

**UNITED STATES SENATE  
COMMITTEE ON THE JUDICIARY**

**QUESTIONNAIRE FOR JUDICIAL NOMINEES**

**PUBLIC**

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

Karoline Mehalchick

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

United States District Judge for the Middle District of Pennsylvania

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

Office:

William J. Nealon Federal Building and United States Courthouse  
235 North Washington Avenue  
Scranton, Pennsylvania 18501

Residence:

Clarks Summit, Pennsylvania

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

1976; Berlin, Vermont

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.

1998 – 2001, Tulane University School of Law; J.D., 2001

1994 – 1998, Pennsylvania State University, Schreyer Honors College; B.S., 1998

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.

2013 – present

United States District Court for the Middle District of Pennsylvania  
William J. Nealon Federal Building and United States Courthouse  
235 North Washington Avenue  
Scranton, Pennsylvania 18501  
Chief United States Magistrate Judge (2021 – present)  
United States Magistrate Judge (2013 – present)

2002 – 2013  
Oliver, Price & Rhodes  
1212 South Abington Road  
Clarks Summit, Pennsylvania 18411  
Partner (2008 – 2013)  
Associate (2002 – 2008)

2003 – 2013  
Marywood University  
2300 Adams Avenue  
Scranton, Pennsylvania 18509  
Lecturer

2001 – 2002  
Honorable Trish Corbett  
Lackawanna County Court of Common Pleas  
200 North Washington Avenue  
Scranton, Pennsylvania 18501  
Judicial Law Clerk

1999 – 2001  
Herman, Herman & Katz, LLC  
820 O’Keefe Avenue  
New Orleans, Louisiana 70113  
Law Clerk

Summer 2000  
Murray Law Firm  
650 Poydras Street  
Suite 2150  
New Orleans, Louisiana 70130  
Law Clerk

Summer 1998  
Jack V. Matson, Ph.D., P.E.  
331 East Foster Avenue  
State College, Pennsylvania 16801  
Research Assistant

Other Affiliations (Uncompensated):

2013 – present

Federal Bar Association

4075 Wilson Boulevard, 8th Floor

Arlington, Virginia 22203

Judiciary Liaison to National Board of Directors (2022 – present)

National Director (2018 – 2021)

2009 – 2014

Middle District of Pennsylvania Chapter, Federal Bar Association

(No physical address)

Immediate Past President / National Delegate (2013 – 2014)

President (2012 – 2013)

President-Elect (2011 – 2012)

Vice President (2010 – 2011)

Secretary (2009 – 2009)

2005 – 2007

Lackawanna Bar Association

233 Penn Avenue

Scranton, Pennsylvania 18503

Young Lawyers Division

President (2007)

Vice President (2006)

Secretary (2005 – 2005)

2018 – present

Ballet Theatre of Scranton

310 Penn Avenue

Scranton, Pennsylvania 18503

Board Member, Vice President of Production

2018 – 2020

Abington Age Group Swim Team

P.O. Box 188

Clarks Summit, Pennsylvania 18411

Board Member, President

2013 – 2014

Howard Gardner Multiple Intelligence Charter School

1615 East Elm Street

Scranton, Pennsylvania 18505

Board Member

2012 – 2013

The Greater Scranton Chamber of Commerce  
222 Mulberry Street  
Scranton, Pennsylvania 18501  
Board Member

2006 – 2013  
Serving Seniors, Inc.  
538 Spruce Street  
#408  
Scranton, Pennsylvania 18503  
Board Member

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

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

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

Appointment to Judicial Conference Committee on Codes of Conduct (2021)

Pennsylvania Bar Association Commission on Women in the Profession, Women Trailblazer (2020)

2018 Vice Presidents for the Circuits Recognition Award, Federal Bar Association (2018)

Federal Bar Association Chapter Activity Presidential Achievement Award (2013)

2012 “Lawyer on the Fast Track,” The Legal Intelligencer (2012)

Pennsylvania Rising Star, *SuperLawyers* (2010, 2011, 2012, 2013)

Margaret P. Gavin Award, Lackawanna Bar Association (2009)

Young Lawyers Division of the Lackawanna Bar Association (2008)

Michael K. Smith Excellence in Service Award, Pennsylvania Bar Association (2006)

Featured as “Best Young Lawyer” by The Scranton Times-Tribune (2006)

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.

Administrative Office of the United States Courts

Member, Magistrate Judges Advisory Group (2017 – present)

Federal Bar Association

Judiciary Liaison to National Board of Directors (2022 – present)

Judiciary Division

Chair (2022 – present)

Vice Chair (2021 – 2022)

Secretary (2020 – 2021)

National Director (2018 – 2021)

Sections and Divisions Council (2021 – 2022)

Editorial Board of The Federal Lawyer, (2014 – present)

Diversity and Inclusion Standing Committee (2018 – present)

Judiciary Liaison (2021 – present)

Chair, Leadership Subcommittee (2019 – 2021)

Senior Lawyers Division Task Force, Chair (2021 – 2022)

Governance Task Force (2019 – 2020)

Chair, Diversity Subcommittee (2020)

Third Circuit Vice President (2013 – 2018)

Bench Bar Committee (2017 – 2019)

Community Outreach Committee (2016 – 2019)

Professional Ethics Committee (2013 – 2015)

Federal Bar Association, Middle District Chapter

Civics Liaison (2016 – 2021)

ECF Chair (2013 – 2021)

Immediate Past President / National Delegate (2013 – 2014)

President (2012 – 2013)

President-Elect (2011 – 2012)

Vice President (2010 – 2011)

Secretary (2009)

Federal Magistrate Judges Association

Federal Courts Law Review, Editor At-Large (2023 – present)

MJSTAR Committee, Task Force Chair (2020 – present)

Chair, Bulletin and E-Communications Committee (2014 – 2016)

Judicial Conference Committee on Codes of Conduct (2021 – present)

Judicial Council for the Third Judicial Circuit

Member, Committee on Workplace Conduct (2019 – present)

Lackawanna Bar Association

Bench Bar Committee, Co-Chair (2006 – 2012)

Civil Rules Committee (2012)  
Young Lawyers Division  
President (2007)  
Vice President (2006)  
Secretary (2005)

Lawyers Advisory Committee of the Judicial Council of the Third Judicial Circuit,  
Member (2013 – 2013)

Pennsylvania Bar Association

Commission on Women in the Profession  
Awards Committee Co-Chair (2017 – 2018)  
Public Service Committee Co-Chair (2016 – 2017)  
Co-Vice Chair (2014 – 2015)  
Secretary (2011 – 2014)  
Review and Certifying Board (2012 – 2013)  
Federal Practice Committee (2008 – present)  
High School Mock Trial Program  
District III Coordinator (2004 – 2007)  
Attorney Advisor, Abington Heights High School (2001 – 2003)

United States District Court for the Middle District of Pennsylvania

Prisoner Litigation Settlement Program, Co-Chair (2015 – present)  
Magistrate Judge and Pro Se Law Clerk Committee (2021 – present)  
Presiding Judge of CARE Court, Scranton Vicinage (2019 – 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.

Pennsylvania, 2001

There have been no lapses in membership. I have been on judicial status since joining the bench in 2013.

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

Supreme Court of the United States, 2010  
United States Court of Appeals for the Third Circuit, 2003  
United States Court of Appeals for the Eighth Circuit, 2006  
United States District Court for the Middle District of Pennsylvania, 2001

There have been no lapses in membership.

**11. Memberships:**

- a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

Abington Area Age Group Swimming, Board Member and President (2018 – 2020)

Ballet Theatre of Scranton, Board Member, Vice President – Production (2018 – present)

BNI – Real Connections Chapter, Clarks Summit, Pennsylvania, Member (approximately 2011 – 2013, briefly serving as its secretary in the latter part of my membership)

Circle 200, Member (2013)

Northeast Regional Cancer Institute – “It’s All In The Game” Event Planning Committee (2005 – 2006)

- b. The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, or religion, or national origin. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

To the best of my knowledge, none of the organizations listed above currently discriminates 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.

*Civility in Our Profession*, Fed. Law. 6 (2021). Copy supplied.

*From Handcuffs to a Handshake: Successful Mediation of Inmate Civil Rights Litigation in Federal Court*, Fed. Law. 6 (2018). Copy supplied.

*Making the Case for Pro Bono Work*, Fed. Law. 4 (2015). Copy supplied.

*Hon. Robert D. Mariani U.S. District Judge, Middle District of Pennsylvania*, Fed. Law. 29 (2013). Copy supplied.

*Parenting and the Law*, Happenings Mag. (Jan. 2013). Copy supplied.

*Status of Women in the Legal Profession*, Happenings Mag. (Dec. 2012). Copy supplied.

*Bullying and Pennsylvania Anti-Bullying Laws*, Happenings Mag. (Oct. 2012). Copy supplied.

*Options in Public Education: What is a Pennsylvania Charter School?*, Happenings Mag. (May 2012). Copy supplied.

*Looking Back at the PBA WIP Annual Meeting*, Voices & Views, Penn. Bar Ass'n, Vol. 16, No. 3 (2011). Copy supplied.

*Equity Partnership in the Wake of Kirleis*, Voices & Views, Penn. Bar Ass'n, Vol. 16, No. 1 (2011). 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.

Federal Bar Association – Report of Senior Lawyers Division Task Force, Mar. 30, 2022. Copy supplied.

Federal Bar Association – Report of Diversity and Inclusion Subcommittee of Governance Task Force, Aug. 2, 2020. Copy supplied.

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

I represented the Howard Gardner Multiple Intelligence Charter School in its application to become a charter school within the Abington Heights and Scranton School Districts, and spoke at the following school board hearings:

February 9, 2011, and December 27, 2010: Abington Heights School District School Board Hearing. I have no testimony or transcripts.

December 28, 2010: Scranton School District School Board Hearing. I have no testimony or transcript.

- 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.

To the best of my recollection, and having reviewed all sources available to me, I have spoken at the following events, panels, and continuing education programs. It is possible that I have spoken at a few other events I have been unable to identify; if I did, it would have most likely been to one of the organizations listed below.

July 2013 – present: Naturalization Ceremonies, United States District Court for the Middle District of Pennsylvania, Scranton, Pennsylvania. Since joining the bench in July 2013, I have participated in many naturalization ceremonies in the court, which the Scranton vicinage performs *en banc*. There are several such ceremonies each year, and I do not have record of which ceremonies I attended. I have no notes, transcripts, or recordings, but press coverage is supplied for one such ceremony. The address of the court is 235 North Washington Avenue, Scranton, Pennsylvania 18501.

July 2013 – present: Admission Ceremonies, United States District Court for the Middle District of Pennsylvania, Scranton, Pennsylvania. Since joining the bench in July 2013, I have participated in many general admission ceremonies in the court. I do not have record of which ceremonies I attended. I have no notes, transcripts, or recordings. The address of the court is 235 North Washington Avenue, Scranton, Pennsylvania 18501.

March 2020 – present: Scholar Exchanges, National Constitution Center, Philadelphia, Pennsylvania. The NCC is a nonprofit institution dedicated to education about the Constitution. On an average of twice a week during the school year, I speak to middle school and high school classes about a wide range

of constitutional issues and civil discourse. I have served in this role in more than 175 exchanges since March 2020. I have no notes, transcripts, or recordings. The address for the NCC is 525 Arch Street, Philadelphia, Pennsylvania 19106.

May 23, 2023: Presiding Judge and Lecturer, Widener University Commonwealth School of Law, Harrisburg, Pennsylvania. I presided over the final argument of the law school's two-week intensive trial advocacy program. I have no notes, transcript, or recording. The address for the school is 800 Vartan Way, Harrisburg, Pennsylvania 17110.

April 22, 2023: Panelist, The New Normal, Pennsylvania Bar Association, Civil Litigation Retreat, Hershey, Pennsylvania. I participated as a panelist at the annual meeting of the PBA's Civil Litigation Section Retreat. I have no notes, transcript, or recording. The address for the Pennsylvania Bar Association is 100 South Street, Harrisburg, Pennsylvania 17101.

April 21, 2023: Panelist, Effective Presentations in ADR, Pennsylvania Bar Association, Civil Litigation Retreat, Hershey, Pennsylvania. I participated as a panelist at the annual meeting of the PBA's Civil Litigation Section Retreat. I have no notes, transcript, or recording. The address for the Pennsylvania Bar Association is 100 South Street, Harrisburg, Pennsylvania 17101.

April 21, 2023: Speaker, New Federal Rules of Civil Procedure, Cumberland County Bar Association, Carlisle, Pennsylvania. Notes supplied.

March 25, 2023: Panelist, Judicial Involvement and Bench-Bar Relations, Leadership Training Panel, Federal Bar Association Leadership Training, Washington, DC. I participated as a panelist on judicial involvement in the Federal Bar Association. I have no notes, transcript, or recording. The address for the Federal Bar Association is 4075 Wilson Boulevard, Arlington, Virginia 22201.

March 24, 2023: Panelist, Women in the Judiciary, Working Toward Gender Equality in Public Life, NGO Committee on the Status of Women at the United Nations and Federal Bar Association, Webinar. I participated as a panelist on a panel discussing women in the judiciary as part of a Federal Bar Association program. I have no notes, transcript, or recording. The address for the Federal Bar Association is 4075 Wilson Boulevard, Arlington, Virginia 22201.

February 2023 (specific date unknown): Judge, High School Mock Trial Competition, Scranton, Pennsylvania. I presided over a district round of the annual high school mock trial competition. I have no notes, transcript, or recording. The address for the Pennsylvania Bar Association is 100 South Street, Harrisburg, Pennsylvania 17101.

