UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

   Philip Morgan Halpern

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

   United States District Judge for the Southern 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.

   Collier Halpern & Newberg, LLP
   One North Lexington Avenue
   White Plains, New York 10601

   Residence: Greenwich, Connecticut

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

   1956; Derby, Connecticut

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.

   1977 – 1980, Pace University School of Law (now known as Elisabeth Haub School of Law at Pace University), J.D., 1980

   1973 – 1977, Fordham University College of Business, B.S. magna cum laude, 1977

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.

   1984 - Present
   Collier Halpern & Newberg, LLP

(formerly Collier, Halpern, Newberg & Nolletti, LLP; Collier, Halpern, Newberg, Nolletti & Bock, LLP; Pirro, Collier, Cohen & Halpern, LLP; Pirro, Collier, Cohen, Crystal & Bock, LP; Collier, Cohen, Crystal & Bock, LLP; and Quinn, Cohen, Shields & Bock, LP)
One North Lexington Avenue
White Plains, New York 10601
Managing Partner (1995 - present)
Partner (1985 - present)
Associate (1984)

2016 – 2017; 2019
Elisabeth Haub Law of School at Pace University
78 North Broadway
White Plains, New York 10603
Adjunct Professor

2009 – present
Knox LLC
c/o Oshins & Associates,LLC
1645 Village Center Court
Suite 170
Las Vegas, Nevada 89134
Manager

2005 (approximately) – 2011 (approximately)
Mrs. Bee's Cookies, Inc
c/o Collier Halpern & Newberg LLP
1 North Lexington Avenue,
White Plains, New York 10601
Shareholder

1982 – 1984
Kimmelman, Sexter & Sobel, LP
One Battery Park Plaza
New York, New York 10001
Associate

1980 – 1982
1982 – 1983 (Part-time)
Hon. Irving Ben Cooper
United States District Judge
Southern District of New York
United States Courthouse
40 Foley Square
New York, New York 10007
Law Clerk

1977 – 1980
Pace University School of Law
(now known as Elisabeth Haub School of Law at Pace University)
78 North Broadway
White Plains, New York 10603
Research Assistant to Professor Jay C. Carlisle II (1978-1980)
Teaching Assistant (1978-1979)

1969 – 1980
George Lewis
Leewood Golf Club
One Leewood Drive
Eastchester, New York 10707
Golf Shop Manager (1974 – 1980)
Bagroom Club Cleaner (1969 – 1973)

Other Affiliations:

2017 – present
Legal Services of the Hudson Valley
90 Maple Avenue
White Plains, New York 10601
Director

2013 – present
Metropolitan Golf Association
49 Knollwood Road
Elmsford, New York10523
Member, Executive Board

2009 – present
Mancheski Foundation, Inc.
One North Lexington Avenue
White Plains, New York 10601
Director, Member

2004 – 2013
Westchester Country Club
99 Biltmore Avenue
Rye, New York 10580
Governor (2004 - 2013)
President (2007 - 2010)
Chairman (2010 - 2012)
Legal Committee (2016 – present)
Green Committee (2013 – present)

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 never served in the military. I was not required to register 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.

   Recipient of the Tony Lema Memorial Golf Scholarship (1973 – 1977)

   Magna cum laude graduate from Fordham University College of Business (1977)

   Gold Medal for Highest Average in Economics for Fordham University College of Business (1977)

   Beta Gamma Sigma (1977 – present)

   Life Member, The Association of the Bar of the City of New York (1999 – present)

   American Bar Foundation
   Fellow (2000 – present)
   Life Sustaining Member (2002 – present)

   Civil Trial Law Certification, National Board of Trial Advocacy (2002 – present)

   Recipient of the Alumni Leadership Award from Pace University School of Law (now known as Elisabeth Haub School of Law at Pace University) (2006)

   Recipient of the Pace Setter Award from the Westchester Business Journal (2007)

   Thompson-Reuters SuperLawyers designation (every year since 2008)

   Recipient of the Father of the Year Award from the American Diabetes Association (2009)

   Civil Pretrial Practice Certification, National Board of Trial Advocacy (2012 – present)

   Fellow, New York Bar Foundation (2015 – present)

   Equal Access to Justice Honoree from the Legal Services of the Hudson Valley (2017)

   The Martindale-Hubbell AV® Prominent (5.0 out of 5) Peer Review Rating (rated every year since 2003)

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.

