

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR NON-JUDICIAL NOMINEES

PUBLIC

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

Matthew (“Matt”) Grady Therman Martin

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

United States Attorney for the Middle District of North Carolina

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.

410 South Wilmington Street
Raleigh, North Carolina 27601

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

1979; Wright Patterson Air Force Base, Ohio

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 North Carolina at Chapel Hill School of Law (2001 – 2004)
J.D., with high honors, 2004

University of North Carolina at Chapel Hill (1997 – 2001)
B.S., with honors and highest distinction, 2001

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.

Duke Energy Corporation (compensated)
410 South Wilmington Street
Raleigh, North Carolina 27601
Associate General Counsel, May 2013 – present

Marbles Kids Museum, Inc. (uncompensated)
201 East Hargett Street
Raleigh, North Carolina 27601
Member, Board of Directors, July 2014 – present
Chair, Board and Governance Committee, July 2016 – present
Secretary, July 2015 – June 2016

Food Bank of Central and Eastern North Carolina, Inc. (uncompensated)
1924 Capitol Boulevard
Raleigh, North Carolina 27604
Member, Board of Directors, July 2008 – June 2017
Secretary, July 2016 – June 2017
Treasurer, July 2015 – June 2016
Chair, Audit Committee, July 2010 – June 2015

Wake County Planning Board (received \$25 per diem stipend for each meeting day)
Wake County Government
Post Office Box 550
Raleigh, North Carolina 27602
Member, March 2010 – March 2016
Chair, April 2012 – April 2015
Chair, Code and Operations subcommittee, April 2011 – April 2012

Meals on Wheels of Wake County, Inc. (uncompensated)
1001 Blair Drive, Suite 100
Raleigh, North Carolina 27603
Member, Board of Directors, July 2008 – June 2014
Chair, Strategic Planning Committee, July 2011 – June 2013

Lifting Individuals and Families to Excel, Inc. (uncompensated)
2519 South Roxboro Street
Durham, North Carolina 27707
Member, Board of Directors, 2010 – 2013

Smith Anderson Blount Dorsett Mitchell & Jernigan, LLP (compensated)
2300 Wells Fargo Capitol Center
Raleigh, North Carolina 27601
Partner, January 2013 – May 2013
Associate, February 2006 – December 2012
Summer Associate, July 2003 – August 2003; July 2002 – August 2002

Youth Life Foundation of the Triangle, Inc. (uncompensated)
2519 South Roxboro Street
Durham, North Carolina 27707
Member, Board of Directors, 2007 – 2012

Chair, Board of Directors, 2008 – 2011

Covington & Burling, LLP (compensated)
One CityCenter 850 Tenth Street, NW
Washington, District of Columbia 20001
Associate, September 2004 – February 2006
Summer Associate, May 2003 – July 2003

Brooks Pierce McLendon Humphrey & Leonard, LLP (compensated)
1700 Wells Fargo Capitol Center
Raleigh, North Carolina 27601
Summer Associate, May 2002 – June 2002

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.

North Carolina Super Lawyers (Rising Star – 2011, 2013)
Business North Carolina Legal Elite (Young Gun – 2012)
Awarded High Honors with Juris Doctor degree (2004)
Editor in Chief, *North Carolina Law Review*, Volume 82 (2003 – 2004)
Order of the Coif (2004)
Gressman-Pollitt Award for Oral Advocacy (2001)
Awarded Honors and Highest Distinction with Bachelor of Science degree (2001)

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.

North Carolina Bar Association, 2005 – present
 Judicial Independence Committee, 2015 – present
 Professionalism Committee, 2011 – present
 Construction Law Section, 2005 – present
 Construction Council (section governing body), 2013 – 2016
 Chair, Practical Skills Committee, 2011 – 2013
 Litigation Section, 2005 – present
 Real Property Section, 2005 – 2016
 Young Lawyers Division, 2005 – 2016

Wake County Bar Association, 2006 – present

American Bar Association, 2009 – 2015

Wake County Real Property Lawyers Association, 2006 – 2013

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.

