

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR NON-JUDICIAL NOMINEES

PUBLIC

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

Joseph Nocella, Jr.

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

United States Attorney for the Eastern District of New York

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

Office:
Nassau County Family Court
1200 Old Country Road
Old Country Road
Westbury, NY 11590

Residence:
Seaford, NY

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

1964; North Valley Stream, NY

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.

Columbia University School of Law
1986 – 1989
Juris Doctor, 1989

Fordham University
1982-1986
Bachelor of Arts, Philosophy, 1986

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.

January 2025 – Present

Judge

Nassau County Family Court

1200 Old Country Road

Old Country Road

Westbury, NY 11590

July 2022 – December 2024

Judge

Nassau County District Court

99 Main Street

Hempstead, NY 11550

January 2021 – July 2022

Town Attorney

Town of Hempstead

1 Washington Street

Hempstead, NY 11550

January 2020 – January 2021

Chief of Staff to the Honorable Donald X. Clavin, Jr.

Town of Hempstead

1 Washington Street

Hempstead, NY 11550

February 2017 – December 2019

Town Attorney

Town of Oyster Bay

54 Audrey Avenue

Oyster Bay, NY 11771

March 2014 – February 2017

Counsel

Nassau County Department of Housing & Community Development

40 Main Street

Hempstead, NY 11550

February 2011 – March 2014

Managing Attorney

Nassau County Attorney's Office

1 West Street

Mineola, NY 11501

January 2010 – January 2011

Counsel

Nassau County Executive

1550 Franklin Avenue

Mineola, NY 11501

May 2008 – December 2009

Associate

Steinberg, Fineo, Berger & Fischhoff

40 Crossways Park Drive

Woodbury, NY 11797

April 2006 – December 2007

Counsel

Nassau County Legislature

1 West Street

Mineola, NY 11501

September 2004 – February 2006

Associate

Forchelli, Curto, Schwartz, Mineo, Carlino & Cohn, LLP

330 Old Country Road.

Mineola, NY 11501

May 2001 – May 2004

Associate

White Case, LLP

633 West Fifth Street

Los Angeles, CA. 90071

September 1998 – May 2001

Associate

Dewey Ballantine, LLP

333 S. Hope Street

Los Angeles, CA. 90071

October 1995 – February 1998

Associate

Dewey Ballantine, LLP

1301 Avenue of the Americas

New York, NY 10019

October 1991 – March 1995

Assistant U.S. Attorney

United States Attorney's Office
Eastern District of New York
227 Cadman Plaza
Brooklyn, NY 11201

May 1990 – August 1991
Law Clerk to Hon. Lawrence M. McKenna
United States District Judge
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

October 1989 – April 1990
Associate
White & Case, LLP
1155 Avenue of the Americas
New York, NY 10020

May 1988 – August 1988
Summer Associate
White & Case, LLP
1155 Avenue of the Americas
New York, NY 10020

May 1987 – August 1987
Summer Associate
Butler, Fitzgerald & Potter, LLP
315 Park Avenue South
New York, NY 10010

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

I have not served in the military. I am registered for selective service.

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

Commendation, Federal Bureau of Investigation, 1994

Commendation, Federal Bureau of Investigation, 1992

Thomas E. Dewey Prize for Written Advocacy, 1988

Harlan Fiske Stone Moot Court Finalist, 1988

Fordham University, Presidential Scholarship, 1982 – 1986

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.

Nassau County Bar Association, 2022 - 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.

New York, April, 1990

There have been no lapses in membership.

California, January 1999 – 2005

Reason for lapse in membership: I stopped practicing law in California.

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

United States Court of Appeals for the Second Circuit (April 1994)

United States Court of Appeals for the Ninth Circuit ((April 2003)

United States District Court for the Southern District of New York (October 1990)

United States District Court for the Eastern District of New York (November 1990)

United States District Court for the Central District of California (March 2001 – March 2005) Reason for lapse – I stopped practicing law in California.