November 4, 2022: Panelist, Criminal Law Society Judges Panel, Harrisburg,

Pennsylvania. I spoke about criminal law practice in the federal courts and in the Middle District of Pennsylvania. I have no notes, transcript, or recording. The address for the Widener University Commonwealth School of Law is 800 Vartan Way, Harrisburg, Pennsylvania 17110.

October 26, 2022: Panelist, Federal Bar Association Law Student Program, FBA Clerkship Discussion: Why, How, What, Villanova, Pennsylvania. I participated in a panel program discussing the benefits of federal judicial clerkships and best practices in applying for clerkships. I have no notes, transcript, or recording. The address for the Federal Bar Association is 4075 Wilson Boulevard, Arlington, Virginia 22201.

May 24, 2022: Presiding Judge and Lecturer, Widener University Commonwealth School of Law, Harrisburg, Pennsylvania. I presided over the final argument of the law school's two-week intensive trial advocacy program. I have no notes, transcript, or recording. The address for the school is 800 Vartan Way, Harrisburg, Pennsylvania 17110.

March 30, 2022: Panelist, Bail and Detention Decisions in Middle District of Pennsylvania, Criminal Justice Act Panel Training, Danville, Pennsylvania. I participated in a panel discussion of bail and detention and initial appearances in the Middle District of Pennsylvania. I have no notes, transcript, or recording. The address for the Office of the Federal Defender is 100 Chestnut Street, Harrisburg, Pennsylvania 17101.

January 30, 2022: Panelist, Lift Up Leaders Mentorship Program, Webinar. I spoke as part of a panel about the FBA's Lift Up Leaders Mentorship Program. I have no notes, transcript, or recording. The address for the Federal Bar Association is 4075 Wilson Boulevard, Arlington, Virginia 22201.

October 19, 2021: Speaker, Widener Law Student Day: Civil Practice, Harrisburg, Pennsylvania. I spoke to students generally about civil practice in federal courts. I have no notes, transcript, or recording. The address of Widener University Commonwealth School of Law is Widener University Commonwealth School of Law, 800 Vartan Way, Harrisburg, Pennsylvania 17110.

June 24, 2021: Speaker, 2021 Summer Intern Lunch and Learn Series, Scranton, Pennsylvania. I coordinated and spoke at summer intern series showcasing various roles and agencies in the court for summer interns in judicial chambers, the United States Attorney's Office, the Federal Defender's Office, United States Probation, and the United States Marshal. I have no notes, transcript, or recording. The address of the U.S. District Court for the Middle District of Pennsylvania is 235 North Washington Avenue, Scranton, Pennsylvania 18501.

June 3, 2021: Panelist, Magistrate Judge Jurisdiction in Middle District of Pennsylvania, Federal Bar Association, Middle District Chapter, Webinar.

PowerPoint supplied.

May 27, 2021: Presiding Judge and Lecturer, Widener University Commonwealth School of Law, Harrisburg, Pennsylvania. I presided over the final argument of the law school's two-week intensive trial advocacy program. I have no notes, transcript, or recording. The address for Widener University Commonwealth School of Law is 800 Vartan Way, Harrisburg, Pennsylvania 17110.

March 11, 2021: Panelist, Philadelphia Association of Defense Counsel Webinar – How Women Lawyers and Judges Succeed During Challenging Times, Webinar, Philadelphia, Pennsylvania. I participated as a panelist in a panel discussing the challenges facing practitioners during the pandemic. I have no notes, transcript, or recording. The address for the Philadelphia Association of Defense Counsel is P.O. Box 697, Camp Hill, Pennsylvania, 17001.

February 18, 2021: Panelist, Diversity and Inclusion, Perspective and Strategies for the Legal Profession, Federal Bar Association, Middle District Chapter, Webinar. PowerPoint supplied.

February 10, 2021: Guest Lecturer, Federal Criminal Practice, Dickinson School of Law, Carlisle, Pennsylvania. I spoke to law students enrolled in Federal Criminal Practice about pretrial detention and bail in federal court. I have no notes, transcript, or recording. The address for Dickinson School of Law is 150 South College Street, Carlisle, Pennsylvania 17013.

October 23, 2020: Panelist, First Things: Case Assessment, Forum Selection, and Interim Relief, Webinar. I spoke as a panelist for a Pennsylvania Bar Association Federal Practice Committee CLE program on initial issues that arise in federal practice. I have no notes, transcript, or recording. The address of the Pennsylvania Bar Association is 100 South Street, Harrisburg, Pennsylvania 17101.

October 6, 2020: Speaker, Widener Law Student Day: Practice During Pandemic, Widener University Commonwealth School of Law, Harrisburg, Pennsylvania. I spoke to students generally about practice in federal court during the pandemic. I have no notes, transcript, or recording. The address of the Widener University Commonwealth School of Law is 800 Vartan Way, Harrisburg, Pennsylvania 17110.

September 22, 2020: Speaker, Widener Law Student Day: Civil Practice, Widener University Commonwealth School of Law, Harrisburg, Pennsylvania. I spoke to students about civil practice generally in federal courts. I have no notes, transcript, or recording. The address of the Widener University Commonwealth School of Law is 800 Vartan Way, Harrisburg, Pennsylvania 17110.

September 14, 2020: Guest Lecturer, Paralegal Studies, Illinois Central College, East Peoria, Illinois. I spoke to students in a paralegal studies program about

practice in federal court. I have no notes, transcript, or recording. The address of the Illinois Central College is 1 College Drive, East Peoria, Illinois 61635.

September 8, 2020: Panelist, Pretrial Detention During COVID-19, Federal Bar Association Webinar. PowerPoint supplied.

February 6, 2020: Panelist, 2020 Jurist in Residence Lecture: Preserving a Fair & Impartial Judiciary, Widener University Commonwealth School of Law, Harrisburg, Pennsylvania. Video available at <https://www.youtube.com/watch?v=y5lrQVHu7vk&t=1371s>.

November 12, 2019: Administration of Professionalism Oath, Widener University Commonwealth School of Law, Harrisburg, Pennsylvania. I administered the oath of professionalism to recent graduates of Widener University. I have no notes, transcript, or recording. The address of the Widener University Commonwealth School of Law is 800 Vartan Way, Harrisburg, Pennsylvania 17110.

October 30, 2019: Speaker, CLE: Labor and Employment Law Update, Lancaster Bar Association, Lancaster, Pennsylvania. I spoke about recent updates in labor and employment law. I have no notes, transcript, or recording. The address of the Lancaster Bar Association is 28 East Orange Street, Lancaster, Pennsylvania 17602.

October 26, 2019: Final Round Judge, O'Savio Moot Court Competition, Dickinson School of Law, Carlisle, Pennsylvania. I presided over the final round of this moot court competition. I have no notes, transcript, or recording. The address of the Dickinson School of Law is 150 South College Street, Carlisle, Pennsylvania 17013.

October 17, 2019: Panelist, CLE: Social Security Update, Federal Bar Association, Middle District of Pennsylvania Chapter, Webinar. PowerPoint supplied.

October 15, 2019: Speaker, Widener Law Student Day: Civil Practice, Widener University Commonwealth School of Law, Harrisburg, Pennsylvania. I spoke to students generally about civil practice in federal courts. I have no notes, transcript, or recording. The address of the Widener University Commonwealth School of Law is 800 Vartan Way, Harrisburg, Pennsylvania 17110.

September 21, 2019: Keynote Speaker, Annual Constitution Luncheon, Scranton City Chapter, Daughters of the American Revolution, Scranton, Pennsylvania. I spoke about the anniversary of the 19th Amendment. I have no notes, transcript, or recording. The Scranton Chapter has no physical address.

April 10, 2019: Guest Lecturer, Criminal Practice, Widener University Commonwealth School of Law, Harrisburg, Pennsylvania. I spoke about pretrial

detention and the Bail Reform Act. I have no notes, transcript, or recording. The address of the school is 800 Vartan Way, Harrisburg, Pennsylvania 17110.

March 30, 2019: Final Round Judge, Pennsylvania Bar Association High School Mock Trial Competition, Harrisburg, Pennsylvania. Video available at <https://www.youtube.com/watch?v=4JiyMnG6HO0>.

March 22, 2019: Leadership Training Panel, Federal Bar Association, Washington, DC. I spoke to attendees at the Federal Bar Association's Annual Leadership Training about the work of the judiciary within the bar association. I have no notes, transcript, or recording. The address of the Federal Bar Association is 4075 Wilson Boulevard, Arlington, Virginia 22201.

March 9, 2019: Panelist, Labor and Employment Law Update, Pennsylvania Bar Association, Harrisburg, Pennsylvania. I spoke about updates in labor and employment law. I have no notes, transcript, or recording. The address of the Pennsylvania Bar Association is 100 South Street, Harrisburg, Pennsylvania 17101.

December 13, 2018: Panelist, Fee Petitions, Federal Bar Association, Middle District of Pennsylvania Chapter, Harrisburg, Pennsylvania. I participated as a CLE panelist on the topic of fee petitions in civil rights cases at the Chapter Annual Meeting. I have no notes, transcript, or recording. The Chapter does not have physical address.

October 27, 2018: Panelist, Prisoner Litigation Settlement Program, Federal Bar Association, Middle District Chapter, Harrisburg, Pennsylvania. I spoke about the Court's prisoner litigation settlement program. I have no notes, transcript, or recording. The Chapter does not have a physical address.

August 22, 2018: Panelist, Trial Skills – Use of Electronic Evidence, Federal Bar Association, Middle District Chapter, Scranton, Pennsylvania. I spoke about the use of electronic evidence in trial. I have no notes, transcript, or recording. The Chapter does not have a physical address.

June 20, 2018: Panelist, Trial Skills – Use of Electronic Evidence, Federal Bar Association, Middle District Chapter, Harrisburg, Pennsylvania. I spoke about the use of electronic evidence in trial. I have no notes, transcript, or recording. The Chapter does not have a physical address.

April 26, 2018: Panelist, View from the Bench, Northeastern PA Trial Lawyers Association, Pittston, Pennsylvania. I spoke about trial issues in federal court, including jury selection, expert witnesses, and voir dire. I have no notes, transcript, or recording. The address of the Northeastern PA Trial Lawyers Association is 201 Franklin Avenue, Suite 1, Scranton, Pennsylvania 18503.

February 20, 2018: Panelist, Getting to Know the Middle District of Pennsylvania, Federal Bar Association, Middle District Chapter, Harrisburg, Pennsylvania. I spoke about practice in the Middle District of Pennsylvania as part of the Chapter's Annual Meeting. I have no notes, transcript, or recording. The Chapter does not have a physical address.

November 8, 2017: Panelist, Prisoner Litigation Settlement Program, Federal Bar Association, Middle District of Pennsylvania Chapter, Scranton, Pennsylvania. PowerPoint supplied.

October 19, 2017: Panelist, From Law School to the Working World: How to Make the Transition Gracefully, Widener University Commonwealth School of Law, Harrisburg, Pennsylvania. I spoke to students about transition from school to practice. I have no notes, transcript, or recording. The address of the Widener University Commonwealth School of Law is 800 Vartan Way, Harrisburg, Pennsylvania 17110

June 15, 2017: Panelist, From Handcuffs to Handshakes, Centre County Bar Association, Bellefonte, Pennsylvania. I spoke about the Court's prisoner litigation settlement program. I have no notes, transcript, or recording. The address of the Centre County Bar Association is 192 Match Factory Place, Bellefonte, Pennsylvania 16823

April 26, 2017: Panelist, View from the Bench, Northeastern PA Trial Lawyers Association, Wilkes Barre, Pennsylvania. I spoke about trial issues in federal court, including jury selection, expert witnesses, and voir dire. I have no notes, transcript, or recording. The address of the Northeastern PA Trial Lawyers Association is 201 Franklin Avenue, Suite 1, Scranton, Pennsylvania 18503.

March 9, 2017: Panelist, Handcuffs to Handshakes, American Bar Association, Webinar. PowerPoint supplied.

November 30, 2016: Panelist, Update to the Federal Rules of Civil Procedure, Federal Bar Association, Middle District of Pennsylvania Chapter, Scranton, Pennsylvania. I spoke at the Chapter's Annual Meeting about updates to discovery rules in the Federal Rules of Civil Procedure. I have no notes, transcript, or recording. The Chapter has no physical address.

April 20, 2016: Prisoner Litigation Settlement Program, Federal Bar Association, Middle District of Pennsylvania Chapter, Scranton, Pennsylvania. I spoke about the Court's prisoner litigation settlement program. I have no notes, transcript, or recording. The Chapter has no physical address.

April 13, 2016: Prisoner Litigation Settlement Program, Federal Bar Association, Middle District of Pennsylvania Chapter, Harrisburg, Pennsylvania. I spoke about the Court's prisoner litigation settlement program. I have no notes, transcript, or

recording. The Chapter has no physical address.

February 22, 2016: Panelist, Law Symposium: Effectiveness of Local Rules, Widener University Commonwealth School of Law, Harrisburg, Pennsylvania. I spoke about the use of local rules in federal and state courts in Pennsylvania. I have no notes, transcript, or recording. The address of the Widener University Commonwealth School of Law is 800 Vartan Way, Harrisburg, Pennsylvania 17110.

October 31, 2015: Keynote Speaker and Judge, Negotiation Marathon, Dickinson School of Law, Carlisle, Pennsylvania. I presided over mock mediations and spoke about advocacy in negotiations and mediations. I have no notes, transcript, or recording. The address of the Dickinson School of Law is 150 South College Street, Carlisle, Pennsylvania 17013.

September 11, 2015: Panelist, Mediation in Federal Court, Federal Bar Association Annual Meeting, Salt Lake City, Utah. I spoke as part of a panel on mediation in federal court. I have no notes, transcript, or recording. The address of the Federal Bar Association is 4075 Wilson Boulevard, Arlington, Virginia 22201.