Advisory Committee on Civil Practice (appointed by Chief Administrative Judge) (1999 – present)

Advisory Council, Board of Judges, U.S. District Court, Southern District of New York (1995 – 2001) (approximately)

American Arbitration Association
Voluntary Dispute Program (1994 – 1995) (approximately)

American Association for Justice (1982 – present)

American Bar Association (1981 – present)

American Bar Foundation (2000 – present)

Connecticut Bar Association
Commercial and Federal Litigation Section (1990 – present)

Elisabeth Haub School of Law at Pace University
Board of Visitors (2006 – present)

Federal Bar Council (1982 – present)

Federal Court Bar Association (N.D.N.Y.) (2013 (approximately) – present)

Legal Services of the Hudson Valley
Board of Directors (2017 – present)

New York Bar Foundation
Fellow (2015 – present)

New York State Bar Association (1984 – present)
Committee on Federal Judiciary (1989)
Committee on Lawyer Competency (1987 – 1989)

New York County Lawyers Association (1983 – present)

New York State Academy of Trial Lawyers (2011 – present)

New York State Trial Lawyers Association (1987 – present)

Supreme Court of the State of New York, New York County, Commercial Division
Mediation Program (2018 – present)

Supreme Court of the State of New York, Westchester County, Commercial Division
Mediation Program (2017 – present)

The Association of the Bar of the City of New York (1999 – present)

United States Supreme Court Historical Society (1990 – present)

United States District Court, Eastern District of New York
Alternate Dispute Resolution Program (1994 – 1995) (approximately)

United States District Court, Southern District of New York
Mediation Program (1998 – present)

Westchester County Bar Association (1995 (approximately) – 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.

1981 – New York
1990 – Connecticut

There have been no lapses in membership.

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

United States Supreme Court (1985)

United States Court of Appeals for the Second Circuit (1983)
United States Court of Appeals for the Third Circuit (1991)
United States Tax Court (1984)
United States District Court for the Southern District of New York (1981)
United States District Court for the Eastern District of New York (1981)
United States District Court for the Northern District of New York (1998)
United States District Court for the Western District of New York (1998)
United States District Court for the District of Connecticut (1989)

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.

Beta Gamma Sigma (1977 – present)

Breakers West Country Club (2018 – present)

FluGen, Inc.
Board of Directors (2013 – present)

Harrison-Rye Realty Corp.
Board of Directors (2013 – present)

Key Bank
Advisory Board (2010 – 2014)

Mancheski Foundation, Inc.
Board of Directors (2009 – present)

Mayacoo Lakes Country Club (2011 – present)

Metropolitan Golf Association
Executive Board (2013 – present)

Montel Williams MS Foundation
Board of Directors (2005 – 2009)

Professional Golfer's Association, Metropolitan Section
Advisory Council (1992 – 2000) (approximately)

Scribes (The American Society of Writers on Legal Subjects) (2002 – present)

SHINE Medical Technologies, Inc.
Board of Directors (2013 – present)

Westchester Country Club (1984 – present)
Board of Governors (2004 – 2013)

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.

"Mixing Law and Equity Causes of Action Does Not Preclude a Jury Trial," 35 *Pace Law Review* 807 (2015). Copy supplied.

"Letter from the President of Westchester County Club," *Golf.com*, August 22, 2008. Copy supplied.

"The Contours of Common-Law Dissolution in New York," *New York State Bar Association Journal*, Vol. 31, 24-29 (2008). Copy supplied.

"The Contours of Common-Law Dissolution in New York," *NY Litigator*, New York State Bar Association Vol. 12, No. 1, 25-30 (2007). Copy supplied.

"Court of Appeals Sharply Diminishes the Substantive Due Process Rights of Property Owners in New York," *NY Litigator*, New York State Bar Journal, Vol. 11, No. 1, 16-25 (2006). Copy supplied.

"Unlocking a Valuable Tool: Summary Judgment Hearings on Issues of Fact," *Westchester Bar Journal*, Vol. 33, No.2, 98-104 (2006). Copy supplied.

Civil Pretrial Proceedings in New York, West Publishing (Philip M. Halpern, Jay C. Carlisle II, James E. Metzler, Hon. Vincent E. Doyle eds. 2002). Copies of both volumes supplied.

"Fair Value Proceedings: Fixing Fair Value in New York," *NY Litigator*, New York State Bar Journal, Vol. 2, No.1, 14-21 (1996). Copy supplied.