Except as noted above, 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.

Pave the Way Foundation (2005 – Present)

Nassau County Bar Association (2022 – Present)

Nassau County District Court Judges Association (2022 – 2024)

Columbian Lawyers Association (2022 – Present)

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

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

To my knowledge, none of these organizations 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.

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

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

I have done my best to identify any reports, memoranda, or policy statements I have prepared or contributed to, including through a review of my personal files and searches of publicly available electronic databases. Despite my searches, I have been unable to identify, find, or remember any such materials.

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

I have done my best to identify any testimony, official statements, or other communications related, in whole or in part, to matters of public policy or legal interpretation, including through a review of my personal files and searches of publicly available electronic databases. Despite my searches, I have been unable to identify, find, or remember any such materials.

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

I have done my best to identify transcripts or recordings of all speeches or talks delivered, including through a review of my personal files and searches of publicly available electronic databases. Despite my searches, I have been unable to identify, find, or remember any such materials.

- e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and four (4) copies of the clips or transcripts of these interviews where they are available to you.

I have done my best to identify all interviews given, including through a review of my personal files, and searches of publicly available electronic databases. Despite my searches, I have been unable to identify, find, or remember any such materials.

13. Public Office, Political Activities and Affiliations:

- a. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or

appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

I have held the following appointed position at the Town of Hempstead:

Town Attorney, Appointed by the Hempstead Town Board (2021-2022)

I have held the following appointed position at the Town of Oyster Bay:

Town Attorney, Appointed by the Oyster Bay Town Board (2017-2020)

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

I have been a member of the Nassau County Republican Committee from 2006 to 2017.

I have also volunteered to act as a Republican poll watcher during various local, New York State and federal elections from 2006 to 2021.

I have also volunteered to handle certain election law matters before the Nassau County Board of Elections and local Nassau County Courts involving candidate petitions and canvassing litigation on behalf of Republican Party candidates from 2006 to 2021.

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

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

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

May 1990 – August 1991
The Honorable Lawrence M. McKenna
United States District Judge for the Southern District of New York
40 Foley Square
New York, NY 10007

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

During a brief period from February to November 2006, I practiced alone

and worked out of my personal residence. My work consisted of serving as lead trial counsel in a Marine Cargo Insurance Coverage case and handling the post-trial appeal and mediation.

- 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.

October 1989 – April 1990
Litigation Associate
White & Case, LLP
1155 Avenue of the Americas
New York, NY 10036

May 1990 – August 1991
The Honorable Lawrence M. McKenna
United States District Judge for the Southern District of New York
40 Foley Square
New York, NY 10007
May 1990 – August 1991

October 1991 – March 1995
Assistant United States Attorney
United States Attorney's Office –
Eastern District of New York
271 Cadman Plaza East
Brooklyn, NY 11201

October 1995 – March 1998
Litigation Associate
Dewey Ballantine, LLP
1301 Avenue of the Americas
New York, NY 10019

September 1998 – May 2001
Litigation Associate
Dewey Ballantine, LLP
333 South Hope Street
Los Angeles, CA 90071

May 2001 – May 2004
Litigation Associate
White & Case, LLP
633 West Fifth Street
Los Angeles, CA 90071

September 2004 – February 2006
Litigation Associate
Forchelli, Curto, Schwartz, Mineo, Carlino & Cohn, LLP
330 Old Country Road
Mineola, NY 11501

April 2006 – December 2007
Counsel
Nassau County Legislature
One West Street
Mineola, NY 11501

May 2008 – December 2009
Litigation Associate
Steinberg, Fineo, Berger & Fischhoff, P.C.
40 Crossways Park Drive
Woodbury, NY 11797

January 2010 – January 2011
Counsel
Nassau County Executive
1550 Franklin Avenue
Mineola, NY 11501

February 2011 – March 2014
Managing Attorney
Nassau County Attorney's Office
One West Street
Mineola, NY 11501

March 2014 – February 2017
Counsel
Nassau County Office of Housing & Community Development
40 Main Street
Hempstead, NY 11550

February 2017 – December 2020
Town Attorney
Town of Oyster Bay
54 Audrey Avenue
Oyster Bay, NY 11771

January 2020 – January 2021
Chief of Staff
Town of Hempstead
One Washinton Street

Hempstead, NY 11550

January 2021 – July 2022

Town Attorney

Town of Hempstead

One Washinton Street

Hempstead, NY 11550

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

I have not served as a mediator or arbitrator.