July 13, 2015: Panelist, Civil Rights & Police Misconduct, American Association of Justice Annual Convention, Montreal, Canada. I spoke about discovery and mediation issues in civil rights and police misconduct cases in federal court. I have no notes, transcript, or recording. The American Association of Justice address is 777 6th Street, Northwest, Suite 200, Washington, DC 20001.

June 18, 2015: Panelist, Welcome to the Federal Courts, Federal Bar Association, Middle District of Pennsylvania Chapter, I spoke to new attorneys about the various offices in the federal courts and the role each plays in litigation. I have no notes, transcript, or recording. The Chapter has no physical address.

May 1, 2015: Panelist, Leadership Training, Federal Bar Association, Washington, DC. I spoke to attendees at the Federal Bar Association's Annual Leadership Training about the work of the Federal Bar Association. I have no notes, transcript, or recording. The address of the Federal Bar Association is 4075 Wilson Boulevard, Arlington, Virginia 22201.

March 2, 2015: Speaker, Tulane Law School, New Orleans, Louisiana. I spoke with 2L students about judicial clerkships. I have no notes, transcript, or recording. The address of the law school is 6329 Freret Street, New Orleans, Louisiana 70118.

September 26, 2014: Panelist, Ethical Considerations for Settlement Conferences and Jury Selection, Tort Talk Expo, Wilkes Barre, Pennsylvania. I spoke about ethical issues that arise in federal court settlement conferences. I have no notes,

transcript, or recording. The address of the Tort Talk Expo is 610 Morgan Highway, Clarks Summit, Pennsylvania 18411.

September 23, 2014: Panelist, Section 1983 Update, Federal Bar Association, Middle District of Pennsylvania Chapter. I spoke about recent changes in Section 1983 law and pro bono opportunities in federal court. I have no notes, transcript, or recording. The Chapter has no physical address.

September 5, 2014: Panelist, Effective Lawyering: Tips to Help You Succeed Before A Magistrate Judge, Federal Bar Association Annual Meeting, Providence, Rhode Island. PowerPoint supplied.

July 30, 2014: Panelist, Ethical Issues from the Bench, Pennsylvania Defense Institute, Wilkes Barre, Pennsylvania. I was part of a panel discussing ethical issues in litigation. I have no notes, transcript, or recording. The address of the Pennsylvania Defense Institute is P.O. Box 6099, Harrisburg, Pennsylvania 17112.

March 28, 2014: Final Round Judge, Thurgood A. Marshall Memorial Moot Court Competition, Federal Bar Association, Washington, DC. I served as a judge for this moot court competition. I have no notes, transcript, or recording. The address of the Federal Bar Association is 4075 Wilson Boulevard, Arlington, Virginia 22201.

February 12, 2014: Speaker, Magistrate Judge Jurisdiction, Federal Bar Association, Wilkes Barre, Pennsylvania. PowerPoint supplied.

September 6, 2013: Speaker, Investiture Remarks, United States District Court for the Middle District of Pennsylvania, Scranton, Pennsylvania. Notes supplied.

June 11, 2013: Speaker, Meeting of Federal Bar Association, Middle District of Pennsylvania Chapter, Scranton, Pennsylvania. I gave opening remarks. I have no notes, transcript, or recording. The Chapter has no physical address.

May 2013 (specific date unknown): Commencement Speaker, Howard Gardner Multiple Intelligence Charter School, Scranton, Pennsylvania. I gave remarks at the 8th grade graduation of the 2013 class. I have no notes, transcript, or recording. The address of the Howard Gardner Multiple Intelligence Charter School is 1615 East Elm Street, Scranton, Pennsylvania 18505.

November 14, 2012: Panelist, Strong Women Leading Today, Greater Scranton Chamber of Commerce, Scranton, Pennsylvania. I participated in a panel discussion about work-life balance as part of the Chamber's Women's Network lunch speaker series. I have no notes, transcript, or recording. The address of the Chamber is 222 Mulberry Street, Scranton, Pennsylvania 18501.

April 26, 2012: Panelist, Strong Women Leading Today, Greater Scranton Chamber of Commerce, Scranton, Pennsylvania. I participated in a panel discussion about work-life balance as part of the Chamber's Women's Network lunch speaker series. I have no notes, transcript, or recording. The address of the Chamber is 222 Mulberry Street, Scranton, Pennsylvania 18501.

- 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.

Kris Hendrickson, "A Call to CARE," WVIA, Oct. 14, 2021. Recording available at <https://www.wvia.org/tv/a-call-to-care>.

Leo A. Latella, *A Lasting Legacy: The Impact of Six Great Jurists on the Bench and Bar*, Fed. Law. 58 (2020). Copy supplied.

Podcast: "Pathways to the Bench," *Federal Bar Association* (Sept. 2020). Recording available at <https://www.fedbar.org/judiciary-division/wp-content/uploads/sites/5/2020/09/Pathways-to-the-Bench-201-MEHALCHICK.mp3>.

"Women Trailblazers," *25<sup>th</sup> Annual Report Card*, Pennsylvania Bar Association Commission on Women in the Profession (May 2020). Copy supplied.

Melissa E. Manning, *Work Hard and Have A Good Temperament: Advice to Younger Lawyers from Magistrate Judge Karoline Mehalchick*, Fed. Law. 13 (2014). Copy supplied.

Mary Kate Coleman, *Profile on U.S. Magistrate Judge Karoline Mehalchick*, Voices & Views, Penn. Bar Ass'n, Vol. 18, No. 3 (2013). Copy supplied.

Terrie Morgan-Biesecker, *Scranton attorney appointed federal magistrate judge*, The Times-Tribune, July 15, 2013. Copy supplied.

Terrie Morgan-Biesecker, *Ex-chief loses in top court*, The Times-Tribune, June 21, 2011. Copy supplied.

Terrie Morgan-Biesecker, *Reporter need not reveal source*, The Times-Tribune, June 21, 2011. Copy supplied.

Terrie Morgan-Biesecker, *Duryea flap rises to the top*, The Times Leader, Dec. 15, 2010. Copy supplied.

Terrie Morgan-Biesecker, *Department of Justice looking for victims*, The Times-Tribune, June 23, 2009. Copy supplied.

Terrie Morgan-Biesecker, *Best young lawyer returns to her roots*, The Times-Tribune, June 19, 2006. Copy supplied.

Paula Shaki, *Residents Tear*, Centre Daily Times, Oct. 24, 1997. Copy supplied.

Anne Savanick, *University Caught in Web of Vast Technology*, The Daily Collegian, June 28, 1996. Copy supplied.

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

I was appointed as a United States Magistrate Judge for the Middle District of Pennsylvania on July 15, 2013. My authority as a magistrate judge is defined by 28 U.S.C. § 636. In criminal matters, I preside over misdemeanor and petty offenses, including trial and sentencing. I also preside over preliminary felony criminal matters including, but not limited to, initial appearances, arraignments, bail determinations, pleas, search and arrest warrants. In civil matters in which the parties consent pursuant to § 636, a magistrate judge has virtually the same jurisdiction as an Article III District Judge. In those matters, I presided over a variety of civil matters, from initial review of complaints through resolution of dispositive motions or trial. In a matter in which the parties do not consent, I oversee pretrial management of cases and prepares a report and recommendation on any dispositive motions, with proposed findings of facts and conclusions of law for consideration by the district judge. In ten years on the bench, I have authored more than 1,200 opinions and reports and recommendations.

In January 2021, I was appointed Chief Magistrate Judge. As Chief Magistrate Judge, I assign discovery issues and settlement conferences to the magistrate judges in the Middle District of Pennsylvania. I also work with the Clerk of Court and the magistrate judges on other administrative matters relevant to the magistrate judges, and represent the magistrate judges at Board of Judges meetings.

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

I have presided over 16 trials that have gone to verdict.

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

jury trials:	33%
bench trials:	67%

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

civil proceedings:	92%
--------------------	-----

criminal proceedings: 8%

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

See attached list of citations.

- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature of the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (4) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

1. *Hammonds v. Luzerne County*, No. 3:19-CV-02199 (M.D. Pa.)

This was a federal civil rights action brought by the estate of an individual who passed away while detained at Luzerne County Correctional Center. The estate alleged that the decedent suffered from a seizure, during which he was subject to excessive force and restrained, including being shackled and tased repeatedly, instead of being administered any medical treatment. His treatment by correctional officers and medical staff was captured on video. He was eventually transported to the hospital, where he was pronounced dead two days later. Central issues in that case were the public release of the highly sensitive video, and whether and how to resolve the matter in a fair and equitable manner to the decedent's eight children. Ultimately, the parties were able to negotiate a settlement. Following a hearing, I approved the proposed settlement distribution to the minor children.

Counsel for the Plaintiffs:

Barry Dyller  
Theron Solomon  
Law Office of Barry H. Dyller  
68 North Franklin Street  
Wilkes Barre, PA 18701  
(570) 829-4860

Counsel for Defendants:

Sean McDonough  
Dougherty, Leventhal & Price  
75 Glenmaura National Boulevard  
Moosic, PA 18507  
(570) 347-1011

2. *Sargent v. Pennsylvania*, No. 3:13-CV-00730 (M.D. Pa.)

The plaintiff brought this lawsuit against the Commonwealth of Pennsylvania, the

Pennsylvania State Police and two state police officers, asserting violations of her Fourth Amendment rights stemming from her arrest in the parking lot of the Mt. Airy Casino. Specifically, the plaintiff made claims of excessive use of force, false arrest, and malicious prosecution. After I granted summary judgment on the false arrest and malicious prosecution claims, I presided over trial on the plaintiff's excessive force claim. Following a three-day jury trial, the jury returned a verdict in favor of the defendants.

Counsel for the Plaintiffs:

Gerard M. Karam  
Office of the United States Attorney for the Middle District of Pennsylvania  
235 North Washington Avenue  
Scranton, PA 18503  
(570) 348-2800

Christopher James Szewczyk  
Mazzoni & Karam  
321 Spruce Street, Suite 201  
Scranton, PA 18503  
(570) 348-0776

Counsel for Defendants:

Jessica S. Davis  
Lucy E. Fritz  
Office of Attorney General  
Civil Litigation Section  
15th Floor  
Strawberry Square  
Harrisburg, PA 17120  
(717) 787-3102

3. *Harshman v. Superintendent, State Corr. Inst. at Rockview*, No. 3:17-CV-00116, Doc. 12 (M.D. Pa. July 17, 2018), *R & R adopted*, 368 F. Supp. 3d 776 (M.D. Pa. Mar. 26, 2019). Report and Recommendation supplied.

Mr. Harshman brought this habeas petition to have his 2001 conviction and sentence for first-degree murder vacated due to the failure of the prosecution to turn over evidence material to his case in violation of *Brady v. Maryland* and its progeny. I concluded that the evidence in question, namely the offer of assistance in parole proceedings to witnesses testifying at Mr. Harshman's trial, was indeed material and should have been disclosed. Based on that conclusion, I recommended that the conviction and sentence be vacated. The District Court agreed with me, directing the state to free Mr. Harshman or grant him a new trial. The state opted to retry Mr. Harshman. Prior to the start of trial, Mr. Harshman pleaded no contest to the charges and was resentenced by the state court.

Counsel for the Petitioner:

David J. Foster  
831 Market Street  
Lemoyne, PA 17043  
(717) 761-4031

Counsel for the Respondents:

Laura Kerstetter  
Franklin County District Attorney Office  
157 Lincoln Way East  
Chambersburg, PA 17201  
(717) 261-3827

4. *Cordaro v. United States*, 3:17-CV-0215, Doc. 34 (M.D. Pa. Sept. 1, 2017), *R & R adopted*, 3:17-CV-0215, 2017 WL 6311696 (M.D. Pa. Dec. 11, 2017), *aff'd*, 933 F.3d 232 (3d Cir. 2019). Report and Recommendation supplied.

In June 2011, Mr. Cordaro, a former Lackawanna County Commissioner, was convicted of accepting hundreds of thousands of dollars in a bribery and extortion scheme for municipal contracts and other official business. After his conviction was upheld on appeal and his first habeas petition denied, he filed this § 2241 habeas petition, in which he sought to have his conviction and sentence vacated as contrary to the Supreme Court decision in *McDonnell v. United States*.

Ultimately, I concluded that Mr. Cordaro's petition should be denied, as he had not met his burden of showing "actual innocence" and that it was not more likely than not that no reasonable juror would have convicted him. Further, I determined that nothing in *McDonnell* changed the outcome for Mr. Cordaro, and that no reasonable juror could fail to find that his actions were not "official acts" as clarified by *McDonnell*. The district court adopted my report and recommendation, and the Third Circuit affirmed the district court's decision. To the best of the district court's and my knowledge, this was the first case to address the applicability of *McDonnell* in the context of a § 2241 petition.

Counsel for the Petitioner:

Brian T. Kelly  
Nixon Peabody LLP  
100 Summer Street  
Boston, MA 02110  
(617) 345-1000

Counsel for the Respondents:

Stephen R. Cerutti, II  
United States Attorney's Office  
228 Walnut Street  
Harrisburg, PA 17108  
(717) 221-4482

5. *Cnty. Ass'n Underwriters of Am., Inc. v. Queensboro Flooring Corp.*, 3:10-CV-1559 (M.D. Pa.)

This case was a complex, consolidated action concerning claims alleging property damage and severe personal injuries arising out of an explosion and fire in July 2009 that occurred during construction work at a townhouse located in Tannersville, Pennsylvania. Several cases were consolidated into this one action, with negligence claims asserted against several defendants, including a property owners association and its property manager. The parties had numerous discovery disputes, and filed several motions for sanctions. Eventually the case was set for trial, which was expected to last at least three weeks and require the use of Lithuanian, Polish, and Ukrainian interpreters. After a day and a half of jury selection, the matter settled.