North Carolina State Bar, admitted 2004 (no membership lapses)

District of Columbia Bar, admitted 2004 (membership voluntarily withdrawn 2012 because no longer practicing in Washington, D.C.)

Tenth Judicial District Bar, 2006 – present (no membership lapses)

- 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 District Court for the District of Columbia (admitted 2005, suspended as of 2008 because I chose not to renew)

United States District Court for the Eastern District of North Carolina (admitted 2008)

United States District Court for the Middle District of North Carolina (admitted 2016)

United States District Court for the Western District of North Carolina (admitted 2013)

All North Carolina courts (admitted 2004)

All District of Columbia courts (admitted 2004, membership voluntarily withdrawn 2012 because no longer practicing in Washington, D.C.)

Except as noted, there have been no membership lapses.

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.

Lakemont Swim and Tennis Club, 2013 – present

Swim Team parent volunteer, 2014 – present

Marbles Kids Museum, 2012 – present
 Board of Directors, 2014 – present
 Chair, Board Governance Committee, 2016 – present
 Secretary, 2015 – 2016

YMCA of the Triangle Y-Guides Program, 2010 – present
 Chief of Y-Princess Tribe, 2013 – 2017

Wake County Republican Party, 2006 – present
 House District 34 Chair, 2010
 Precinct Chair, 2011 – 2012

UNC General Alumni Association, 2001 – present

North Carolina Republican Party, 1997 – present
 North Carolina Republican Party Executive Committee, 2007 – 2011
 Thirteenth District Republican Party Executive Committee, 2007 – 2011
 Finance Director, 2007 – 2011

Food Bank of Central and Eastern North Carolina
 Board of Directors, 2008 – 2017
 Secretary, 2016 – 2017
 Treasurer, 2015 – 2016
 Chair, Audit Committee, 2010 – 2015

Upward Basketball, Trinity Baptist Church, 2015 – 2017
 Coach, 2016 – 2017

Duke Energy Leadership Development Network, 2013 – 2016
 Chair, Triangle Chapter, 2015 – 2016
 Programs Committee Chair, Triangle Chapter, 2014 – 2015

Wake County Planning Board, 2010 – 2016
 Chair, 2012 – 2015
 Code and Operations Committee Chair, 2011 – 2012

Meals on Wheels of Wake County, 2008 – 2014
 Board of Directors, 2008 – 2014
 Strategic Planning Committee Chair, 2011 – 2013

Ram's Club at the University of North Carolina at Chapel Hill, 2001 – 2014

Lifting Individuals and Families to Excel, 2010 – 2013
 Board of Directors, 2010 – 2013

Youth Life Foundation of the Triangle, 2007 – 2012
Board of Directors, 2007 – 2012
Chair, 2008 – 2011

Wake County Young Republicans, 2006 – approximately 2010

Wake County UNC Young Alumni Council, 2006 – 2008

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, I am not a member of any organization that currently discriminates or has discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies during my affiliation with the organization.

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:

Toward a Leaner and Cleaner Practice - A Professional Responsibility to Innovate?, Manuscript accompanying North Carolina Bar Association Professionalism Committee Continuing Legal Education presentation, December 5, 2014. Copy supplied.

Recent Changes to North Carolina Mechanics Lien & Payment Bond Law, Change Order (a publication of the North Carolina Bar Association), February

2013. Copy supplied.

Changes to North Carolina Lien and Bond Law – What You Need to Know, Smith Anderson “Client Alert,” July 2012. Copy supplied.

Highlights of a Construction Law Practice: Legal Issues Arising from the Design, Procurement, Performance, Payment, and Occupancy of a Construction Project, Manuscript accompanying Practical Skills Construction Law Continuing Legal Education presentation, September 2011. Copy supplied.

Highlights of a Construction Law Practice: Legal Issues Arising from the Design, Procurement, Performance, Payment, and Occupancy of a Construction Project, Manuscript accompanying Practical Skills Construction Law Continuing Legal Education presentation, September 16, 2010. Copy supplied.

True Threats, Militant Activists, and the First Amendment, 82 N.C.L.Rev. 280 (2003). Copy supplied.

