the prevailing wage. Beginning in 2013, a criminal prosecutor and I led parallel civil and criminal investigations into the fraudulent scheme. We negotiated a favorable global resolution, requiring the defendants to pay a civil penalty of \$1 million and approximately \$650,000 in restitution. In addition, the owner pleaded guilty to a felony offense.

6. *United States ex rel. Elangovan v. Medical College of Wisconsin*,
No. 12-CV-358 (E.D. Wis. 2015)
The Honorable Rudolph Randa
Dates of Representation: May 2013 to December 2014

Co-Counsel: None

Opposing Counsel

For MCW: Amy Schmidt Jones
Michael Best & Friedrich LLP
100 E Wisconsin Avenue, Suite 3300
Milwaukee, WI 53202
(414) 271-6560

I represented the United States in this civil *qui tam* action against the Medical College of Wisconsin (MCW) for violating the False Claims Act by billing Medicare for two neurosurgeon's operations that were being performed by residents without adequate supervision. Beginning in May 2013, I led an extensive investigation into the allegations. After presenting our findings to MCW, we reached a favorable civil settlement that required MCW to pay \$840,000 to the United States.

7. *Sierra Club v. Bostick*
539 Fed. Appx. 885 (10th Cir. 2013)
The Honorable Paul Kelly, Jr., Jerone Holmes, and William Martinez
No. 12-CV-742, 2012 WL 3230552 (W.D. Okla. 2012)
The Honorable David L. Russell
Dates of Representation: 2012 to April 2013

Co-Counsel: Peter Steenland
Sidley Austin LLP
1501 K Street NW
Washington, DC 20005
(202) 736-8532

Counsel for
United States as
Defendant:

Maureen E. Rudolph
Michele L. Walter
Environment & Natural Resources Division
U.S. Department of Justice
601 D Street NW
P.O. Box 7611
Washington, DC 20044
(202) 305-2332

Opposing Counsel

for Sierra Club: Doug Hayes
Eric E. Huber
Sierra Club Environment Law Program
1650 38th Street, Suite 102W
Boulder, CO 80301
(303) 449-5595

Beginning in 2012, I served as the lead associate in representing TransCanada PipeLines Limited as intervenor in defending against Clean Water Act and NEPA challenges to the U.S. Army Corps of Engineers' permits to construct an oil pipeline. The plaintiff sought a preliminary injunction to block construction. After a hearing, the district court denied the preliminary injunction request. The plaintiffs took an interlocutory appeal, and I drafted the company's brief in intervention and prepared a partner for oral argument. The Tenth Circuit affirmed denial of the injunction. In the meantime, district court proceedings continued, and the district court subsequently granted summary judgment against the plaintiff.

8. *Salazar v. Ramah Navajo Chapter*
132 S. Ct. 2181 (2012)

The Honorable John Roberts, Antonin Scalia, Anthony Kennedy, Clarence Thomas, Ruth Bader Ginsburg, Stephen Breyer, Samuel Alito, and Elena Kagan
Dates of Representation: January 2012 to June 2012

Co-Counsel:	Carter Phillips Jonathan Cohn Sidley Austin LLP 1501 K Street NW Washington, DC 20005 (202) 736-8000	Lloyd B. Miller Sonosky, Chambers, Sachse, Endreson & Perry LLP 1425 K Street NW, Suite 600 Washington, DC 20005 (202) 682-0240
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Opposing Counsel

for United States: Mark Freeman
Office of the Solicitor General
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530
(202) 514-2217

I served as the lead associate in representing a group of Indian tribes before the Supreme Court. The tribes had brought a class action suit against the U.S. Department of the Interior, claiming that the United States had breached its contracts with the tribes by failing to provide support costs for services such as education and law enforcement. The tribes had prevailed in the lower courts and hired Sidley Austin LLP as co-counsel in Supreme Court. The Supreme Court affirmed the decision,

adopting our arguments. This led to a \$940 million settlement with the United States in 2015.

9. *QVC, Inc. v. Your Vitamins*
439 Fed. Appx. 165 (3rd Cir. 2011)
The Honorable Dolores Sloviter, Julio Fuentes, and D. Michael Fisher
714 F. Supp. 2d 291 (D. Del. 2010)
The Honorable Sue Robinson
Dates of Representation: January 2010 to October 2012

Co-Counsel: Jonathan Cohn
Gordon Todd
Sidley Austin LLP
1501 K Street NW
Washington, DC 20005
(202) 736-8000

Opposing Counsel: Jonathan Moskin
Britton Payne
Foley & Lardner LLP
90 Park Avenue
New York, NY 10016-1314
(212) 338-3572

I served as the lead associate in representing Your Vitamins, which manufactures and sells dietary supplements on the Home Shopping Network. QVC started the litigation by seeking a preliminary injunction against Your Vitamins' advertising. Working with a partner, I coordinated efforts to produce expedited discovery, prepare our client's CEO for a deposition, and brief the preliminary injunction motion. After a hearing, the district court denied the motion, ruling in our favor. QVC took an interlocutory appeal, which the Third Circuit rejected in a favorable decision. The litigation continued in district court as we filed counterclaims against QVC for trademark violation and unfair competition, engaged in extensive discovery and motions practice, and reached a favorable settlement before trial.