Counsel for the Plaintiffs:

Joseph F. Rizzo  
Hien T. Pham  
John R. Padova, Jr.  
The Padova Firm  
123 South 22nd Street  
Philadelphia, PA 19103  
(215) 893-0700

Counsel for Defendants:

Raymond E. Mack  
Three Valley Square  
Blue Bell, PA 19422  
(215) 383-0228

Edward J. McKarski  
901 West Lehigh Street  
P.O. Box 1279  
Bethlehem, PA 18016  
(610) 866-0198

Joseph F. McNulty, Jr.  
Fowler Hirtzel McNulty & Spaulding, LLP  
4949 Liberty Lane  
Suite 330  
Allentown, PA 18106  
(484) 408-0301

Angela Costigan  
Costigan & Costigan  
1222 Spruce Street

Philadelphia, PA 19107  
(215) 546-7215

William E. Schaefer  
Hendrzak & Lloyd  
3701 Corporate Center Parkway  
Suite 100  
Center Valley, PA 18034  
(610) 709-8705

Michael A. Dempsey  
116 North Washington Avenue  
Suite 400  
Scranton, PA 18503  
(570) 346-2097

6. *Ely v. Cabot Oil & Gas*, No. 3:09-CV-2284 (M.D. Pa.)

Following a nearly three-week trial that capped more than six years of litigation, a jury found in favor of the plaintiffs and against Cabot Oil & Gas Corporation on claims that Cabot was negligent in its gas drilling activity, interfering with and damaging the plaintiffs' access to water and enjoyment of property. The jury awarded the plaintiffs \$4.24 million dollars. After Cabot moved for judgment as a matter of law, the presiding judge vacated the verdict and ordered a new trial. Before rescheduling trial, though, the judge referred the matter to me to conduct settlement discussions and resolve the matter without further need for trial. After many hours of discussions spread over several months, I was able to broker a settlement between the parties that negated the need for any further litigation and trial.

**Counsel for the Plaintiffs:**

Leslie Lewis  
162 West 21st Street  
Suite 2-South  
New York, NY 10011  
(646) 267-2172

Elisabeth N. Radow  
Radow Law PLLC  
17 North Chatsworth Avenue  
Larchmont, NY 10538  
(914) 315-6215

**Counsel for Defendants:**

Stephen C. Dillard  
Norton Rose Fulbright US LLP

1301 McKinney  
Suite 5100  
Houston, TX 77010  
(713) 651-5507

Jeremy A. Mercer  
Nelson Mullins  
6 PPG Place  
Suite 700  
Pittsburgh, PA 15222  
(412) 730-3214

7. *United States v. Ivory*, No. 3:21-CR-00136 (M.D. Pa.)

In May 2021, Mr. Ivory was charged by information with two counts of knowingly and intentionally forcibly assaulting, resisting, opposing, impeding, intimidating, and interfering with Federal Bureau of Prisons staff in violation of 18 U.S.C. § 111(a)(1). I presided over his case from his initial appearance on these charges through jury trial and sentencing. The charges against Mr. Ivory, an inmate at the United States Penitentiary at Canaan, stemmed from an incident wherein Mr. Ivory, during his transport to a lieutenant's office, attempted to punch one of the correctional officers. Later that evening, he attempted to bite an officer's hands. Less than an hour prior to the first incident, Mr. Ivory made a phone call to his sister in which he told her that he was going to resist staff and attempt to have staff assault him so that he could sue them for money.

At the beginning of trial, I determined that the phone call was admissible under Federal Rule of Criminal Procedure 404(b). After a three-day jury trial, the jury found Mr. Ivory guilty on both counts. Following his conviction, I imposed an aggregate sentence of 18 months' incarceration, nine months on each count to run consecutively. At sentencing, I determined that Mr. Ivory's offense level should be increased as his conduct involved physical contact with officers. I also applied an upward adjustment for obstruction of justice, as Mr. Ivory had provided false testimony at trial. Mr. Ivory appealed his conviction and sentence to the district court, which affirmed the conviction and sentence. Mr. Ivory filed a further appeal with the Court of Appeals for the Third Circuit; that appeal is pending.

Counsel for the Government:  
Todd K. Hinkley  
United States Attorney's Office  
Middle District of Pennsylvania  
P.O. Box 309  
235 North Washington Avenue  
Scranton, PA 18501  
(570) 348-2800

Counsel for Defendant:  
Elliot Smith  
Federal Public Defender's Office  
Middle District of Pennsylvania  
201 Lackawanna Avenue  
Scranton, PA 18503  
(570) 343-6285

8. *Bliss-Miller v. Laborers International Union of No. America Local 158, et al.*, No. 3:17-CV-01837 (M.D. Pa.)

Ms. Bliss-Miller brought this action against her local laborers' union and its business agent, Mr. Slick, alleging sex discrimination in violation of Title VII of the Civil Rights Act of 1964, and retaliation under Title VII and 42 U.S.C. § 1981. Following a bench trial, I concluded that she failed to establish either discrimination or retaliation, and entered judgment in favor of the union and Mr. Slick. Ms. Bliss-Miller appealed, and the Court of Appeals for the Third Circuit affirmed my judgment.

Counsel for Plaintiff:  
Edmund J. Scacchitti  
327 North Washington Avenue  
Scranton, PA 18503  
(570) 343-9000

Counsel for Defendant:  
Jason M. Weinstock  
800 North 2nd Street  
Harrisburg, PA 17102  
(717) 238-1657

9. *United States v. Veras*, No. 3:19-CR-010, 2020 WL 1675975 (M.D. Pa. Apr. 6, 2020); *United States v. Cook*, No. 3:16-CR-00312, 2020 WL 1939612 (M.D. Pa. Apr. 22, 2020)

Following the onset of the Covid-19 global pandemic in March 2020, courts across the country were inundated with requests from inmates for release from custody, both through review of pretrial detention orders and motions for compassionate release from custodial sentences. In the Middle District of Pennsylvania, motions for review of pretrial release fell to the magistrate judges. Between the last week of March 2020 and the first week of May 2020, hundreds of these motions were filed, most arguing that pretrial detention decisions should be reconsidered, as the pandemic was a changed circumstance, a compelling reason for release, and finally, that detaining a defendant pretrial during the pandemic amounted to violations of a defendant's Eighth Amendment rights. Though bail and pretrial detention were not novel issues, the consideration of

them in the context of a global pandemic was. In two of the first decisions on these motions in our District, I carefully considered the arguments made by both the defendant and the Government, ultimately determining that these defendants had not demonstrated that the pretrial detention decisions in their cases should be altered.

*U.S. v. Veras*

Counsel for the Government:  
Michelle Olshefski  
United States Attorney's Office  
Middle District of Pennsylvania  
P.O. Box 309  
235 North Washington Avenue  
Scranton, PA 18501  
(570) 348-2800

Counsel for Defendant:  
Leo A. Latella  
Federal Public Defender's Office  
Middle District of Pennsylvania  
201 Lackawanna Avenue  
Scranton, PA 18503  
(570) 343-6285

*U.S. v. Cook*

Counsel for the Government:  
Jenny P. Roberts  
Sean A. Camoni  
Francis P. Sempa  
United States Attorney's Office  
Middle District of Pennsylvania  
235 North Washington Avenue  
Scranton, PA 18503  
(570) 348-2800

Counsel for Defendant:  
Matthew Thomas Comerford  
Curt M. Parkins  
Comerford Law  
538 Spruce Street  
Suite 430  
Scranton, PA 18503  
(570) 880-0777

10. *Blizman v. Travelers Pers. Ins. Co.*, No. 3:19-CV-01539, 504 F. Supp. 3d 345 (M.D. Pa. 2020), and 557 F. Supp. 3d 571 (M.D. Pa. 2021)

This matter arose from a fatal motor vehicle accident and subsequent claim for uninsured motorist benefits. The plaintiff, the estate of the insured scooter driver, sought a declaratory judgment that the driver's insurance policy provided stacked uninsured motorist coverage for the fatal injuries. The insurance company, Travelers, had denied coverage, asserting that when the driver added vehicles to the policy, the original waiver of stacking benefits still applied. Travelers had not provided the driver with a new waiver of stacking benefits form. Plaintiff asserted that when the policy coverage changed without a new waiver of stacking benefits, the prior waiver was no longer valid. The claims in the case raised complex issues regarding uninsured and underinsured motorist benefits. After examining this evolving area of state law, I denied the motion to dismiss, finding that the plaintiff stated a claim for relief, noting that the documents at issue were not attached to the complaint and therefore not before the court for consideration on a motion to dismiss. At the dispositive motion stage of this case, I granted summary judgment in the plaintiffs' favor, finding that under the original stacking waiver, the plaintiff was entitled to pursue inter-policy underinsured benefits, as the waiver did not explicitly cover inter-policy benefits. Further, given the changes to the policy subsequent to the execution of the waiver, that waiver of stacking benefits was no longer valid, and plaintiff was also entitled to pursue intra-policy stacked benefits under the policy.

Counsel for the Plaintiff:  
David J. Selingo  
Law Offices of David J Selingo  
345 Market Street  
Kingston, PA 18704  
(570) 287-2400

Joseph M. Cosgrove  
Law Offices of Joseph M. Cosgrove  
114 North Franklin Street  
Wilkes-Barre, PA 18701  
(570) 823-9078

Counsel for the Defendant:  
Brooks R. Foland  
Allison L. Krupp  
Marshall Dennehey  
100 Corporate Center Drive  
Suite 201  
Camp Hill, PA 17011  
(717) 651-3510

- d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that

were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.

1. *Cordaro v. United States*, 3:17-CV-0215, Doc. 34 (M.D. Pa. Sept. 1, 2017), *R & R adopted*, 3:17-CV-0215, 2017 WL 6311696 (M.D. Pa. Dec. 11, 2017), *aff'd*, 933 F.3d 232 (3d Cir. 2019). Report and Recommendation previously supplied in response to Question 13c.

Counsel for the Petitioner:

Brian T. Kelly  
Nixon Peabody LLP  
100 Summer Street  
Boston, MA 02110  
(617) 345-1000

Counsel for the Respondents:

Stephen R. Cerutti, II  
United States Attorney's Office  
Middle District of Pennsylvania  
228 Walnut Street  
Harrisburg, PA 17108  
(717) 221-4482

2. *Pacanowski v. Alltran Fin., LP*, 271 F. Supp. 3d 738 (M.D. Pa. Sept. 19, 2017)

Counsel for the Plaintiff:

Carlo Sabatini  
Brett M. Freeman  
Sabatini Freeman, LLC  
216 North Blakely Street  
Dunmore, PA 18512  
(570) 341-9000

Counsel for the Defendant:

Erin Stottlemyer Gold  
Aramark  
1101 Market Street  
29th Floor  
Philadelphia, PA 19107  
(215) 238-5987

George J. Lavin, III  
920 West Chester Pike, Upper Floor  
Havertown, PA 19083  
(610) 449-1565

Brandon A Carnes  
Rock Fusco & Connelly, LLC  
321 North Clark Street  
Suite 2200  
Chicago, IL 60654  
(312) 494-1000

3. *Downey v. Pennsylvania Dep't of Corr.*, 1:17-CV-143, 2019 WL 2161692 (M.D. Pa. May 17, 2019), *aff'd in part, rev'd in part, and remanded*, 968 F.3d 299 (3d Cir. 2020)

Counsel for the Plaintiff:  
Clifford A. Rieders  
Corey J. Mowrey  
Rieders Travis Humphrey Waters & Dohrmann  
161 West Third Street  
Williamsport, PA 17703  
(570) 323-8711

Counsel for the Defendant:  
Daniel J. Gallagher  
Jessica S. Davis  
Office of the Attorney General  
Strawberry Square  
15th Floor  
Harrisburg, PA 17120  
(717) 783-2034

Samuel H. Foreman  
Caitlin J. Goodrich  
Kenneth D. Powell, Jr.  
Weber Gallagher Simpson Stapleton Fires & Newby, LLP  
Four PPG Place  
5th Floor  
Pittsburgh, PA 15222  
(412) 281-4541

Chase M. DeFelice  
Office of General Counsel  
PA Department of Corrections  
1920 Technology Parkway  
Mechanicsburg, PA 17050  
(717) 728-7763

4. *Spanier v. Libby*, No. 3:19-CV-523, 2019 WL 1930155 (M.D. Pa. Apr. 30,

2019), *rev'd sub nom. Spanier v. Director Dauphin Cnty. Prob. Servs.*, 981 F.3d 213 (3d Cir. 2020)

Counsel for the Petitioner:  
Bruce P. Merenstein  
Samuel W. Silver  
Schnader Harrison Segal & Lewis, LLP  
1600 Market Street  
Suite 3600  
Philadelphia, PA 19103  
(215) 751-2249

Counsel for the Respondents:  
Donald L. Carmelite  
Marshall Dennehey  
100 Corporate Center Drive  
Suite 201  
Camp Hill, PA 17011  
(717) 651-3504

5. *Allen v. Commissioner of Social Security*, 475 F. Supp. 3d 413, 2020 WL 4431544 (M.D. Pa. Aug. 1, 2020)

Counsel for the Plaintiff:  
Karl E. Osterhout  
Hannalore B. Merritt  
Osterhout Berger Disability Law, LLC  
521 Cedar Way  
Suite 200  
Oakmont, PA 15139  
(412) 794-8003