"Age Discrimination in Employment: Releases Protect Employers Too!" *Labor Law Journal*, Vol. 8, No. 4, 949-969 (1992). 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.

Report of the Advisory Committee on Civil Practice to the Chief Administrative Judge of the Courts of the State of New York, January 2019. Copy supplied.

Report of the Advisory Committee on Civil Practice to the Chief Administrative Judge of the Courts of the State of New York, January 2018. Copy supplied.

Report of the Advisory Committee on Civil Practice to the Chief Administrative Judge of the Courts of the State of New York, January 2017. Copy supplied.

Report of the Advisory Committee on Civil Practice to the Chief Administrative Judge of the Courts of the State of New York, January 2016. Copy supplied.

Report of the Advisory Committee on Civil Practice to the Chief Administrative Judge of the Courts of the State of New York, January 2015. Copy supplied.

Report of the Advisory Committee on Civil Practice to the Chief Administrative Judge of the Courts of the State of New York, January 2014. Copy supplied.

Report of the Advisory Committee on Civil Practice to the Chief Administrative Judge of the Courts of the State of New York, January 2013. Copy supplied.

Report of the Advisory Committee on Civil Practice to the Chief Administrative Judge of the Courts of the State of New York, January 2012. Copy supplied.

Report of the Advisory Committee on Civil Practice to the Chief Administrative Judge of the Courts of the State of New York, January 2011. Copy supplied.

Westchester Country Club Inc. Annual Report, September 24, 2010. Copy supplied.

Report of the Advisory Committee on Civil Practice to the Chief Administrative Judge of the Courts of the State of New York, January 2010. Copy supplied.

Westchester Country Club Inc. Annual Report, September 25, 2009. Copy supplied.

Report of the Advisory Committee on Civil Practice to the Chief Administrative Judge of the Courts of the State of New York, January 2009. Copy supplied.

Westchester Country Club Inc., Annual Report, September 26, 2008. Copy supplied.

Report of the Advisory Committee on Civil Practice to the Chief Administrative

Judge of the Courts of the State of New York, January 2008. Copy supplied.

Report of the Advisory Committee on Civil Practice to the Chief Administrative Judge of the Courts of the State of New York, January 2007. Copy supplied.

Report of the Advisory Committee on Civil Practice to the Chief Administrative Judge of the Courts of the State of New York, January 2006. Copy supplied.

Report of the Advisory Committee on Civil Practice to the Chief Administrative Judge of the Courts of the State of New York, January 2005. Copy supplied.

Report of the Advisory Committee on Civil Practice to the Chief Administrative Judge of the Courts of the State of New York, January 2004. Copy supplied.

Report of the Advisory Committee on Civil Practice to the Chief Administrative Judge of the Courts of the State of New York, January 2003. Copy supplied.

Report of the Advisory Committee on Civil Practice to the Chief Administrative Judge of the Courts of the State of New York, December 2001. Copy supplied.

Report of the Advisory Committee on Civil Practice to the Chief Administrative Judge of the Courts of the State of New York, December 2000. Copy supplied.

Report of the Advisory Committee on Civil Practice to the Chief Administrative Judge of the Courts of the State of New York for 2000, December 10, 1999. 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 sat on the Village of Mamaroneck Planning Board from 1987 until March 1989. The planning board is a statutory board authorized by New York's Village law and the Village of Mamaroneck's implementing local statute. The planning board reviews a variety of statutorily authorized applications relating to streets, buildings, site plans, construction and alterations to sites and buildings within the Village of Mamaroneck. I regularly attended meetings during my tenure. I have no notes, minutes, or other materials. The meetings took place at Village Hall, 169 Mount Pleasant Avenue, Mamaroneck, New York 10543. The current address of Village Hall is 123 Mamaroneck Avenue, Mamaroneck, New York 10543.

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.

April 10, 2018: Speaker, Introduction of William Harrington, 2018 Access to Justice Honoree of Legal Services of the Hudson Valley, White Plains, New York. Speech supplied.

March 3, 2018: Speaker, Club Managers Association of America. Introduction of Robert James, recipient of Club Managers Association of American Award, San Francisco, California. Recording supplied.

December 6, 2017: Speaker, Metropolitan Golf Association 2017 Distinguished Service Award. Introduction of Mr. Robert James, White Plains, New York. Notes supplied.