I served as Editor-in-Chief of Volume 82 of the North Carolina Law Review, so I was involved in editing the articles included in Volume 82 as well as Issue 6 of Volume 81. Copies of all articles published in Volume 82 and Issue 6 of Volume 81 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.

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, 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, 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 frequently speak without notes or speak from a PowerPoint or outline. I have retained some, but not all, of the PowerPoints. I did not retain the majority of the outlines and have attached all that I could find. Despite my searches, there may be other materials I have been unable to identify, find, or remember. I have located the following:

December 5, 2014

Leaner and Cleaner Practice: An Interactive Discussion

Continuing Legal Education seminar sponsored by the Professionalism

Committee of the North Carolina Bar Association

Cary, North Carolina

A video recording of this presentation is available on the website of the North Carolina Bar Association at

<http://gateway.ncbar.org/store/seminar/seminar.php?seminar=45894>

September 26, 2014

Perspectives from an In-House Counsel and Former Construction Litigator

Continuing Legal Education seminar sponsored by South Carolina Bar Association

Hilton Head, South Carolina

PowerPoint presentation supplied.

2014

On the following two occasions, I spoke on behalf of then-Justice Mark Martin during his campaign to serve as Chief Justice of the Supreme Court of North Carolina:

1. February or March 2014

County Convention for Sampson County GOP

Sampson County Courthouse, Clinton, NC

The subject matter of the speech concerned the importance of the state judiciary and an request to vote for Justice Martin.

Copy not available.

2. April 5, 2014

Lincoln Day Dinner for Watauga County GOP

Hotel ballroom, Watauga County, NC

The subject matter of the speech concerned the importance of the state judiciary and a request to vote for Justice Martin.

Copy not available.

September 2013

On one occasion, I introduced Wayne Maiorano, candidate for Raleigh City Counsel, at a neighborhood event hosted in my home. The group consisted of my neighbors and a few friends who lived in neighborhoods nearby. The subject matter of the introduction concerned my knowledge of Mr. Maiorano based on our professional and personal relationship. I also expressed my appreciation to the group for coming to meet Mr. Maiorano and asked them to consider supporting him in the upcoming city council elections.

Raleigh, North Carolina

Copy not available.

February 5, 2013

North Carolina Lien and Bond Law Changes

Continuing Legal Education seminar sponsored by BridgeTrust Title Group

Raleigh, North Carolina

PowerPoint presentation supplied.

September 19, 2012

North Carolina Lien and Bond Law Changes: New (and Improved?) Chapter 44A

Wake County Real Property Lawyers Association

Raleigh, North Carolina

PowerPoint presentation supplied.

May 12, 2012

Legal Issues in Construction

St. Augustine's College

Raleigh, North Carolina

PowerPoint presentation supplied.

September 2011

Practical Skills in Construction Law

Continuing Legal Education seminar sponsored by the North Carolina Bar Association

Cary, North Carolina

PowerPoint presentation supplied.

September 16, 2010

Practical Skills in Construction Law

Continuing Legal Education seminar sponsored by the North Carolina Bar Association

Cary, North Carolina

PowerPoint presentation supplied.

August 12, 2010

I introduced Senator Richard Burr at a campaign event. The audience consisted of adults from Raleigh and the surrounding areas.

Foster's American Grille

Raleigh, North Carolina

The subject matter of the introduction concerned the necessity of electing persons of upmost integrity to the United States Senate and my opinion that Richard Burr possessed the requisite integrity. I also shared an anecdote about the Senator mowing his own lawn at his home in North Carolina.

Copy not available.

June 10, 2010

Teaming Agreements for Federal Contract Performance: Creating and Preserving Opportunities for Small Business Concerns

North Carolina Federal IT Symposium sponsored by the North Carolina Military Business Center

The Friday Center for Continuing Education

Chapel Hill, North Carolina

PowerPoint presentation supplied.

2008

On at least one occasion, and perhaps more, I spoke as a surrogate for Justice Robert Edmunds during his re-election campaign to the Supreme Court of North Carolina. The occasion I remember was:

North Carolina Republican Party Executive Committee

Pfafftown, North Carolina

The subject matter of the speech was Justice Edmunds' experience and qualifications for office. I also requested the Executive Committee's endorsement of Justice Edmunds' candidacy.