Counsel for the Defendants:  
Samuel S. Dalke  
United States Attorney's Office  
228 Walnut Street  
Suite 220  
P.O. Box 11754  
Harrisburg, PA 17108  
(717) 221-4482

6. *Blizman v. Travelers Pers. Ins. Co.*, 504 F. Supp. 3d 345 (M.D. Pa. 2020), and 557 F. Supp. 3d 571 (M.D. Pa. 2021)

Counsel for the Plaintiff:  
David J. Selingo

Law Offices of David J Selingo  
345 Market Street  
Kingston, PA 18704  
(570) 287-2400

Joseph M. Cosgrove  
Law Offices of Joseph M. Cosgrove  
114 North Franklin Street  
Wilkes-Barre, PA 18701  
(570) 823-9078

Counsel for the Defendant:  
Brooks R. Foland  
Allison L. Krupp  
Marshall Dennehey  
100 Corporate Center Drive  
Suite 201  
Camp Hill, PA 17011  
(717) 651-3510

7. *Dempsey v. Bucknell University*, 296 F.R.D. 323 (M.D. Pa. 2013)

Counsel for the Plaintiff:  
Dennis E. Boyle  
1050 Connecticut Avenue, Northwest  
Suite 500  
Washington, DC 20036  
(202) 430-1900

Counsel for the Defendant:  
Amy C. Foerster  
Troutman Pepper Hamilton Sanders LLP  
100 Market Street Suite 200  
P.O. Box 1181  
Harrisburg, PA 17108  
(717) 255-1108

Cory S. Winter  
Saul Ewing Arnstein & Lehr LLP  
2 North Second Street  
7th Floor  
Harrisburg, PA 17101  
(717) 257-7562

James A. Keller  
Saul Ewing Arnstein & Lehr LLP

Centre Square West  
1500 Market Street  
38th Floor  
Philadelphia, PA 19102  
(215) 972-1964

8. *Adams v. Luzerne County*, 36 F. Supp. 3d 511 (M.D. Pa. 2014)

Counsel for the Plaintiff:  
William E. Vinsko, Jr.  
Brian M. Vinsko  
Vinsko & Associates, P.C.  
37 North River Street  
Wilkes-Barre, PA 18702  
(570) 970-9700

Counsel for the Defendant:  
John G. Dean  
Elliott Greenleaf & Dean  
201 Penn Avenue  
Suite 202  
Scranton, PA 18503  
(570) 346-7569

Paul A. Galante  
Slusser Law Firm  
1620 North Church Street  
Hazleton, PA 18202  
(570) 453-0463

9. *First N. Bank & Tr. Co. v. United States (I.R.S.)*, No. 3:13-CV-01446, 2014 WL 2810118 (M.D. Pa. June 20, 2014)

Counsel for the Plaintiff:  
James T. Shoemaker  
Lars Henry Anderson  
Hourigan, Kluger & Quinn, P.C.  
600 Third Avenue  
Kingston, PA 18704-1867  
(570) 287-3000

Counsel for the Defendant:  
J. Justin Blewitt, Jr. (retired)

10. *Acosta v. Bristol Excavating, Inc.*, 297 F. Supp. 3d 523 (M.D. Pa. 2017), *aff'd in part, vacated in part, and remanded sub nom. Sec'y U.S. Dep't of Labor v.*

Counsel for the Plaintiff:

Bertha M. Astorga  
U.S. Department of Labor  
201 Varick Street  
Unit 983  
New York, NY 10014  
(646) 264-3648

Counsel for the Defendant:

Harold G. Caldwell  
Casandra K. Blaney  
Brann, Williams, Caldwell & Sheetz  
1090 West Main Street  
Troy, PA 16947  
(570) 297-2192

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

*Chinniah v. East Pennsboro Twp.*, No. 1:15-CV-02240, *mandamus filed, In re Chinniah*, 670 F. App'x 59 (3d Cir. 2016), *cert. denied sub nom. Chinniah v. U.S. Dist. Court for Middle Dist. of Pennsylvania*, 137 S. Ct. 2321 (2017)

*Alford v. Pa. Dep't of Corrections*, No. 3:13-00345, *mandamus filed, In re Alford*, 538 F. App'x 133 (3d Cir. 2013), *cert. denied sub nom. Alford v. U.S. Dist. Court for Middle Dist. of Pennsylvania*, 571 U.S. 1141 (2014)

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

According to the records of the clerk of court for the Middle District of Pennsylvania, as a United States magistrate judge, I have authored more than 1,200 reports and recommendations and memorandum opinions. Every report and recommendation is subject to review by the district court; every memorandum opinion may be appealed to either the district court or the Third Circuit Court of Appeals. The district court has adopted the vast majority of my reports and recommendations. Those reports and recommendations that were not adopted due to substantive disagreement are listed below, along with those decisions that have been reversed by the Third Circuit Court of Appeals. I have not included in that list those cases in which the Report and Recommendation was not adopted due to intervening changes in circumstances (such as an immigration detainee being

removed from custody), or in which the district court allowed for new evidence or argument that had not been before me, or in which the district court allowed another opportunity to for late paperwork or filing fees to be filed.

Copies of unreported reports and recommendations and opinions are supplied.

*Ramsey v. Amtrak*, No. 1:22-CV-00900, 2022 WL 3367525 (M.D. Pa. July 25, 2022), *R & R adopted in part, rejected in part*, 2022 WL 3365059 (M.D. Pa. Aug. 15, 2022). I recommended dismissal of this civil rights action after denying plaintiff *in forma pauperis* status because he had failed to pay the filing fee. The district court affirmed my denial of *in forma pauperis* status but granted plaintiff 30 days in which to pay the filing fee in full. After plaintiff failed to pay the filing fee in full, the district court dismissed the case.

*Yentzer v. Potter County*, No. 3:20-CV-01579, 2022 WL 943042 (M.D. Pa. Feb. 22, 2022), *R & R adopted in part*, No. 3:20-CV-01579, 2022 WL 903937 (M.D. Pa. Mar. 28, 2022). In this failure-to-protect and denial-of-medical-care case, I recommended denial of defendants' motion to dismiss, having determined that the plaintiff had adequately pleaded the elements of the claims it asserted, and further that defendants were not entitled to qualified immunity at the time. The district court disagreed with my analysis, finding that the plaintiff had not adequately stated a claim, but granted leave to amend the complaint. The district court further determined that while qualified immunity may apply, the defendants had not established their entitlement to that defense at the motion to dismiss stage. The case is still pending.

*Myers v. Clinton County Correctional Facility*, No. 3:21-CV-00867, 2022 WL 773916 (M.D. Pa. Feb. 22, 2022), *R & R adopted in part*, No. 3:21-CV-00867, 2022 WL 738740 (M.D. Pa. Mar. 11, 2022). Plaintiff alleged violations of her Eighth and Fourteenth Amendment rights, namely that defendants failed to take steps to prevent her suicide attempt while she was incarcerated. On a motion to dismiss, I recommended that the motion be granted. The district court agreed with my recommendation as to all aspects of the motion to dismiss except for the standard to be applied to deliberate indifference claims in cases involving inmate suicide attempts. Relying on a decision of the Third Circuit from 2020, I applied a more generalized deliberate indifference standard and recommended that the motion to dismiss be denied as to the Eighth Amendment claim. The district court determined that the circuit's earlier caselaw should apply, requiring a more specific standard for suicide cases. The district court remanded the matter to me for application of that standard, which resulted in the motion to dismiss being granted. The plaintiff has since filed an amended complaint, and the matter remains pending.

*Chinniah v. E. Pennsboro Twp.*, No. 1:15-CV-02240, 2020 WL 8085142 (M.D. Pa. Apr. 13, 2020), *R & R adopted in part, rejected in part*, No. 1:15-CV-02240, 2021 WL 76008 (M.D. Pa. Jan. 8, 2021). The district court rejected my

recommendation to deny the defendant's motion to dismiss plaintiffs' claims for punitive damages in this legal malpractice case. I concluded that the alleged conduct giving rise to the legal malpractice claim could be found to be sufficiently outrageous and that the actions were alleged to have been performed with ill motive. The district court determined that because the claim for legal malpractice was dismissed pending a certificate of merit, the only remaining claim was for breach of contract which cannot give rise to punitive damages. On remand, the plaintiffs failed to file an amended complaint, and I issued a report and recommendation recommending dismissal of the matter, which remains pending before the district court.

*Hassel v. Centric Bank*, No. 1:19-CV-02081, 2020 WL 3022488 (M.D. Pa. Apr. 13, 2020), *R & R adopted in part, rejected in part*, No. 1:19-CV-02081, 2020 WL 2991999 (M.D. Pa. June 4, 2020). In this case brought under the Fair Credit Reporting Act, I determined that exhibits attached to the plaintiff's complaint demonstrated that information reported by the defendant was accurate and that this accuracy was communicated to the plaintiff. The district court disagreed, finding that this conclusion required a factual inference because the columns of data in the exhibit were not labeled. On remand, following a period of discovery, the defendants moved for dismissal of the complaint for failure to prosecute. I recommended the motion be granted, and the district court adopted the recommendation.

*Dennis v. Sheridan*, No. 1:18-CV-1131, 2020 WL 4006147 (M.D. Pa. Feb. 21, 2020), *R & R adopted in part, rejected in part*, No. 1:18-CV-01131, 2020 WL 4003614 (M.D. Pa. July 15, 2020). In this matter, plaintiff made various claims pursuant to the First, Fourth, and Eighth Amendments, alleging wrongful arrest and incarceration. I recommended that two defendants' motions to dismiss for failure properly to effect service should be denied because the plaintiff tenuously met his burden of showing that service was effected and counsel for the defendants had entered his appearance on their behalf. The district court determined that since the plaintiff personally served the defendants, service was improper as it was required to have been performed by a non-party to the action. On remand, despite leave to properly serve defendants, plaintiff failed to do so. I issued a report and recommendation recommending dismissal of the complaint for that reason; the district court adopted the report and dismissed the case.

*McCracken v. Fulton Cty.*, No. 3:19-CV-1063, 2020 WL 2777288 (M.D. Pa. Feb. 20, 2020), *R & R adopted in part, rejected in part*, No. 3:19-CV-1063, 2020 WL 2767577 (M.D. Pa. May 28, 2020). In considering defendants' motions to dismiss in this prisoner-suicide case, I concluded that the plaintiff's allegations that the defendants knew or should have known that the decedent was a suicide risk were sufficient to give rise to constitutional claims. The district court determined that the allegations were conclusory in nature because they did not state how certain defendants knew of a risk of suicide. On remand, after the filing of an amended complaint, and another round of motions to dismiss, I conducted a settlement

conference where the parties were able to resolve the matter.

*Byrd v. Brittain*, No. 1:19-CV-00059, 2019 WL 7597245 (M.D. Pa. Nov. 22, 2019), *R & R adopted in part, rejected in part*, No. 1:19-CV-59, 2020 WL 247172 (M.D. Pa. Jan. 15, 2020). Plaintiff brought this civil rights action against various officials at the State Correctional Institution at Frackville. I concluded that a prisoner's grievance complaint cannot give rise to a supervisor's actual knowledge of a constitutional violation. The district court disagreed, holding that may only be true when the issue is one that occurred in the past; where, as in this matter, the constitutional violation is ongoing, review of the grievance can provide actual knowledge of the violation. On remand, following discovery, defendants moved for summary judgment. I recommended granting the motion and the district court adopted my recommendation, granting judgment to defendants and closing the case.

*Allen v. Lackawanna Cty. Bd. of Comm'rs*, No. 3:18-CV-00209, 2019 WL 4621276 (M.D. Pa. Aug. 23, 2019), *R & R adopted in part*, No. 3:18-CV-209, 2019 WL 4644244 (M.D. Pa. Sept. 23, 2019). In granting in part and denying in part the defendants' motion to dismiss, I determined that the plaintiff's Americans with Disabilities Act discrimination claim contained insufficient allegations, the adverse employment action portion of her Family and Medical Leave Act retaliation claim was alleged in conclusory fashion, the intent portion of her fraud claim was not alleged with sufficient specificity, and her allegations did not rise to a sufficient level to give rise to claim for intentional infliction of emotional distress. The district court determined that although the count which addressed the ADA discrimination claim did not contain sufficient allegations, the complaint read as a whole properly alleged a claim of ADA discrimination. Additionally, the district court concluded that the plaintiff sufficiently alleged the FMLA retaliation claim, that the intent portion of her fraud claim properly gave notice of the charged misconduct, and that the cumulative effect of the alleged wrongdoing could give rise to a claim of intentional infliction of emotional distress. On remand, following discovery, defendants moved for summary judgment, which I recommended granting. The district court adopted my report and recommendation, granting summary judgment in favor of the defendants and dismissing plaintiff's claims.

*Daniels v. Capital One Bank (USA), N.A.*, No. 1:18-CV-534, 2019 WL 5860692 (M.D. Pa. May 31, 2019), *R & R rejected*, No. 1:18-CV-534, 2019 WL 5858937 (M.D. Pa. July 10, 2019). I recommended denying the defendant's motion to dismiss this Fair Credit Billing Act case because the plaintiff gave timely notice to the defendant by noting "Fraud" on his billing statement, but the district court determined that notation did not provide notice of suspected fraudulent extensions of credit, as required to form the basis of the plaintiff's claim. As such, the motion to dismiss was granted and the case was closed.

*Downey v. Pennsylvania Dep't of Corr.*, 1:17-CV-143, 2019 WL 2161692 (M.D.