- v. Whether you have held any judicial office, including positions as an administrative law judge, on any U.S. federal, state, tribal, or local court and if so, please provide the name of the court, the jurisdiction of that court, whether the position was appointed or elected, and the dates of your service.

July 2022 – December 2024

Nassau County District Court Judge

Nassau County District Court

99 Main Street

Hempstead, NY 11550

Appointed, July 2022

Elected, November 2022

January 2025 – Present

Nassau County Family Court Judge

Nassau County Family Court

1200 Old Country Road

Westbury, NY 11590

Elected, November 2024

b. Describe:

- i. the general character of your law practice and indicate by date when its character has changed over the years.
- ii. your typical clients and the areas at each period of your legal career, if any, in which you have specialized.

From October 1991 to March 1995, as an Assistant United States Attorney, I prosecuted crimes including murder-in-aid-of-racketeering,

narcotics, extortion, bank, tax, mail and wire fraud cases, from grand jury investigations to pre-trial conferences, pleas, hearings, trials, sentencing and appeals. My client was the United States.

From October 1995 to May 2001, as a Litigation Associate at Dewey Ballantine, LLP, I handled all aspects of litigating commercial cases involving shareholder derivative actions, disputes over insurance coverage for corporate directors and officers and patent infringement claims, on behalf of major corporations, including court conferences, hearings and trials. My clients were primarily large corporations, including Novartis Pharmaceuticals, Ciba-Geigy Chemicals, and medical device manufacturers Guidant Corp and Arterial Cardiovascular Systems.

From May 2001 to May 2004, as a Litigation Associate at White & Case, LLP, I handled all aspects of litigating commercial cases involving antitrust, securities and civil RICO claims, on behalf of major corporations and banks, including drafting pleadings, motions and memoranda, and supervising domestic and international Hague Convention discovery. My clients included large corporations and banking institutions, including Credit Lyonnais, Bankers Trust, Cirrus Logic Corp.

From September 2004 to February 2006, as a Litigation Associate at Forchelli, Curto, Schwartz, Mineo, Carlino & Cohn, P.C., I handled all aspects of litigating cases involving insurance coverage issues, business torts, employment discrimination and harassment claims and construction defect disputes, on behalf of individuals and corporations, including hearings, trials and appeals. My clients included Goya Foods, Northrup Grumman and small local businesses.

From April 2006 to December 2007, as Counsel to the Nassau County Legislature, I advised the County Legislature on all major litigations, municipal transactions and local laws. My client was the Nassau County Legislature.

From May 2008 to December 2009, as a Litigation Associate at Steinberg, Fineo, Berger & Fischhoff, P.C, I handled all aspects of litigating commercial cases involving claims of corporate mismanagement, waste, fraud and contract disputes, including trials, hearings and adversary proceedings, for individuals and corporate clients. My clients were small local corporations, such as Rubber2Gold, Inc and individuals involved in real estate and contract disputes.

From January 2010 to February 2011, as Counsel to the Nassau County Executive, I advised the County Executive's Office on all major litigations, municipal transactions and local laws. My client was the Nassau County Executive's Office.

From February 2011 to March 2014, as Managing Attorney of the Nassau County Attorney's Office, I supervised all Bureaus of the Nassau County Attorney's Office, prepared and reviewed contracts, ordinances and resolutions, advised County Agencies and Departments and oversaw lawsuits, settlements and judgments before federal and state courts. My client was Nassau County

From March 2014 to February 2017, as Counsel to Office of Housing & Community Development, I oversaw compliance with criminal and civil investigations by the U.S. Departments of Justice and Housing, supervised litigation and advised Directors on federal and state regulatory compliance. My client was the Nassau County Office of Housing & Community Development.