Copy not available.

2006

On several occasions, I spoke as a surrogate for Justice Mark Martin during his re-election campaign for the Supreme Court of North Carolina. I presently remember only two specific occasions, described below, though I may have spoken at additional events I do not remember:

1. Second Congressional District GOP Convention

Auditorium on the campus of Campbell University

The subject matter of my speech was the importance of the state judiciary, Justice Martin's experience and qualifications for office, and the need to engage actively in judicial elections.

Copy not available.

2. July 4, 2006

Independence Day Picnic (do not recall the sponsor)

Apex, North Carolina

The subject matter of my speech was the importance of the state

judiciary. I also requested that attendees consider voting for Justice Martin.

Copy not available.

- 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.

September 24, 2012

North Carolina Lawyers Weekly

Article entitled "Airplane Thief Hit with \$500K Judgment."

Copy supplied.

A local television broadcast station interviewed me during the spring semester of my final year in college (spring 2001) concerning academic programs associated with my university. I recall that the interview took place, but do not recall the substance of the interview, the questions asked, or my answers to the questions.

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.

Wake County Planning Board, 2010 – 2016

Chair, 2012 – 2015

Code and Operations Committee Chair, 2011 – 2012

I was appointed to the Board by the Wake County Board of Commissioners in 2010, then reappointed in 2012 and 2014. The Planning Board elects its own Chair each year; I was elected by the Planning Board to be its chair in 2012, 2013, and 2014. The Planning Board Chair appoints subcommittee chairs, so I was appointed by the Planning Board Chair to be Chair of the Code and Operations subcommittee in 2011.

- 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.

February 2014 – November 2014, Surrogate speaker for campaign of Justice Mark Martin for Chief Justice of the North Carolina Supreme Court.

I helped plan one fundraising event in a state-wide, non-partisan judicial campaign for Justice Mark Martin's election campaign for Chief Justice of the North Carolina Supreme Court.

May 2013 – October 2013, Steering committee for Wayne Maiorano for Raleigh City Council.

My responsibilities on this non-partisan city council campaign included serving as a sounding board, advising the candidate regarding campaign strategy, and helping host and plan all types of campaign events.

2010 campaign cycle, Assistant Treasurer for the Richard Burr for U.S. Senate Victory Fund (a joint campaign account with the North Carolina Republican Party).

My responsibilities included intake, processing, and reporting of contributions. I also helped organize and host a campaign fundraising event.

January 2008 – November 2008, Young Professionals Committee for Pat McCrory for Governor.

My responsibilities included outreach to young professionals.

March 2008 – November 2008, Steering Committee for Robert Edmund for the North Carolina Supreme Court.

This was a state-wide, non-partisan judicial re-election campaign. My responsibilities included advising the candidate regarding the campaign and helping host and plan all types of campaign events.

February – November 2006, Campaign Manager for Mark Martin for North Carolina Supreme Court.

For this state-wide, non-partisan judicial campaign, my responsibilities included assisting with all aspects of the campaign operation, including, but not limited to, scheduling, planning all types of campaign events, performing office and administrative tasks, organizing volunteers, and ensuring compliance with campaign regulations.

1997 – September 2004; February 2006 – present, North Carolina Republican Party

Executive Committee (2007 – 2011)

Thirteenth Congressional District Republican Party Executive Committee
Finance Director (2007 – 2011)

2006 – Present, Wake County Republican Party

House District 34 Chair (2010)

Precinct Chair (2011 – 2012)

2006 – 2010, Wake County Young Republicans

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 have not served as a judicial law clerk.

- 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.

Duke Energy Corporation
410 South Wilmington Street
Raleigh, North Carolina 27601
Associate General Counsel, May 2013 – present

Smith Anderson Blount Dorsett Mitchell & Jernigan, LLP
2300 Wells Fargo Capitol Center
Raleigh, North Carolina 27601
Partner, January 2013 – May 2013
Associate, February 2006 – December 2012
Summer Associate, July 2003 – August 2003; July 2002 – August 2002

Covington & Burling, LLP
One CityCenter 850 Tenth Street, NW
Washington, District of Columbia 20001
Associate, September 2004 – February 2006
Summer Associate, May 2003 – July 2003

Brooks Pierce McLendon Humphrey & Leonard, LLP
1700 Wells Fargo Capitol Center
Raleigh, North Carolina 27601
Summer Associate, May 2002 – June 2002

- 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.