Pa. May 17, 2019), *aff'd in part, rev'd in part, and remanded*, 968 F.3d 299 (3d Cir. 2020). In this denial of medical care case, I concluded that the plaintiff failed to exhaust his administrative remedies under the Prison Litigation Reform Act because he did not file any grievances on the matter, and since he had filed his first complaint prior to being released from prison he was bound by the requirements of the PLRA. The Court of Appeals determined that the plaintiff's "rapidly deteriorating vision" resulting from glaucoma constituted a sufficiently urgent condition so as to exempt him from the typical grievance requirements and remanded with instructions to allow the case to move forward. On remand, I set the case for trial and resolved motions *in limine*. On the eve of trial, the parties reached a settlement.

*Spanier v. Libby*, No. 3:19-CV-523, 2019 WL 1930155 (M.D. Pa. Apr. 30, 2019), *rev'd sub nom. Spanier v. Director Dauphin Cnty. Prob. Servs.*, 981 F.3d 213 (3d Cir. 2020). I granted the petitioner's habeas petition and vacated his conviction as violative of the Due Process Clause and Ex Post Facto Clause. I determined that the state courts had unforeseeably applied the state's child endangerment statute retroactively, which the Court of Appeals clarified implicates the Due Process Clause but not the Ex Post Facto Clause. The Court of Appeals went on to conclude that the petitioner had received notice of the application of the statute and therefore there was no due process violation. The Court reversed my grant of the petition.

*Hardy v. Shaikh*, No. 1:18-CV-01707, 2019 WL 1756535 (M.D. Pa. Apr. 19, 2019), *rev'd and remanded*, 959 F.3d 578 (3d Cir. 2020). In this civil rights action, plaintiff made claims of deliberate indifference and violations of the Americans with Disabilities Act. I concluded that the grievance process was available to an inmate who failed to exhaust his grievances, so the defendants were entitled to summary judgment. I held that only a "clear misrepresentation" by prison staff may render the process unavailable and this did not occur. The Third Circuit held that a "clear misrepresentation" is not needed; rather, misleading or deceptive instructions from a prison official may render the grievance process unavailable. On remand, the parties reached a settlement.

*Risjan v. Wetzel*, No. 3:15-CV-00268, 2017 WL 11316620 (M.D. Pa. Feb. 17, 2017), *R & R rejected*, No. 3:15-CV-00268, 2019 WL 3146207 (M.D. Pa. July 15, 2019). I recommended that the petition for habeas corpus be dismissed as untimely, finding that the statute of limitations had expired. In making this recommendation, I considered whether principles of equitable tolling might apply to save the claims. Though a close issue, I concluded that equitable tolling did not apply under the facts of this case. Ultimately, the district court disagreed after finding that the petitioner's trial counsel had misled him regarding his post-conviction rights, and that the petitioner had exercised sufficient diligence in pursuing his claims despite counsel's failings. The district court determined that equitable tolling should be granted and directed the Commonwealth to release the petitioner or reinstate his appeal rights *nunc pro tunc*.

*Reed v. Lackawanna Cty.*, No. 3:16-CV-02143, 2019 WL 4791511 (M.D. Pa. Feb. 12, 2019), *R & R adopted in part, rejected in part*, No. 3:16-2143, 2019 WL 4750246 (M.D. Pa. Sept. 30, 2019). In this civil rights action challenging a pretrial detainee's medical treatment, I recommended denying the defendants' motion for summary judgment as to the plaintiff's claim of intentional infliction of emotional distress, concluding that there remained a genuine issue of material fact as to the outrageousness or recklessness of their conduct. The district court, however, determined that a separate element of the claim was unsupported, concluding that the plaintiff did not provide any medical evidence in support of the claim as was necessary under the law, warranting summary judgment. The district court set the remaining claims for trial.

*Rivers v. Dumont*, No. 3:17-CV-02415, 2019 WL 1338916 (M.D. Pa. Feb. 6, 2019), *R & R adopted in part, rejected in part*, No. 3:17-2415, 2019 WL 1347977 (M.D. Pa. Mar. 25, 2019). In this § 1983 case, plaintiff alleged the defendant police officers violated his First Amendment rights to freedom of religion and speech, and his Fourteenth Amendment rights to be free from unlawful arrest and malicious prosecution. After I issued a report and recommendation on the defendants' motion to dismiss, the district court ultimately adopted my conclusion, dismissing the complaint with leave to amend, but construing the plaintiff's claims to include a free speech retaliation claim, and further allowing the plaintiff to amend his complaint to allege claims against the individual officers. The plaintiff never filed an amended complaint, and his claims were ultimately dismissed for failure to prosecute.

*Brown v. Scanlon*, No. 3:16-CV-02528, 2018 WL 7577784 (M.D. Pa. Nov. 13, 2018), *R & R rejected sub nom. Brown v. Lackawanna Cty.*, No. 3:16-CV-2528, 2019 WL 1177979 (M.D. Pa. Mar. 13, 2019). Plaintiff sued several county officials, district attorneys, and detectives, alleging violations of her Fourth and Eighth Amendment rights. I recommended that the court grant the defendants' motion to dismiss because qualified immunity applied, and the plaintiff did not identify a course of conduct by the defendants which led to or extended plaintiff's detention. The district court determined that it would not apply qualified immunity because the parties had not had adequate opportunity to address that issue; it further held that the plaintiff's allegation of confinement without a hearing may have given rise to a violation of a constitutional right and that a Fourteenth Amendment procedural due process analysis was required. On remand, the parties settled.

*Strauss v. Berryhill*, No. 4:17-CV-01098, 2018 WL 3404068 (M.D. Pa. May 3, 2018), *R & R adopted in part, rejected in part*, No. 4:17-CV-01098, 2018 WL 3388026 (M.D. Pa. July 12, 2018). In this appeal of a denial of social security benefits, I recommended that the ALJ's decision to deny the plaintiff social security benefits be reversed and that benefits be awarded because the ALJ had determined that the plaintiff's impairments met or equaled a Listing. While the

district court agreed that the ALJ's decision should be vacated, it determined that the matter should be remanded to the ALJ for further development of the record.

*Acosta v. Bristol Excavating, Inc.*, 297 F. Supp. 3d 523 (M.D. Pa. Nov. 7, 2017). Upon cross motions for summary judgment in this Fair Labor Standards Act case, I concluded that all payments relating to employment must be included in the "regular rate of pay" so the defendant violated the Fair Labor Standards Act's overtime provisions by failing to account for certain bonuses that were paid to employees for safety, efficiency, and completion of work. The Court of Appeals disagreed, holding that not all payments relating to employment must be accounted for as part of the regular rate of pay and that the regular rate of pay depends on the employer's and employee's agreement. My order was affirmed as to the safety bonus, while the remaining claims were remanded for further proceedings. On remand, the parties settled the remaining claims.

*Kennedy v. Colvin*, No. 1:16-CV-00255, Doc. 22 (M.D. Pa. June 9, 2017), *R & R not adopted*, No. 1:16-CV-00255, Doc. 25 (M.D. Pa. July 18, 2017). My report and recommendation was not adopted in this Social Security Act case when the Commissioner did not respond to the plaintiff's objections and the district court found "the arguments contained in the Plaintiff's objections to be persuasive and that the ALJ's evaluation and determination was not supported by substantial evidence[.]" The district court remanded the matter to the administrative law judge for further proceedings.

*Sinawa v. Lackawanna Cnty.*, No. 3:15-CV-01190, 2015 WL 10575903 (M.D. Pa. Aug. 10, 2015), *R & R adopted in part, rejected in part*, No. 3:15-CV-01190, 2016 WL 1271414 (M.D. Pa. Apr. 1, 2016). In this civil rights case, I determined upon initial screening of the complaint that the plaintiff failed to state a claim and that the motion to dismiss should be granted. The district court agreed with that conclusion, but disagreed with my determination that leave to amend should be granted, determining that such leave would be futile because the plaintiff's claim was barred by *Heck*. As such, the district court dismissed the plaintiff's claim with prejudice.

*Rowe v. Giroux*, No. 3:13-CV-02444, 2015 WL 5997092 (M.D. Pa. Aug. 10, 2015), *R & R rejected*, No. 3:13-CV-02444, 2015 WL 5997127 (M.D. Pa. Oct. 14, 2015). I recommended that a petition for habeas corpus be dismissed as untimely filed, having determined that statutory tolling was not available because the motion for post-conviction DNA testing did not constitute a "properly filed application for . . . other collateral review" under 28 U.S.C. § 2244(d)(2). The district court found that statutory tolling was available because the second Post Conviction Relief Act petition, which was filed the same day as and attached to the motion for post-conviction DNA testing, tolled the statutory limitations period. Upon remand, and further briefing, I again determined that the petition was time-barred and recommended that it be dismissed as such. The district court adopted the recommendation and dismissed the case.

*Harper v. United States*, No. 3:12-CV-01292, 2015 WL 1513935 (M.D. Pa. Mar. 31, 2015), *R & R adopted in part, rejected in part*, No. 3:12-CV-01292, 2015 WL 4920322 (M.D. Pa. Aug. 17, 2015). In this *Bivens* and Federal Tort Claims Act case, plaintiff alleged that defendants had failed to protect him and failed to intervene in an assault by his cellmate. I recommended granting certain defendants' motion for partial summary judgment because the record demonstrated they were not aware of potential risk of harm that could result from introducing an individual to a cell held by the plaintiff-inmate, and they were not responsible for decisions relating to cell assignments. The district court disagreed, finding sufficient evidence to support a claim of failure to intervene. On remand, the parties reached a settlement of the remaining claims prior to trial.

*Ryder v. Bartholomew*, No. 3:13-CV-01498, Doc. 134 (M.D. Pa. Dec. 2, 2014), *R & R adopted in part and remanded for further analysis*, No. 3:13-CV-01498, Doc. 141 (M.D. Pa. Jan. 20, 2015). In this prisoner civil rights action alleging denial of medical care, I converted a motion to dismiss to a motion for summary judgment, after which the district court declined to adopt the report, instead remanding the case so that the plaintiff could respond to the motion as one for summary judgment. On remand, following further briefing, I issued another report and recommendation recommending that judgment be granted in defendants' favor. The district court adopted my findings and closed the case.

*Payne v. Doe*, No. 3:12-CV-02243, 2014 WL 12639131 (M.D. Pa. Aug. 7, 2014), *R & R adopted in part, rejected in part*, No. 3:12-CV-02243, 2015 WL 12914131 (M.D. Pa. Jan. 12, 2015). In this civil rights action asserting claims of violations of the First, Eighth, and Fourteenth Amendments, along with violations of the Religious Land Use and Institutionalized Persons Act of 2000, plaintiff claimed defendant prison officials had denied him access to special meals during Ramadan. I recommended denying summary judgment to the defendants, finding that the plaintiff raised a genuine issue of material fact as to whether he lacked alternative means of observing the Ramadan fast. The district court disagreed, instead concluding that the record established that alternative means existed for observing the Ramadan fast. The district court entered judgment in favor of the defendants and closed the case.

*Saltalamacchia v. Wetzel*, No. 3:14-CV-00868, 2014 WL 6908172 (M.D. Pa. July 28, 2014), *R & R adopted in part, rejected in part*, No. 3:14-CV-00868, 2014 WL 6908168 (M.D. Pa. Dec. 8, 2014). In this conditions-of-confinement and failure-to-protect case, the district court determined that supervisory liability claims should be dismissed without prejudice, rather than with prejudice as I had recommended, because the plaintiff could amend his claim to allege a proper Eighth Amendment violation. Ultimately, the matter was dismissed after I recommended that the plaintiff's amended complaint be dismissed for failure to state a claim and the district court adopted the recommendation.

*Michtavi v. Scism*, No. 1:12-CV-01196, 2014 WL 4384626 (M.D. Pa. July 14, 2014), *R & R adopted in part, rejected in part*, No. 1:12-CV-01196, 2014 WL 4384640 (M.D. Pa. Sept. 4, 2014), *rev'd*, 808 F.3d 203 (3d Cir. 2015). In this Eighth Amendment deliberate indifference case stemming from the defendants' failure to treat the plaintiff's medical condition, I recommended that two defendants be granted summary judgment on account of their status as administrators in the prison system. This employment status meant that they did not make clinical decisions and so lacked the requisite personal involvement in issuing medication. The district court concluded that the defendants were sufficiently involved because they responded to plaintiff's administrative grievances with a denial of medical care and their "failure to act at the upper, policy-level of the Bureau of Prisons might give rise to liability." The district court further determined that the officials were not entitled to qualified immunity. The Court of Appeals for the Third Circuit determined that the district court erred and reversed and remanded with instructions to enter summary judgment for the prison officials.

*Bucano v. Monroe Cnty. Corr. Facility*, No. 3:13-CV-01782, 2014 WL 509396 (M.D. Pa. Jan. 7, 2014), *R & R adopted in part*, *Bucano v. Monroe Cnty. Corr. Facility*, No. 3:13-CV-01782, 2014 WL 516520 (M.D. Pa. Feb. 10, 2014). In this matter, plaintiff raised a number of constitutional claims against prison defendants, including Eighth Amendment conditions-of-confinement and denial-of-medical-care claims, Fourteenth Amendment equal protection claims, and First Amendment right to religious exercise and retaliation claims. In granting the motions of defendants who had been served and moved for dismissal, I also recommended dismissal of a defendant who remained unserved with the complaint, finding under 28 U.S.C. § 1915(e)(2)(B)(ii) that the plaintiff had failed to state a claim against her. The district court disagreed with my dismissal of that unserved defendant. Upon remand, after several notices of deficient service, plaintiff still failed to serve her complaint upon the one remaining defendant. I issued a report and recommendation that the complaint be dismissed for lack of service and the district court adopted the report and recommendation.