From February 2017 to December 2020, as Oyster Bay Town Attorney, I supervised all Deputy Town Attorneys, advised all Town Departments on various legal issues, oversaw representation by outside counsel in all legal proceedings and litigations, drafted legislation for the Town Board, and oversaw compliance with New York State and local procurement rules and regulations. My client was the Town of Oyster Bay.

From January 2021 to July 2022, as Hempstead Town Attorney, I supervised all Deputy Town Attorneys, advised all Town Departments on various legal issues, oversaw representation by outside counsel in all legal proceedings and litigations, drafted legislation for the Town Board, and oversaw compliance with New York State and local procurement rules and regulations. My client was the Town of Hempstead.

From July 2022 to December 2024, as a Nassau County District Court Judge, I dealt primarily with the arraignments of criminal defendants accused of New York State Penal Law felonies, misdemeanors and violations, as well as trials, hearings, pleas, sentencings and probation violations on misdemeanor cases. My client was the State of New York.

From January 2025 to the present, as a Nassau County Family Court Judge, I deal primarily with custody, visitation and family offense petitions, brought pursuant to the New York State Family Court Act. My client was the State of New York.

- 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.

My practice has been almost exclusively litigation-related, except when I held positions as Counsel to the Nassau County Executive, Legislature and

Office of Housing & Community Development, when I acted as a legal adviser and also oversaw compliance with federal, state and local laws, rules and regulations.

- i. Indicate the percentage of your practice in:
 1. federal courts; 75%
 2. state courts of record; 25%
 3. other courts;
 4. administrative agencies
- ii. Indicate the percentage of your practice in:
 1. civil proceedings; 50%
 2. criminal proceedings. 50%
- d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

I have tried 18 cases to verdict, judgment or final decision. In all but four of these cases, I was either sole counsel, chief counsel or co-counsel and directly handled or participated in all phases of trial. In the four other cases, I participated in the trial in a supporting capacity, including examining a fact witness or an expert witness and writing memoranda in connection with pre-trial motions and motions in limine.

- i. What percentage of these trials were:
 1. jury; 85%
 2. non-jury 15%.
- e. Describe your practice, if any, before the Supreme Court of the United States. Supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

I have not practiced or argued orally before the Supreme Court

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

- a. the date of representation;

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

1. Approximately from January 1992 to October 1992
United States v. Amuso, Case No. 90 CR 446
United States District Court, Eastern District of New York
The Honorable Eugene H. Nickerson

I was one of three prosecutors who participated in the trial of Vittorio Amuso, the Boss of the Lucchese Organized Crime Family. The case was initiated with an indictment alleging that Amuso and 14 other Lucchese members extorted illegal payoffs from window-replacement companies in exchange for labor peace. Amuso fled New York City and was later captured in Scranton, Pennsylvania. Following his arrest, Amuso was charged in a 54-count superseding indictment, which also alleged that he ordered the murder of nine people and the attempted murder of five others. Although two other Assistant U.S. Attorneys handled the original investigation and original indictment, I joined the prosecution team following Amuso's arrest. I examined various witnesses during the trial and wrote the memoranda of law in support of the government's motions for an anonymous and sequestered jury, for the admissibility of evidence of Amuso's flight and other racketeering enterprise evidence and the memoranda in opposition to various defense motions, including the defense motion to suppress wire-tap evidence. Amuso was convicted on all 54 counts in the superseding indictment and sentenced to life imprisonment.