My law practice could be fairly characterized as a commercial and general litigation practice.

Since May 2013, I have managed litigation and dispute resolution for a public utility. In this role, I am responsible for a wide range of pending litigation and arbitration matters, as well as pre-litigation case evaluation and risk assessment. The litigation matters for which I am responsible include, for example, real and intellectual property disputes, personal injury and property damage claims, complex commercial matters, disputes concerning the construction or repair of infrastructure, employment discrimination claims, environmental matters, energy theft matters, and insurance coverage disputes. I am personally involved in each matter, but frequently lead teams of lawyers, including outside counsel.

From February 2006 to May 2013, I was associated with the litigation practice at Smith Anderson. From September 2004 to February 2006, I was associated with the litigation practice at Covington & Burling. The litigation practices at both firms tend to handle complex disputes, so many of my cases have involved substantial factual records, novel or complicated legal issues, significant amounts of damage, or all three simultaneously. The cases I handled proceeded in court, administrative proceedings, arbitration, and/or mediation.

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

Since May 2013, my only client has been a public utility and its affiliates. While I practiced with Smith Anderson, my typical clients were large and small businesses, construction contractors, banks, and individuals. While practicing with Covington & Burling, my typical clients were large businesses.

- 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.

Approximately 90% of my practice has been in litigation or alternative dispute resolution proceedings. Throughout my practice, I have appeared in court occasionally.

- i. Indicate the percentage of your practice in:
 - 1. federal courts; Approximately 45%
 - 2. state courts of record; Approximately 50%
 - 3. other courts; 0%
 - 4. administrative agencies; Approximately 5%
- ii. Indicate the percentage of your practice in:
 - 1. civil proceedings; Over 90%.
 - 2. criminal proceedings; Less than 10%.
- 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.

Five. I was associate counsel in two, though argued from the “first chair,” and was the attorney responsible for the outcome in the other three.

- i. What percentage of these trials were:
 - 1. jury; 0%
 - 2. non-jury; 100%
- 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.

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. *Duke Energy Florida v. Westinghouse Electric Company*
No. 3:14-cv-001410-MOC-DSC, Western District of North Carolina
The Honorable Max O. Cogburn, Jr.
2014 – present

This matter involved the cancellation of a contract to construct a modular nuclear power plant between Plaintiff Duke Energy Florida, the plant owner, and a consortium, which included Westinghouse Electric Company, that had engineered a standardized modular plant, one of which was to be built for Plaintiff. Defendant claimed it was owed \$512 million in costs and fees associated with the termination. The case involved interpretation of a complex set of engineering and construction contracts and Nuclear Regulatory Commission licensing issues. I led the team representing Plaintiff, though I am not counsel of record. The Court ruled that Duke Energy Florida owed Westinghouse Electric Company \$30 million plus accrued interest of approximately \$4 million, but denied recovery of the remaining amount claimed. Certain claims are on appeal before the Fourth Circuit.

Co-counsel:

Jack McKay, Esq.

Michael S. McNamara, Esq.

Laura Bourgeois LoBue, Esq.

John Chamberlain, Esq.

Pillsbury Winthrop Shaw Pittman LLP

1200 Seventeenth Street, NW

Washington, District of Columbia 20036

(202) 663-8000

Alice Carmichael Richey

Alexander Ricks PLLC

4601 Park Road, Suite 580

Charlotte, North Carolina 28209

(704) 365-3656

Opposing counsel:

William Pietrogallo, II, Esq.

Eric G. Sollar, Esq.

Pietragallo Gordon Alfano Bosick & Raspanti, LLP

One Oxford Centre, 38th Floor, 301 Grant Street

Pittsburgh, Pennsylvania 15219

(412) 263-2000

Robert R. Marcus, Esq.