*J.S. ex rel. Snyder v. Blue Mountain Sch. Dist.*, No. 3:07-CV-00585, 2014 WL 1321947 (M.D. Pa. Jan. 2, 2014), *R & R adopted in part, rejected in part*, No. 3:07-CV-00585, 2014 WL 1321116 (M.D. Pa. Mar. 31, 2014). In this motion for attorney fees, I concluded that it was reasonable for an attorney to spend 68.02 hours drafting a petition for rehearing before the Third Circuit Court of Appeals. Though largely agreeing with my analysis, the district court concluded that more than 30 hours of legal work on this issue was excessive and therefore not compensable. The district court also determined that electronic research costs should be reduced to reflect lack of success.

*Lutz v. Superintendent of SCI Coal Tp.*, No. 3:13-CV-01966, 2013 WL 7097719 (M.D. Pa. Nov. 22, 2013), *R & R adopted in part*, No. 3:13-CV-01966, 2014 WL 298826 (M.D. Pa. Jan. 27, 2014). In this habeas case, I determined that the statute

of limitations had expired. In reaching that conclusion, I applied case law holding that the limitations period generally begins to run on the day an inmate becomes aware of a miscalculation in the execution of his sentence. The district court analyzed the limitations issue differently and determined that the limitations period does not begin to run until the date the inmate alleges his sentence should have expired. Calculating the limitations period in this way, the district court found that the petition was timely. However, the district court agreed with my conclusion that the petition should be dismissed, finding that petitioner received time credit he claimed was denied, and that he was not entitled to any other habeas relief.

*Willson v. Yerke et al.*, No. 3:10-CV-01376, 2013 WL 6835404 (M.D. Pa. Aug. 29, 2013), *R & R adopted in part, rejected in part*, No. 3:10-CV-01376, 2013 WL 6835405 (M.D. Pa. Dec. 23, 2013). I recommended denying the defendants' motion for summary judgment on the plaintiff's substantive due process claims because the actions taken by the defendants could "shock the conscience" in this specific environment, but the district court disagreed, determining that the defendants' conduct, which consisted of threats and verbal harassment, did not rise to the level of violating the plaintiff's substantive due process rights. The district court granted summary judgment in defendants' favor and closed the case.

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

As a United States magistrate judge, all of my decisions are filed on the Electronic Case Filing System (ECF). Additionally, the vast majority of them are available in legal research databases such as Westlaw or Lexis.

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

*Spanier v. Libby*, No. 3:19-CV-523, 2019 WL 1930155 (M.D. Pa. Apr. 30, 2019), *rev'd sub nom. Spanier v. Director Dauphin Cnty. Prob. Servs.*, 981 F.3d 213 (3d Cir. 2020)

*Harshman v. Superintendent, State Corr. Inst. at Rockview*, No. 3:17-CV-00116, Doc. 12 (M.D. Pa. July 17, 2018), *R & R adopted*, 368 F. Supp. 3d 776 (M.D. Pa. Mar. 26, 2019). Report and recommendation previously supplied in response to Question 13c.

*Cordaro v. United States*, 3:17-CV-0215, Doc. 34 (M.D. Pa. Sept. 1, 2017), *R & R adopted*, 3:17-CV-0215, 2017 WL 6311696 (M.D. Pa. Dec. 11, 2017), *aff'd*, 933 F.3d 232 (3d Cir. 2019). Report and recommendation previously supplied in response to Question 13c.

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

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

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

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

In determining whether grounds for recusal exist, I follow 28 U.S.C. § 455 and the Code of Conduct for United States Judges and recuse myself from cases involving any individuals or companies with which I have a financial or personal relationship that could be considered a conflict of interest. Additionally, the United States District Court for the Middle District of Pennsylvania has an automated conflict screening software program to identify conflicts of interest for each judge.

The following is a list of cases in which a party has filed a motion for recusal or in which I have *sua sponte* recused myself:

*Alford v. Kerestes*, No. 3:13-CV-02800: *Pro se* petitioner moved for recusal or disqualification based upon adverse rulings I made in litigation he had before the court. As that is not a basis for recusal under 28 U.S.C. § 455 or the Code of Conduct, I denied his motion.

*Bey v. Pa. Board of Probation and Parole*, No. 3:10-CV-02597: *Pro se* plaintiff moved for recusal or disqualification based upon adverse rulings I made in litigation he had before the court. As that is not a basis for recusal under 28 U.S.C. § 455 or the Code of Conduct, I denied his motion.

*Braddy v. Sciarillo*, No. 3:16-CV-00198: I recused myself *sua sponte* because of potential familiarity with the underlying claim.

*Casey v. CPG International*, No. 3:21-CV-00895: I recused myself *sua sponte* because a party or witness was affiliated with my former law firm, and I had potential familiarity with the matter as a result of my work in private practice.

*Chinniah v. East Pennsboro Township*, No. 1:15-CV-02240: *Pro se* plaintiff moved for recusal or disqualification based upon adverse rulings I made in litigation he had before the court. As that is not a basis for recusal under 28 U.S.C. § 455 or the Code of Conduct, I denied his motion.

*Grezak v. Ropes & Gray*, No. 3:15-CV-02111: *Pro se* plaintiff moved for recusal or disqualification based upon association with other judges, clerks and attorneys, and unsubstantiated allegations of *ex parte* conversations. As these are not a basis for recusal under 28 U.S.C. § 455 or the Code of Conduct, I denied her motion.

*Maxton v. Lynch*, No. 1:15-CV-01402: *Pro se* plaintiff moved for recusal or disqualification based upon adverse rulings I made in litigation he had before the court. As that is not a basis for recusal under 28 U.S.C. § 455 or the Code of Conduct, I denied his motion.

*Montrose Hillbillies II, LLP v. WPX Energy Keystone, LLP*, No. 3:14-CV-02264: I recused myself from this matter due to Plaintiff's counsel's involvement in a legal malpractice action against my former firm and one of its partners.

*Mumma v. Morgan*, No. 1:20-CV-00458: *Pro se* plaintiff moved for recusal or disqualification based upon adverse rulings I made in litigation he had before the court. As that is not a basis for recusal under 28 U.S.C. § 455 or the Code of Conduct, I denied his motion.

*Stewart v. Varano*, No. 1:13-CV-02518: *Pro se* plaintiff moved for recusal or disqualification based upon adverse rulings I made in litigation he had before the court. As that is not a basis for recusal under 28 U.S.C. § 455 or the Code of Conduct, I denied his motion.

*Talley v. Pa. Dep't of Corr.*, No. 16-CV-02074: *Pro se* plaintiff moved for recusal or disqualification based upon rulings I made in litigation he had before the court. As that is not a basis for recusal under 28 U.S.C. § 455 or the Code of Conduct, I denied his motion. Since that time, plaintiff has filed a suit in the Eastern District of Pennsylvania; as such, any cases that were pending before me have been reassigned to another judge in the Middle District of Pennsylvania.

*Yun v. Bank of America*, No. 3:16-CV-00704: *Pro se* plaintiff moved for recusal or disqualification based upon adverse rulings I made in litigation she had before the court

and on the grounds that she had not consented to my pretrial management of the case. As that is not a basis for recusal under 28 U.S.C. § 455 or the Code of Conduct, I denied her motion.

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

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

None.

- b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

None.

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

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

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

From 2001 to 2002, I clerked for the Honorable Trish Corbett of the Lackawanna County Court of Common Pleas

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

I never practiced alone.

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

Oliver, Price & Rhodes  
1212 South Abington Road  
Clarks Summit, Pennsylvania 18411  
Partner (2008 – 2013)  
Associate (2002 – 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.

As a member of the Lackawanna Bar Association, I was occasionally appointed by the Lackawanna County Clerk of Court to sit as a member of the three-person arbitration panels in the Court of Common Pleas of Lackawanna County. These panels heard cases brought in the Court of Common Pleas where the amount in controversy was below the arbitration limit. The hearings were usually half-days. I have no records or files from any of these proceedings.

b. Describe:

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

After completing a clerkship with the Honorable Trish Corbett of the Lackawanna County Court of Common Pleas, I spent 11 years in a general civil and commercial litigation practice at the firm of Oliver, Price & Rhodes in Clarks Summit, Pennsylvania. First as an associate, and then, after five years, as a partner, the goal of my practice was always to vigorously advocate for my clients' interests and work to help meet their legal objective, whether through pretrial resolution, the discovery process, argument and motion practice, trial, or appeal.

Though my practice was always general in nature, as was that of the firm, over the years, I began almost exclusively to work in litigation, representing both plaintiffs and defendants in and out of court, in depositions, motion practice, and several trials and appeals before state and federal courts. Over time, my practice became almost exclusively federal in nature.

Additionally, in my 11 years at the firm, I maintained a regular pro bono practice, representing clients assigned through Lackawanna Pro Bono, Inc. in landlord/tenant disputes, eviction matters, and family law cases.

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

Throughout my time at Oliver, Price & Rhodes, I represented a broad range of clients in state and federal trial and appellate courts, including the Third Circuit Court of Appeals and the United States Supreme Court. My clients included individuals, commercial clients, local banks, health care institutions, school districts, non-profit entities, a Catholic diocese, and

several municipalities.

- 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.

As an attorney, 95 percent of my practice was in litigation. I appeared in court frequently.

- i. Indicate the percentage of your practice in:

- |                             |     |
|-----------------------------|-----|
| 1. federal courts:          | 80% |
| 2. state courts of record:  | 15% |
| 3. other courts:            | 2%  |
| 4. administrative agencies: | 3%  |

- ii. Indicate the percentage of your practice in:

- |                          |     |
|--------------------------|-----|
| 1. civil proceedings:    | 98% |
| 2. criminal proceedings: | 2%  |

- d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

I tried ten cases to verdict. Eight of those trials were in federal court, and I was chief or sole counsel in four. I also tried two cases to verdict in state court, both as sole counsel. Additionally, I argued seven appeals before the Circuit Court of Appeals for the Third Circuit, and two appeals before the Commonwealth Court of Pennsylvania.

- i. What percentage of these trials were:

- |              |     |
|--------------|-----|
| 1. jury:     | 60% |
| 2. non-jury: | 40% |

- 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.

*Borough of Duryea v. Guarnieri*, 564 U.S. 379 (2011) (reply brief, 2011 WL 639365; petitioner's brief, 2010 WL 5014179; reply brief in support of certiorari, 2010 WL 3738666; petition for a writ of certiorari, 2010 WL 2285045)

17. **Litigation:** Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

- a. the date of representation;
- b. the name of the court and the name of the judge or judges before whom the case was litigated; and
- c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

1. *DoMiJo, LLC v. Spring Brook Tp. Zoning Hearing Bd.*, 2011 WL 8545450 (Pa. Com. Pl.) (O'Brien, J.), *aff'd sub nom. DoMiJo, LLC v. McLain*, 41 A.3d 967 (Pa. Commw. 2012) (Simpson, McCullough, Friedman, JJ.)

Between 2007 and 2012, I represented DoMiJo, LLC, a small utility arborist company in its application for a certificate of nonconforming use from the Spring Brook Township Zoning Hearing Board to continue to use its property for commercial use. Specifically, DoMiJo sought to use the property for its business office and storage of its vehicles for its arborist business. When the Board denied DoMiJo the certificate, I successfully appealed that decision to the Lackawanna County Court of Common Pleas. Objectors then appealed that decision to the Commonwealth Court of Pennsylvania, where I successfully argued that the certificate should issue. In my representation, I wrote all briefs and made all argument at hearings before the zoning hearing board and courts.

Opposing Counsel:  
Honorable Mark J. Conway  
United States Bankruptcy Court  
197 South Main Street  
Wilkes Barre, PA 18701  
(570) 831-2500

Christopher Cullen  
2 West Olive Street  
Scranton, PA 19103  
(570) 343-6256

2. *Howard Gardner Multiple Intelligence Charter School v. Scranton School District and Abington Heights School District*, CAB 2011-04 (Pa. Charter Appeal Board 2012)

I represented the Howard Gardner Multiple Intelligence Charter School in its application

to become the first regional charter school in Lackawanna County, and the first charter school within the City of Scranton. After the application was denied by the school districts, I successfully appealed to the state charter appeal board, resulting in a charter being issued for the school.

Opposing Counsel:

John Audi

Sweet, Stevens, Katz & Williams, LLP

250 Kennedy Boulevard

Pittston, PA 18640

(570) 654-2210

Harry McGrath (deceased)

3. *United States of America v. Joyce, et al.*, 3:08-CV-01189 (M.D. Pa.) (Caputo, Mannion, JJ.)

In this matter, I represented the defendants, local real estate developers, in this action brought by the United States for alleged violations of the Fair Housing Act and discriminatory conduct in rental practices. Specifically, I represented the defendants from 2008 through 2010 at all stages of litigation, including drafting pleadings, written discovery and depositions, motions for summary judgment, and other pretrial matters. The United States alleged that the defendants had engaged in familial status discrimination when they put in place a policy of barring persons under 21 from living at an apartment complex they managed. After the defendants conceded liability, the matter was set for trial on the issue of remedies. The matter settled prior to trial.

Opposing Counsel:

Roger T. Severino

214 Massachusetts Avenue, Northeast

Washington DC 20002

(202) 546-4400

4. *Jones v. O'Rourke*, 3:06-CV-0738, 2008 WL 2571228 (M.D. Pa. June 25, 2008) (Caputo, J.); *Sanford v. O'Rourke*, 3:06-CV-0739, 2008 WL 2550882 (M.D. Pa. June 23, 2008) (Caputo, J.)

I represented the City of Scranton and several of its police officers against civil rights claims of racial discrimination by the plaintiffs, Jones and Sanford. The plaintiffs claimed that the officers were racially discriminatory in their unlawful detention and treatment of the plaintiffs, and that the City was liable for the officers' conduct due to its failure to train. I moved for summary judgment on behalf of the defendants, successfully getting judgment entered in their favor on the majority of the claims in the cases, leading to a small settlement of the remaining claims. My representation included all pleadings, motion practice, and participation in settlement conferences.