Co-counsel:
Former Assistant U.S. Attorney Charles Rose (deceased)

Former Assistant U.S. Attorney Gregory O'Connell
DeFeis, O'Connell & Rose, P.C.
500 5th Avenue
New York, NY 10036
(212) 768-1000

Opposing Counsel:
Gerald R. Shargel (deceased)
Allan S. Futerfas
Law Offices of Alan S. Futerfas
565 5th Avenue
New York, NY 10017
(212) 684-8400

2. Approximately from May 1994 to March 1995

United States v. Scaretta, Case No. 93 CR 0534
United States District Court, Eastern District of New York
The Honorable Arthur D. Spatt

I prosecuted Robert Scaretta and Susanna Scaretta, the owners of Revere Armored Car Co., along with two of their top employees, Vincent Graff and Peter Lyshor for bank, mail, wire and insurance fraud. The defendants operated a facility where they collected cash from various bank business customers and were supposed to place the cash in separate vaults for the respective federally insured banks to the credit of the bank business customer and, thereafter, deposit the funds into the banks' accounts at the Federal Reserve Bank of New York. In actuality, the defendants stole approximately \$38,000,000 from the bank vaults, but represented to the banks that the money in each of their respective vaults belonged to that bank. The defendants were able to hide their thefts by moving bulk sums of money from one bank vault to another. Throughout an eighteen month period, the defendants continued to submit fraudulent statements to each bank showing the amounts of money stored in each vault. The jury found Robert Scaretta guilty of conspiracy to commit bank fraud, four counts of bank fraud, making a corrupt payment to a bank employee, and wire fraud and he received a sentence of 115 months imprisonment followed by five years of supervised release. Susanna Scaretta was convicted of conspiracy to commit bank fraud and four substantive counts of bank fraud. She received a sentence of 115 months imprisonment, followed by three years of supervised release. Vincent Graff was convicted of conspiracy to commit bank fraud and two counts of bank fraud. He received a sentence of 57 months imprisonment, followed by five years of supervised release. Peter Lyshor was acquitted.

Co-counsel:

Former Assistant U.S. Attorney Michael G. Considine
Seward & Kissel, LLP
1 Battery Park Plaza
New York, NY 10004
(212) 574-1200

Opposing Counsel:

Francis X Casale, Jr. for Defendant Robert Scaretta
The Law Offices of Francis X Casale, Jr. PLLC
20 Broadhollow Road
Melville, NY 11747
(631) 293-3332

Joseph P. Famighetti for Defendant Susanna Scaretta (deceased)

Raymond M. Jermyn Jr. for Defendant Vincent Graff (deceased)

Dennis J. Sweeny for Defendant Peter Lyshor

Sweeny & Sweeny
510 Broadhollow Road
Melville, NY 11747
(516) 248-7900

3. Approximately from September 1992 to February 1995
United States v. Scotti, Case No. 92 CR 1061
United States District Court, Eastern District of New York
The Honorable Eugene H. Nickerson

I investigated, indicted and prosecuted defendant John Scotti for conspiring to commit loan sharking and substantive counts of loan-sharking and co-defendant Robert Rodriguez, a mortgage broker, for aiding and abetting Scotti's loan sharking by providing mortgage funds to a loan shark victim. The victim was an unwilling borrower who testified that he did not want to borrow money to repay the extortionate loan. The jury convicted both defendants on all counts. Thereafter, Judge Nickerson sentenced defendant Scotti to 78 months imprisonment and granted defendant Rodriguez a new trial because of a mistaken jury instruction. In February, 1995, the Second Circuit affirmed the convictions of defendant Scotti and the grant of a new trial to defendant Rodriguez.

Opposing Counsel:
Felix T. Gilroy for Defendant John Scotti (deceased)

Mauel Cofresi for Defendant Robert Rodriguez
No contact information available.