Fred M. Wood, Jr. Esq.

Jeffrey P. MacHarg, Esq.

Evan M. Sauda, Esq.

Smith Moore Leatherwood LLP
101 N. Tryon Street, Suite 1300
Charlotte, North Carolina 28246
(704) 384-2600

2. *Harnett Property Group, LLC v. Duke Energy Progress, LLC*
No. 15-CVS-01669, Harnett County Superior Court
The Honorable John Smith
2015 – 2017

This matter involved a public utility's right to hold an interest in real property without using the real property for many decades because the original plans for use of the property changed. Plaintiff challenged Defendant's ownership of certain easements arguing, among other things, that a public utility's ownership interest must cease when the public utility's basis for exercising eminent domain no longer exists, i.e., the original plans for use of the property have changed. I led the team representing Defendant, though I am not counsel of record. The Court ruled that the public utility defendant retained its property rights, holding that Defendant did not legally abandon its property nor did eminent domain law require Defendant to relinquish its property rights.

Co-counsel:
R. Jason Herndon, Esq.
Melanie Dubas, Esq.
Parker Poe Adams & Bernstein, LLP
PNC Plaza, 301 Fayetteville Street, Suite 1400
Raleigh, North Carolina 27601
(919) 828-0564

Opposing counsel:
Edgar R. Bain, Esq.
Bain & McRae, LLP
65 Bain Street
Lillington North Carolina 27546
(910) 893-5111

M. Ryan McKaig, Esq.
1514 Copper Line Drive
Garner, North Carolina 27529
(919) 215-3613

3. *Hadley v. Duke Energy Progress et al.*
Nos. 5:14-cv-0229-D and 5:14-cv-00387-D, Eastern District of North Carolina
The Honorable James C. Dever III
2014 – 2017

Plaintiff brought a whistleblower claim under the American Recovery and Reinvestment

Act of 2009, alleging that Defendant grossly mismanaged funding awarded by the Department of Energy, as well as employment claims related to the termination of his employment. I led the team representing Defendant, though I am not counsel of record. The Court held that Plaintiff failed to offer adequate evidence of gross mismanagement and ruled for Defendant.

Co-counsel:

R. Travis Hockaday, Esq.

Isaac Linnatz, Esq.

Smith Anderson Blount Dorsett Mitchell & Jernigan, LLP

2300 Wells Fargo Capitol Center

Raleigh, North Carolina 27601

(919) 821-1220

Opposing counsel:

David G. Schiller, Esq.

Schiller & Schiller, PLLC

304 E. Jones Street

Raleigh, North Carolina 27601

(919) 789-4677

4. *TAS Energy, Inc. v. Duke Energy Florida et al.*

No. 8:14-cv-03145-JSM-MAP

The Honorable James S. Moody, Jr., Middle District of Florida

2014 – 2016

Plaintiff brought a patent infringement lawsuit, alleging that Defendants' procurement and installation of a power plant chiller system infringed upon Plaintiff's patents. I served as co-counsel for Defendant Duke Energy Florida, though I am not counsel of record. In addition to the proceedings in the Middle District of Florida, Plaintiff and a co-Defendant engaged in an administrative proceeding before the U.S. Patent and Trademark Office to determine the efficacy of the Plaintiff's patent claims. The Court denied the immediate injunctive relief sought by Plaintiff, and the U.S. Patent and Trademark Office proceeding resulted in a ruling against the Plaintiff's patent claims.

Co-counsel:

Mary W. Bourke, Esq.

Womble Carlyle Sandridge & Rice

222 Delaware Avenue, Suite 1501

Wilmington, Delaware 19801

(302) 252-4320

Preston H. Heard, Esq.