November 14, 2017: Recipient, Equal Access to Justice for Legal Services of the Hudson Valley, White Plains, New York. Recording supplied.

September 18, 2017: Lecturer, "Carlisle, Halpern and Centone on CPLR 2017," Westchester County Bar Association, White Plains, New York. Speech supplied.

May 9, 2017: Remarks to news media regarding suit opposing the planned closure of the Indian Point Nuclear Plant, White Plains, New York. Recording supplied.

April 6, 2017: Recipient, Equal Access to Justice for Legal Services of the Hudson Valley, White Plains, New York. Speech supplied.

March 8, 2017: Speaker, Elisabeth Haub School of Law at Pace University Distinguished Service Award. Introduction of The Honorable Janet DiFiore, Chief Judge of the Court of Appeal of The State of New York, White Plains, New York. Speech supplied.

September 21, 2016: Lecturer, "Carlisle, Halpern and Centone on CPLR 2016," Westchester County Bar Association, White Plains, New York. Speech supplied.

November 12, 2015: Speaker, Introduction of George Lewis, recipient of the 2015 PGA Strausbaugh Award, Bethpage, New York. Speech supplied.

September 17, 2015: Lecturer, "Carlisle, Halpern and Centone on CPLR 2015," Westchester County Bar Association, White Plains, New York. Speech supplied.

April 28, 2014: Video lecture of April 28, 2014 CPLR Update at Pace University, White Plains, New York. Recording supplied.

April 28, 2014: Lecturer, "Carlisle, Halpern and Centone on CPLR 2014" Pace University School of Law (now known as Elizabeth Haub School of Law at Pace University), White Plains, New York. Speech supplied.

March 18, 2013: Lecturer, "Carlisle, Halpern and Centone on CPLR 2013" Pace University School of Law (now known as Elizabeth Haub School of Law at Pace University), White Plains, New York. Speech supplied.

October 24, 2012: Lecturer and Program Chair, "Recent Developments in Civil Practice: CPLR and Evidence" New York City Bar Association, New York, New York. Agenda and notes supplied.

March 28, 2012: Lecturer, "Carlisle, Halpern and Centone on CPLR 2012" Pace University School of Law (now known as Elizabeth Haub School of Law at Pace University), White Plains, New York. Speech supplied.

October 24, 2011: Lecturer and Program Chair, "Recent Developments in Civil Practice: CPLR and Evidence," New York City Bar Association, New York, New York. Agenda supplied.

April 5, 2011: Participant, "Interview with Philip M. Halpern," Pace University, White Plains, New York. Recording supplied.

April 5, 2011: Participant: "Interview with Philip M. Halpern," Pace University School of Law (now known as Elizabeth Haub School of Law at Pace University), White Plains, New York. Agenda supplied.

March 22, 2011: Lecturer, "Carlisle, Halpern and Centone on CPLR 2011," Pace University School of Law (now known as Elizabeth Haub School of Law at Pace University), White Plains, New York. Speech supplied.

May 10, 2010: Lecturer, "Carlisle, Halpern and Centone on CPLR 2010," Pace University School of Law (now known as Elizabeth Haub School of Law at Pace University), White Plains, New York. Speech supplied.

June 18, 2009: Recipient, American Diabetes Association Father of the Year Award, White Plains, New York. Notes supplied.

May 13, 2009: Lecturer, "Carlisle, Halpern and Centone on CPLR 2009," Pace University School of Law (now known as Elizabeth Haub School of Law at Pace University), White Plains, New York. Outline supplied.

May 14, 2008: Lecturer, "Carlisle, Halpern and Centone on CPLR 2008," Pace University School of Law (now known as Elizabeth Haub School of Law at Pace University), White Plains, New York. Speech supplied.

May 1, 2008: Speaker, Introduction of John Dorf, recipient of 2008 Westchester County Business Journal Pace Setter Award, White Plains, New York. Speech supplied.

May 10, 2007: Lecturer, "Carlisle, Halpern and Centone on CPLR," Pace University School of Law (now known as Elizabeth Haub School of Law at Pace University), White Plains, New York. Speech supplied.

April 26, 2007: Recipient, Westchester County Business Journal Pace Setter 2007 Award, White Plains, New York. Speech supplied.

November 2, 2006: Speaker, Pace Law School (now known as Elisabeth Haub School of Law at Pace University) Alumni Leadership Award recipient speech White Plains, New York. Speech supplied.