4. Approximately from December 1992 to January 1994
United States v. Aminy, Case No. 91 CR 1055
United States District Court, Eastern District of New York
The Honorable Denis R. Hurley

I investigated, indicted and prosecuted Defendant Mohammed Aminy for heroin trafficking. The jury convicted the defendant, and he was sentenced to a term of imprisonment of 140 months. At trial, I introduced evidence expert testimony to rebut the defendant's claim that he was unaware that the package he retrieved from a cooperating defendant at JFK airport contained heroin. Judge Hurley permitted the expert testimony that the heroin wrapped in tinfoil was consistent with the manner in which samples of heroin are packaged, as opposed to personal use quantities of heroin which are packaged in glassine envelopes. The Second Circuit affirmed the conviction, the admission of the expert testimony and the sentence. United States v. Aminy, 15 F.3d 258 (2d Cir. 1994)

Opposing Counsel:
Michael H. Soroka
300 Old Country Road

Mineola, NY 11501
(516) 742-2002

5. United States v. Cruz, Case No. 92 CR 951
United States District Court, Eastern District of New York
The Honorable Edward R. Korman

I indicted and prosecuted Defendant Antonio Cruz for being a felon in possession of a firearm. The case was particularly notable because the defendant had been convicted of four prior violent felonies, three armed robberies and a burglary. Consequently, the defendant faced the Congressionally mandated minimum penalty of 15 years imprisonment. Judge Korman sentenced the defendant to a term of imprisonment of 293 months and the conviction and sentence were affirmed by the Second Circuit. (U.S. v. Cruz, 54 F.3d 766 (2d Cir. 1995)).

Opposing Counsel:
Michael P. Padden
Federal Defenders of New York, Inc.
One Pierrepont Plaza
Brooklyn, NY 11201
(718) 330-1240

6. Approximately from February 1994 to March 1995
United States v. Bahna, Case No. 90 CR 40
United States District Court, Eastern District of New York
The Honorable Thomas C. Platt

I was assigned to handle the re-trial of this case after the defendant's conviction for conspiring to possess cocaine with intent to distribute was vacated because of an erroneous ruling concerning character evidence and the original Assistant U.S. Attorney who prosecuted the first trial left the U.S. Attorney's Office. The second trial involved numerous witnesses from the United States Drug Enforcement Administration and four cooperating accomplice witnesses. The defendant was convicted after the second trial and thereafter sentenced. The Second Circuit affirmed the conviction secured at the re-trial. United States v. Bahna, 68 F.3d 19 (2d Cir. 1995).

Opposing Counsel:
Judd Burstein
110 East 59th Street
New York, NY 10022
(212) 974-2400

7. Approximately from January 2006 to November 2006
American Nat'l Fire Ins. Co. v. Mirasco, Inc., Case No. 99 CV 12405
United States District Court, Southern District of New York

The Honorable Robert W. Sweet

Although a jury trial was originally held in this case from October 20 to October 30, 2003, the verdict was reversed by the Second Circuit which further directed that there be a new trial in accordance with its decision and mandate. I handled every aspect of the second jury trial which took place from March 14 to March 30, 2006. The case involved a dispute over whether there was insurance coverage for a shipment of beef livers rejected for importation by the Egyptian government. A primary fact-issue concerned whether the rejection of the shipment was not covered by the policy because, by the policy's terms, cargo rejections would not be covered where the rejection resulted from an embargo, as opposed to some other basis for rejection by government authorities. The insured also argued that, even if there had been an embargo, the shipment set sail for Egypt before any such decree was issued by the Egyptian government. After an appeal of the second verdict was fully briefed, the case was settled during a mediation ordered by the Second Circuit.

Co-counsel:
Kingsley & Kingsley
Harold Hingsley
91 West Cherry Street
Hicksville, NY 11771
(516) 931-0064

Opposing Counsel:
Holland & Knight
John M. Toriello
787 7th Avenue
New York, NY 10019
(212) 513-3200

8. Approximately from September 2004 to November 2004
Pucillo v. Vivona, Index No. 17093/2003

New York State Supreme Court for the County of Nassau
The Honorable Leonard B. Austin, Supreme Court Judge

I handled the prosecution, pre-trial conferences and trial of this case involving construction defect claims asserted by the plaintiff and counterclaims brought by my client for breach of contract and unjust enrichment. Before the final pre-trial conference, I took the depositions of approximately six lay and two expert witnesses, as well as the deposition of the attorney who drafted the contracts upon which my client based his counterclaims. At trial, in addition to the parties, themselves, I examined and cross-examined various fact witnesses called to testify regarding the allegations of defective craftsmanship, as well as expert witnesses called to testify regarding construction design and engineering. The case settled just before the conclusion of the trial and before summations.