Opposing Counsel:  
Frederick M. Walton, Jr.  
Harvey Pennington  
510 Walnut Street  
Philadelphia, PA 19103  
(215) 563-4470

5. *Sabatini v. Its Amore Corp.*, 3:05-CV-2586 (M.D. Pa.) (Blewitt, J.)

Between 2004 and 2013, I represented the plaintiffs in this dispute over changes made to a parking lot adjacent to a restaurant that had been sold to plaintiffs by the defendant while the parking lot remained under a lease between the parties. Following discovery and a jury trial resulting in a verdict for the defendant, the matter resolved through settlement. In my representation of the plaintiffs, I worked on motions, briefs, argument, and examination of witnesses at trial.

Co-Counsel:

Joseph O'Brien  
Oliver, Price & Rhodes  
1212 South Abington Road  
Clarks Summit, PA 18411  
(570) 585-1200

Opposing Counsel:  
Michael Mey  
Mey & Sulla  
318 Penn Avenue  
Scranton, PA 18503  
(570) 344-6322

6. *Guarnieri v. Borough*, 3:05-CV-01422, 2008 WL 4132035 (M.D. Pa. Sept. 2, 2008) (Caputo, J.), *aff'd in part, vacated in part*, 364 F. App'x 749 (3d Cir. 2010) (Sloviter, Fuentes, Hardiman, JJ.), *vacated sub nom. Borough of Duryea, Pa. v. Guarnieri*, 564 U.S. 379 (2011), and *vacated sub nom. Guarnieri v. Duryea Borough*, 441 F. App'x 74 (3d Cir. 2011)

I represented the Borough of Duryea throughout this litigation from 2005 through 2012, including during all phases of discovery, trial, appeals, and at the United States Supreme Court. I served as chief counsel at the trial and circuit courts, and as co-counsel with the University of Virginia School of Law's Supreme Court Clinic before the Supreme Court. In representing the Borough of Duryea in this matter, I defended it against the plaintiff's First Amendment retaliation suit. In his suit, the plaintiff, Duryea police chief Charles Guarnieri alleged that council members retaliated against him because he had successfully challenged a 2003 decision to fire him. Chief Guarnieri had challenged his firing through arbitration and was reinstated to his position as chief in 2005. His suit

alleged that the council then issued a number of employment directives to retaliate against him, and that the Borough improperly withheld overtime pay from him and had improperly delayed issuing health insurance benefits. At trial, a jury awarded Chief Guarnieri \$45,358 in compensatory damages and \$52,000 in punitive damages. The Borough appealed, and the Court of Appeals for the Third Circuit upheld the overall verdict but overturned the panel's award of \$52,000 in punitive damages. Throughout proceedings before the trial court and the Court of Appeals, the Borough argued that, as a government employer, it should not be liable under the Petition Clause of the First Amendment solely because it was a public employer. Bound by Third Circuit precedent, the district and circuit courts denied the Borough's motions for summary judgment on this issue. The Supreme Court granted certiorari and clarified the scope of First Amendment protections available to public employees. Specifically, the Court held that a government employer is not liable under the Petition Clause for retaliatory action taken against a government employee, unless the employee's petition relates to a matter of public concern. For the Borough of Duryea, the decision meant that the jury verdict against it was vacated. The matter later resolved for a de minimis amount.

Co-Counsel:

Joseph A. O'Brien  
Oliver, Price & Rhodes  
1212 South Abington Road  
Clarks Summit, PA 18411  
(570) 585-1200

Opposing Counsel:

Cynthia L. Pollick  
P.O. Box 757  
Clarks Summit, PA 18411  
(570) 510-7630

7. *Lohman v. Borough*, 3:05-CV-1423, 2008 WL 2951070 (M.D. Pa. July 30, 2008) (Caputo, J.), *aff'd sub nom. Lohman v. Duryea Borough*, 574 F.3d 163 (3d Cir. 2009) (Rendell, Garth, Padova, JJ.)

I represented the Borough of Duryea from 2005 through 2010, defending it against claims brought by the plaintiff, a former police officer with the Borough. The plaintiff claimed that he was retaliated against by the Borough and its council for helping a fellow officer regain his job. My representation of the Borough included pleadings, written discovery and depositions, motions for summary judgment, trial, and an appeal. Following a jury trial resulting in a verdict of roughly \$12,000 for the plaintiff, his counsel petitioned the court for attorney fees and costs of more than \$100,000. After briefing and extensive consideration of the lodestar, the district court awarded counsel just \$30,000 in fees, less than one-third of the requested amount. After the plaintiff appealed, I successfully prevailed upon the Third Circuit to affirm this award, arguing, in a case of first impression, that evidence of settlement negotiations may be considered when such evidence could be an indicator of degree of success of a verdict, one factor to be

considered in awarding attorney fees.

Opposing Counsel:  
Cynthia L. Pollick  
P.O. Box 757  
Clarks Summit, PA 18411  
(570) 510-7630

8. *Dee v. Borough of Dunmore*, 3:05-CV-1342, 2010 WL 1626908 (M.D. Pa. Apr. 21, 2010) (Caputo, J.), *aff'd*, 474 F. App'x 85 (3d Cir. 2012) (Sloviter, Vanaskie, Pollak, JJ.)

I represented the Borough of Dunmore between 2005 and 2012, defending the Borough in this civil rights action brought by a firefighter who had been suspended with pay for one week after the Borough discovered that he was not certified for various aspects of his job. My representation of the Borough included filing responsive pleadings, all phases of discovery, motions for summary judgment, trial, and appeal. After the jury found in favor of the plaintiff, I successfully moved the district court for remittitur. Following the second trial, the plaintiff appealed the district court's decision granting remittitur, which was affirmed by the Third Circuit.

Opposing Counsel:  
Cynthia L. Pollick  
P.O. Box 757  
Clarks Summit, PA 18411  
(570) 510-7630

9. *Smith v. Borough of Dunmore*, 3:05-CV-1343, 2007 WL 762930 (M.D. Pa. Mar. 7, 2007) (Caputo, J.), *aff'd in part, vacated in part*, 633 F.3d 176 (3d Cir. 2011) (Smith, Greenaway, Van Antwerpen, JJ.)

As in the *Dee* case, I represented the Borough of Dunmore between 2005 and 2012, defending the Borough in this civil rights action brought by a firefighter who had been suspended with pay for one week after the Borough discovered that he was not certified for various aspects of his job. My representation of the Borough included filing responsive pleadings, all phases of discovery, motions for summary judgment, trial, and appeal. On appeal, I wrote the briefs and presented oral argument. I successfully moved for summary judgment on all but one claim of retaliation. At trial, I successfully moved for judgment as a matter of law against the remaining individual defendant and on plaintiff's punitive damages claim. The jury returned a verdict in favor of the plaintiff but only awarded one dollar in nominal damages. Through this case, plaintiff filed two appeals, first appealing the district court's rulings on summary judgment and next appealing the district court's rulings at trial. I submitted all appellate briefs. The appellate court did not hold oral argument on either appeal. The circuit affirmed the district court's rulings on summary judgment in part, and affirmed the court's ruling on judgment as a matter of law.

Opposing Counsel:  
Cynthia L. Pollick  
P.O. Box 757  
Clarks Summit, PA 18411  
(570) 510-7630

10. *Ariel Land Owners, Inc. v. Dring*, No. 3:01-CV-00294, 245 F. Supp. 2d 589 (M.D. Pa. 2003) (Caputo, J.), *rev'd*, 351 F.3d 611 (3d Cir. 2003) (McKee, Smith, Greenberg)

From 2003 to 2010, I represented the plaintiff group of landowners at a lake in Northeastern Pennsylvania in a quiet title action filed in May 1999 in state court to resolve issues of lake rights and property lines. The defendants removed the case to federal court on the basis of diversity jurisdiction in February 2001. In December 2002, the plaintiff filed a motion to remand. The district court granted the motion to remand, finding that it lacked jurisdiction because defendants had removed the case more than one year after the case was filed in state court, even though the motion to remand was filed more than 30 days after the notice of removal. My representation of the plaintiff landowners began approximately a year after I joined Oliver, Price & Rhodes following my judicial clerkship, when the defendants appealed the district court's remand order. I then argued the appeal on behalf of the plaintiffs in November 2003. The circuit reversed the district court, holding, in a matter of first impression, that the one-year deadline for diversity-based removal is procedural, not jurisdictional, in cases that could initially have been filed in federal court, so the case remained in district court. Following years of discovery, including much title research, studies in the geology and geography of the lake, and a multi-week bench trial, judgment was entered in my clients' favor. I represented the plaintiff landowners at all stages of this litigation, from briefing and argument of the appeal to participating in all discovery matters, and finally, examining witnesses and presenting argument at trial.

Co-Counsel:

Joseph O'Brien  
Oliver, Price & Rhodes  
1212 South Abington Road  
Clarks Summit, PA 18411  
(570) 585-1200

Opposing Counsel:  
Garry S. Taroli  
Rosenn, Jenkins & Greenwald, LLP  
15 South Franklin Street  
Wilkes-Barre, PA 18711  
(717) 826-5632

Michael Profita  
Profita & Associates  
106 Grande Avenue  
Englewood, NJ 07631  
(201) 227-1114

18. **Legal Activities:** Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

At Oliver, Price & Rhodes I counseled clients on a variety of legal issues, and always did so with the intent to resolve their problems effectively, efficiently, and in the pursuit of justice for my clients. At the same time, I became involved with local bar associations, and began to take on leadership roles in the Lackawanna Bar Young Lawyers and with the Pennsylvania Bar Association's Commission on Women in the Profession. My work with these organizations, and then with the Federal Bar Association, allowed for opportunities to serve the legal community outside of the practice of law. That work has stayed with me, and I remain engaged on a local and national level, currently serving in a number of roles for the Federal Bar Association, including Chair of its Judiciary Division.

As a magistrate judge, I have taken on several roles with the courts in addition to my regular judicial duties. I preside over the Scranton CARE Court, the reentry court of the District Court for the Middle District of Pennsylvania. Each month, the CARE Court team – the presiding judicial officer, an Assistant United States Attorney, an Assistant Federal Defender, United States Probation Officers, and various community liaisons – meet with participants in CARE Court to assist them during their terms of supervised release following imprisonment. We discuss their successes and setbacks, and the obstacles they face every day, whether it is obtaining a driver's license, maintaining sobriety, or rebuilding family relationships.

From 2017 through 2022, I served as a member of the Magistrate Judges Advisory Group of the Administrative Office of the U.S. Courts, where I worked with other magistrate judges and the Administrative Office to improve the efficiency and work of magistrate judges and the federal courts.

Most recently, I was appointed to the Judicial Conference Committee on Codes of Conduct. My work on this Committee involves educating and advising federal judges around the country about ethical issues arising under the Codes of Conduct for United States Judges.

19. **Teaching:** What courses have you taught? For each course, state the title, the institution

at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide four (4) copies to the committee.

From 2003 through 2013, I taught "Legal and Clinical Aspects of Health Care Law" at Marywood University in Scranton, Pennsylvania. The semester-length class was a graduate-level course in the Health Administration, Gerontology, and Nursing programs. Topics covered included privacy laws, business roles in health care, quality control regulation, professional and institutional liability, fraud and abuse, and labor and employment. I am unable to locate my syllabi.

20. **Deferred Income/ Future Benefits:** List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

None.

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

None.

22. **Sources of Income:** List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding \$500 or more (if you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here).

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

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

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

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

If confirmed, I will continue to use the automated conflict of interest software available in my court to screen potential conflicts of interest. I do not foresee any categories of individuals or litigation that are likely to pose any potential conflict of interest.

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

I will continue to follow 28 U.S.C. § 455, the Code of Conduct for United States Judges, and applicable Judicial Conference advisory opinions, in addition to continuing regular review of my automated recusal list to identify potential conflicts of interest.

25. **Pro Bono Work:** An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.

While in private practice, I maintained a regular pro bono practice through Lackawanna Pro Bono, Inc., representing individuals in landlord/tenant, eviction, and family law matters. I was regularly named to the Lackawanna Pro Bono Honor Roll, acknowledging volunteers who accepted pro bono appointments each year.

Although as a United States magistrate judge I am precluded from the practice of law and therefore unable to personally accept pro bono assignments, I work with the Federal Bar Association to maintain its pro bono program, presenting education programs and writing articles about the value of pro bono work, and training attorneys to do such work. I am a co-chair of the court's Prisoner Litigation Settlement Program, which in part entails training and appointing counsel for pro se prisoner plaintiffs who wish to participate in mediation of their claims. Finally, in addition to my regular workload, I preside over the Scranton CARE Court.

26. **Selection Process:**

- a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

In July 2021, I submitted my application for the vacancy on the United States District Court for the Middle District of Pennsylvania. On August 23, 2021, I interviewed with a joint committee appointed by Senator Robert Casey and former Senator Patrick Toomey. On September 24, 2021, I interviewed with members of Senator Casey's staff. On October 8, 2021, I interviewed with Senator Casey and his staff. On May 9, 2022, I interviewed with Senator Toomey's staff and then with Senator Toomey on May 17, 2022. On April 26, 2023, I interviewed with Senator John Fetterman. On April 28, 2023, I interviewed with attorneys from the White House Counsel's Office. Since April 28, 2023, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On June 28, 2023, the President announced his intent to nominate me.

- b. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any currently pending or specific case, legal issue or question in a manner that could reasonably be interpreted as seeking any express or implied assurances concerning your position on such case, issue, or question? If so, explain fully.

No.