Womble Carlyle Sandridge & Rice

271 17th Street, NW, Suite 2400

Atlanta, Georgia 30363

(404) 872-7000

Opposing counsel:
Kenneth G. Parker, Esq.
Casey H. Hempner, Esq.
Haynes and Boone, LLP
600 Anton Boulevard
Costa Mesa, California 92626
(949) 202-3000

5. *Progress Rail et al. v. Allfirst Bank et al.*
No. 1:01-cv-02527-MJG
The Honorable Marvin J. Garbis, District of Maryland
2013 – 2015

Plaintiff and Defendant disputed the amount owed Defendant under a complex railroad car leasing arrangement. Defendant contended the arrangement was paramount to a loan and argued certain minimum payments were due notwithstanding any changes in market conditions. Plaintiff argued the leasing arrangement exposed both Plaintiff and Defendant to market risk, that Plaintiff used adequate efforts to market the railcars, and that the post-9/11 market for railroad cars simply could not support the anticipated income from railcar rentals. Though I was not counsel of record, I was involved as co-counsel for Plaintiff, a former subsidiary of my current employer, during remand of the case from the Fourth Circuit. The Court ultimately ruled in favor of Defendant on the issues on remand.

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6. *United States Aviation Underwriters v. Mellott*
12 CVS 898
The Honorable Carl Fox, Orange County Superior Court
2011 – 2012

Plaintiff brought an insurance subrogation action against Defendant, who had stolen and crashed an airplane. I represented Plaintiff. Despite Defendant's criminal conviction, Defendant, appearing pro se, argued against civil liability. The case generated local media attention. The Court ruled in favor of Plaintiff and entered a judgment against Defendant.

Co-counsel:
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7. *S.T. Wooten Corp. v. Front Street Construction et al.*
2012 NCBC 25, Nos. 9 CVS 21562 and 10 CVS 15759, Wake County Superior Court
The Honorable John R. Jolly, Jr., North Carolina Business Court
2009 – 2012

This matter arose out of a real estate development where Plaintiff provided construction labor and materials to the contractor building the development and the owner of the development. The original project lender, Colonial Bank, subsequently failed and was acquired by Defendant BB&T from receivership administered by the Federal Deposit Insurance Corporation. The case involved matters of first impression in North Carolina applying the Financial Institutions Reform, Recovery, and Enforcement Act and whether a bank acquiring accounts from a failed lender accepted liability for the intentional torts committed by the failed lender. The Court held that the Financial Institutions Reform, Recovery, and Enforcement Act does not automatically bar the transfer of liability for intentional torts associated with assets of the failed lender and does not preclude liability based on the acquired lender's actions since the time of acquisition. Nevertheless, the Court ruled for Defendants on the theory that the agreement between the Federal Deposit Insurance Corporation and the acquiring lender whereby the acquiring lender purchased certain assets did not expressly include the liabilities at issue. I represented Plaintiff.

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8. *S.T. Wooten Corporation v. Triad Siteworks et al.*
11 CVS 8755
The Honorable Robert H. Hobgood, Wake County Superior Court
2011 – 2013

Plaintiff sued Defendants to foreclose a mechanics' lien and collect payment for construction materials that had been incorporated by Defendant Triad Siteworks into a real estate project. I was lead counsel for Plaintiff. The Court found for the Plaintiff.

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9. *Campbell Alliance Group, Inc. v. Brier Creek Corporate Center Associates Limited Partnership et al.*
10 CVS 15184, Wake County Superior Court
The Honorable Carl Fox
2010 – 2011

Plaintiff, a tenant in a commercial office building owned by Defendants, sought a rent credit or payment of almost \$1 million dollars from Defendants in connection with provisions of their lease and upfit construction agreement. The case required interpretation of their agreement and multiple amendments and issues of whether the contract was legally ambiguous. I served as counsel for Plaintiff. The Court ruled in favor of Plaintiff.

Co-counsel:
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Opposing counsel:
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10. *Nordan v. Blackwater Security USA*
No. 05 CVS 173, Wake County Superior Court
The Honorable Donald W. Stephens
2006 – 2012

Plaintiff, administrator of the estates of four deceased military contractors, pursued wrongful death claims against Defendant, the contractor with which Plaintiffs contracted. The decedents were murdered in Fallujah, Iraq by local insurgents. Plaintiff claimed that Defendant failed to equip and train properly the decedents. Defendant argued it could not be held responsible for actions taken on the battlefield by third-party insurgents. This matter originated in Wake County Superior Court, but ultimately included proceedings in the United States Fourth Circuit Court of Appeals, the United States District Court for the Eastern District of North Carolina, the North Carolina Court of Appeals, the Alaska Superior Court, and the American Arbitration Association. I worked as an associate counsel on the team representing Defendant. Following years of legal proceedings in these various venues, the matter was resolved in 2012.