Opposing Counsel:
Anthony Core
173 School Street
Westbury, NY 11590
(516) 997-2700

9. From Approximately April 2012 to February 2014
Tretola v. County of Nassau, 08 CV 3225
United States District Court, Eastern District of New York
The Honorable Denis R. Hurley

I was the lead counsel in this case brought by plaintiff against Nassau County under 42 U.S.C. § 1983, alleging false arrest and malicious prosecution and handled all aspects of the trial from opening to closing arguments. The Nassau County Police Department arrested the Plaintiff for reckless endangerment on the grounds that he allowed prospective gun buyers to discharge weapons in his store in an unsafe manner and in dangerous proximity to a gas line, which later was determined to have been abandoned. The trial took place over a six-day period in August, 2012. The jury returned a verdict for the plaintiff of \$2,000,000 in compensatory damages and \$3,000,000 in punitive damages. Following post-trial motions, in February 2014, Judge Hurley reduced the compensatory damage award to \$760,605 and reduced the punitive damage award to \$175,000.

Co-counsel:
Ralph Reissman
Nassau County Attorney's Office
1 West Street
Mineola, NY 11501
(516) 571-3056

Opposing Counsel:
Charles H. Horn
Friedman, Harfenist, Kraut & Perlstein, LLP
3000 Marcus Avenue
New Hyde Park, NY 11042
(516) 355-9600

10. From Approximately January 2009 to May 2009
Conklin v. Conklin, et al., Index No. Index No. 017852/03
New York State Supreme Court for the County of Nassau
The Honorable Daniel Mahon, Acting Supreme Court Judge

I handled all trial preparations, pre-trial conferences and acted as trial counsel representing defendants Albert Perez and Maria Perez. The claims brought against them were for unjust enrichment, fraudulent conveyance and imposition

of a constructive trust, of which all claims were based upon allegations that they purchased land in Margaretville, New York from a deceased owner who had allegedly conveyed the land to his plaintiff son. The testimony and documentary evidence I introduced at trial, including testimony from the decedent's widow, demonstrated that Albert and Maria Perez were bona fide purchasers for value and that the plaintiff had previously refused his decedent father's gift of the land. At the conclusion of the evidentiary portion of the trial, the case settled with the parties agreeing to partition the land and with both plaintiff and my clients receiving a right of first refusal if either party were to sell the land.

Counsel representing co-defendant Josephine Conklin:
Seth A. Eschen
1 Tappanwood Drive
Locust Valley, NY 11560
(516) 359-3522

Opposing Counsel:
Dennis M. Lemke
114 Old Country Road
Mineola, NY 11501
516-294-9200

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

In Bethpage Union Free School District v. Goya Foods, Inc., Index No 05-000468, my client, Goya Foods, Inc. ("Goya") made payments in lieu of taxes ("PILOTS") to the Bethpage Union Free School District ("Bethpage School District") and other taxing jurisdictions, pursuant to a PILOT Agreement with the Nassau County Industrial Development Agency ("IDA"). Under the PILOT Agreement terms, Goya could challenge the assessment of the property it leased from the IDA and, if successful, would receive credits against future payments, instead of a refund of overpayments. The Bethpage School District intervened in Goya's successful challenge, asserting that Goya's use of credits, and its reduced payments, would result in an unanticipated school tax shortfall. The case implicated Nassau County Administrative Code § 6-26 (commonly referred to as the "County Guaranty") whereby Nassau County was responsible for the refund of any tax overpayments following a successful assessment challenge. Ultimately, the court allowed Goya to receive the full value of its credits, but required Nassau County to pay the value of the credits to the Bethpage School District.