10. *Carolina Power & Light, Co. v. Aspect Software, Inc.*
No. 08-CV-449, 2010 WL 2711393 (E.D.N.C.)
The Honorable Terrance W. Boyle
Dates of Representation: February 2009 to January 2011

Co-Counsel: James Bendernagel
Ronald Flagg
Sidley Austin LLP
1501 K Street NW
Washington, DC 20005
(202) 736-8000

Counsel For
Aspect Software: Andrew Monach
Marcelo Guerra
Morrison & Foerster LLP
425 Market Street
San Francisco, CA 94105
(415) 268-7000

Counsel For
Carolina Power
& Light, Co.: Charles Woody
Jeffrey Patton
110 Oakwood Drive, Suite 500
Winston-Salem, NC 27103
(336) 725-4491

I served as the lead associate in representing Bellsouth Communication Systems, LLC, a subsidiary of AT&T. The plaintiff, an electric utility, asserted indemnification claims against Bellsouth and another defendant after the plaintiff had settled a patent infringement suit related to customer call center equipment that the defendants had sold to the plaintiff. After extensive motions practice and discovery, we obtained summary judgment against the co-defendant. We then prepared to try the case against the plaintiff and reached a favorable settlement shortly before the trial was to begin.

16. **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 detailed in answers to Question 15 above, I have represented clients in significant civil and criminal litigation on a range of legal issues in multiple different federal courts.

In addition, as an Assistant United States Attorney, I have represented the United States in conducting investigations with federal law enforcement agencies to determine whether to initiate charges or litigation. These have included long-term, complex investigations into allegations that individuals or corporations have violated the False Claims Act or various federal criminal laws.

As the Affirmative Civil Enforcement Coordinator and now as the Criminal Healthcare Fraud Coordinator, I have helped coordinate periodic Healthcare Fraud Task Force meetings with law enforcement agencies and stakeholders. In recent years, I have helped the Task Force focus on providers who are prescribing high levels of opioids.

Both in private practice at Sidley Austin LLP and now in the U.S. Attorney's Office, I have devoted significant efforts to training and mentoring of other attorneys. I have presented trainings on a variety of topics, including effective research and writing, procurement fraud, and Supreme Court case reviews. I have presented training on evidentiary issues at the U.S. Department of Justice's National Advocacy Center.

I have not performed lobbying activities on behalf of clients.

17. **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 co-taught Legal Writing at the University of Minnesota Law School, Minneapolis, MN, 2004–2005. The course addressed the basics of legal analysis and writing. Syllabus not available.

18. **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.

19. **Outside Commitments During 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.

No.

20. **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 my SF-278 as provided by the Office of Government Ethics.

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

See attached net worth statement.

22. Potential Conflicts of Interest:

- a. Identify the family members or other persons, parties, affiliations, pending and categories of litigation, financial arrangements or other factors 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.

In connection with the nomination process, I have consulted with the Office of Government Ethics and the Department of Justice's designated agency ethics official to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I have entered with the Department's agency ethics official.

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

In the event of a potential conflict of interest, I will consult with the ethics officials in the Executive Office of the United States Attorneys, Department of Justice.

- 23. 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. If you are not an attorney, please use this opportunity to report significant charitable and volunteer work you may have done.

My current position as an Assistant United States Attorney is devoted to public service. In addition, I participate in activities that aim to improve the law and the legal profession. Specific activities include: (i) Serving on the Program Committee and leading a Pupilage Group for the Thomas Fairchild Inn of Courts, which fosters mentoring relationships and presents legal-education programs. (ii) Serving as the Co-Coordinator of the Law Intern Program for the United States Attorney's Office. In this role, I help recruit, select, and supervise the law students who serve as voluntary law interns, mentoring them and providing them with meaningful feedback.

In each of my full years at Sidley Austin LLP, I devoted more than 50 hours, and in some years, more than 150 hours, to pro bono engagements. Specific engagements included: (i) Representing an indigent individual who had been convicted of aiding and abetting homicide after a two-month, multi-defendant trial. I represented him in post-trial proceedings and his direct appeal. Because of the complexity and length of the trial, the representation lasted two-and-a-half years and required over 200 hours of pro bono time. (ii) Representing the National Association of Criminal Defense Lawyers in support of

petitioners challenging the U.S. Bureau of Prison's methodology for calculating federal prisoners' credit for good behavior in *Barber v. Thomas*, 560 U.S. 474 (2010).