Co-counsel:
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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.)

In my current role as Associate General Counsel of Duke Energy, I manage a wide variety of litigation, matters in alternative dispute resolution, and pre-litigation case assessment, negotiation, and dispute resolution. I am personally involved in all of these matters, whether as counsel of record or by leading a team of lawyers. Prior to my current role, as a partner and senior associate in a leading regional firm and as an associate in a leading international firm, I represented clients in complex litigation, alternative dispute resolution, and pre-litigation matters, as well as complicated real estate and corporate acquisitions, debt restructuring, real estate developments, and business work-outs. To provide a few examples: I have been the lead lawyer or a member of a team of lawyers handling disputes regarding the construction and design of large public and private infrastructure, including power generation plants and associated systems, medical laboratory buildings, university infrastructure, highways and bridges,

military base infrastructure, large subdivisions, and multi-family properties. I have investigated and assessed potential legal liability arising out of contractual disputes, electrical contact injuries, electrical system failures, and disagreements concerning easement and other property interests and defended claims with regard to the same. I have served as lead counsel or co-counsel performing internal investigations, resolving regulatory matters, and litigating state administrative matters.

I have also been involved in committee work with the North Carolina Bar Association. I serve on the Professionalism Committee and have been involved with the Committee's work to lead the Bar Association's professionalism efforts. I have also helped plan and host an annual legal education program covering a pertinent professionalism-related topic, and develop a video library containing videos of prominent members of the bar discussing professionalism topics. My work on the Committee for Judicial Independence involves studying and advising on all aspects of the North Carolina justice system, including possible ways to reform the judicial selection process to ensure fair and impartial judges who are accountable. I have also served on the governing board of the Construction Section of the bar association and taught basic construction litigation continuing legal education seminars.

I have been involved in helping law students and junior attorneys through internship programs and formal and informal mentoring. In my current position, I manage a law student internship program where students work under my supervision and receive exposure to a wide variety of legal matters and, in exchange, receive class credit at their law school. In the past, I was very involved in my firm's summer associate program, serving as a supervisor/mentor for a summer associate for five years. I was also assigned as a formal mentor to two attorneys.

I have never worked as a lobbyist.

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.

None.

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.

I will only receive deferred income if I am still employed in my current position on or after January 1, 2018. Pursuant to the policy of my current employer, I will be eligible to receive a bonus for work performed during calendar year 2017 if I leave on or after

January 1, 2018 and will receive the bonus in March of 2018. My employer will use an objective formula to calculate this bonus. If I take the office of US Attorney before January 1, 2018, I will not be eligible for a bonus. Until I receive this bonus, I will not participate personally and substantially in any particular matter that to my knowledge has a direct and predictable effect on the ability or willingness of my employer to make this payment to me, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1).

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.

None.

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 conflict of interest will be resolved in accordance with the terms of an ethics agreement that I have entered with the Department's designated 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 for 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.

I have represented both individuals and non-profit charities pro bono on various matters. I have prepared wills, powers of attorney, and related documents for indigent and elderly persons as part of a so-called "wills clinic," assisted with legal aid and legal aid intake, and helped teach a so-called "street law" class at a high school, which involved preparing and coaching a trial team of high school students at a city-wide trial competition. I also represented the family of a murdered inmate in a wrongful death lawsuit. I have not kept records of the hours spent on these matters but would estimate that I have spent at least 370 hours in these endeavors.

In addition, I have used my legal training to serve my community through service on the boards of the local children's museum, the local meals on wheels affiliate, the local food bank (which operates in 34 counties in North Carolina), and a non-profit dedicated to mentoring and tutoring children in one of the largest government-operated urban housing communities in the area. I have not kept a record of the hours spent serving these organizations through board membership or performing non-board voluntary activities but would estimate that I have spent hundreds of hours over the years.