On or about March 27, 2020, the Town of Hempstead received approximately

\$133,000,000 from the Federal Coronavirus Aid, Relief and Economic Security Act (the “CARES Act”). A primary purpose of the CARES Act was to provide financial aid to local governments and their residents with unanticipated expenditures incurred due to the Coronavirus pandemic. I worked to devise practices to assure the proper and best uses of the CARES Act money, including: depositing the money in a segregated, interest bearing account; seeking the input and advice from (i) the Office of the Supervisor, (ii) the Office of the Town Attorney and (iii) the Office of the Comptroller in connection with any expenditure of CARES Act funds; retaining outside legal counsel (Seward & Kissel LLP) with extensive Treasury Department regulatory experience to review and advise on the compliance with all Treasury (and other federal) guidelines, as well as with the provisions of the CARES Act, itself; retaining an outside Communication firm (ZE Communications) to help identify appropriate Town of Hempstead recipients of CARES Act money, such as local hospitals and food banks; preparing Town Board resolutions for all CARES Act expenditures, and requiring CARES Act recipient to document the use of all CARES Act funds.

16. **Teaching:** What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide four (4) copies to the committee.

I have not taught any courses.

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

I have no arrangements in the future to be compensated for any financial or business interest.

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

None

19. **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).

20. **Statement of Net Worth:** Please complete the attached financial net worth statement in

detail (add schedules as called for).

Please see my SF-278 as provided by the Office of Government Ethics.

21. **Potential Conflicts of Interest:**

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

During the nomination process, I consulted with the Department of Justice's ethics office and Designated Ethics Officer to identify any potential conflicts. If I am confirmed, I will continue to consult with that office and will recuse myself from any matter in which recusal is required.

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

If I am confirmed, any potential conflict of interest will be resolved in accordance with the terms of an ethics agreement that I have entered with the Department's designated agency ethics official. If confirmed, I will continue to consult with the Department of Justice's ethics office and will recuse myself from any matter in which recusal is required.

22. **Pro Bono Work:** An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each. If you are not an attorney, please use this opportunity to report significant charitable and volunteer work you may have done.

In the May 1997, Seth Farber, a colleague from Dewey Ballantine, and I undertook the pro bono representation of Robert Riley, an indigent criminal defendant accused of murder in aid of racketeering. In addition to drafting pre-trial motions, participating in pre-trial conferences, and making motions in limine, we selected a jury before the Honorable Kimba M. Wood, United States District Judge for the Southern District of New York, on December 1, 1997. The ensuing trial ended in an acquittal of the defendant on December 10, 1997.

In the nearly twenty-years of my legal career which were dedicated to public service, including my service as a law clerk to the Honorable Lawrence M. McKenna, as an Assistant U.S. Attorney for the Eastern District of New York, as Managing Attorney of the Nassau County Attorney's Office, as Town Attorney for the Town of Oyster

Bay, as Town Attorney for the Town of Hempstead, as Counsel to the Nassau County Office of the County Executive, Counsel to the Nassau County Office of Housing and Community Development, Counsel to the Nassau County Legislature, and most recently as a New York State District Judge and a New York State Family Court Judge, I have committed myself to public service. Although this public service might not be deemed “pro bono” work in the strictest sense, it nevertheless demonstrates my commitment to the concept of “pro bono publico”, i.e., work performed for the public good. I note also that these positions in public service contained restrictions on outside legal work with no special exceptions made for the handling pro bono matters.

AFFIDAVIT

I, Joseph Nocella, do swear
that the information provided in this statement is, to the best
of my knowledge, true and accurate.

4/25/25
(DATE)

Joseph Nocella
(NAME)

Kristin Mangialomini
(NOTARY)

KRISTIN MANGIALOMINI
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01MA0008779
Qualified in Suffolk County
Commission Expires 05/31/2027