May 10, 2006: Lecturer, "Carlisle, Halpern and Centone: A CPLR Update," Pace University School of Law (now known as Elizabeth Haub School of Law at Pace University), White Plains, New York. Notes supplied.

November 17, 2004: Lecturer, "Carlisle, Halpern and Centone on CPLR," Pace University School of Law (now known as Elizabeth Haub School of Law at Pace University), White Plains, New York. Outline supplied.

April 24, 2002: Lecturer, "Pace University School of Law, Continuing Legal Education: New York Practice Update," Robert B. Fleming Moot Court Room, White Plains, New York. Outline and materials supplied.

March 26, 2002: Lecturer, "Dispositive Motions," Pace University School of Law (now known as Elizabeth Haub School of Law at Pace University), White Plains, New York. Speech supplied.

June 11, 2001: Lecturer, "New York Civil Practice, CPLR Supplemental Cases," Columbia County Bar Association, Hudson, New York. Outline and materials supplied.

January 19 and 26, 2000: Lecturer, "New York Civil Practice, Parts I and II," Pace University School of Law (now known as Elizabeth Haub School of Law at Pace University), White Plains, New York. Outline and materials supplied.

January 13 and 20, 1999: Lecturer, "New York Civil Practice, Parts I and II," Pace University School of Law (now known as Elizabeth Haub School of Law at Pace University), White Plains, New York. Outline supplied.

April 9, 1997: Lecturer, "Tobacco and Public Health Remedies," Pace University School of Law (now known as Elizabeth Haub School of Law at Pace University), White Plains, New York. Speech supplied.

May 22, 1996: Lecturer, "Strategies for Obtaining Summary Judgment," New York State Bar Association, New York, New York. Speech supplied.

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

"Master of the Courtroom," law firm informational bulletin, Collier Halpern Newberg & Nolletti, LLP, January 2018. Copy supplied.

"Jay Carlisle Joins Collier Halpern Newberg & Nolletti, LLP as Senior Counsel," *PR Newswire*, August 11, 2016. Copy supplied.

"Collier Halpern Newberg & Nolletti, LLP's Philip M. Halpern Joins Teaching Staff at Elisabeth Haub School of Law at Pace University," *Cision*, August 11, 2016. Copy supplied.

Greg Wojick, "MetGCSA Supers – and Industry Experts – Speak Candidly About Employment Contracts," *Tee to Green Magazine*, July/August 2014 at 1. Copy supplied.

Frank Pagani, "5 Prominent White Plains Business Leaders & Attorneys Among First to be Profiled with New 'My Defining Moments' Copywriting Service," *patch.com*, July 14, 2014. Copy supplied.

"Philip Halpern and the Impact of Legal Victory," *Westchester County Business Journal,* November 18, 2013. Copy supplied.

Adam Sichko, "An expensive question: Who gets back their Empire Zone benefits," *The Business Review*, June 5, 2013. Copy supplied.

"Hedge Fund Ex Wife Sues Jeffrey Perry for Hiding Assets," *Hedgeho*, September, 2012. Copy supplied.

Erik Shilling, "Wife Sues Husband, Says He Hid Assets," *The Journal News*, September 5, 2012. Copy supplied.

Len Maniace, "Developer Behind in Rent Payments," *The Journal News,* May, 2009 at 1B. Copy supplied.

L. C. Lambrecht, "A Behind-the-Scenes Look at the PGA Tour's Split with Westchester Country Club," *The Journal News*, September 3, 2008. Copy supplied.

Staff Writer, "The Barclays Moves to Ridgewood Country Club," *PGA Tour*

Magazine, January 26, 2008. Copy supplied.

Reed L. Walmark, "PGA Moving 2008 Barclays out of Westchester CC," *The Hartford Courant*, January 15, 2008 at C2. Copy supplied.

"Westchester CC President Says Club will Lose Barclays Tourney," *AP Alert*, January 15, 2008. Copy supplied.

Mark Cannizzaro, "PGA Wants Out of W'chester," *New York Post,* January 15, 2008. Copy supplied.

Tod Leonard, "Hoffman, Perez would savor opportunity to play Open at Torrey," *San Diego Union-Tribune*, January 15, 2008 at C-4. Copy supplied.

"FedExCup Ex Westchester Out as Host Venue," *Associated Press*, January 14, 2008. Copy supplied.

Jeffrey Gold, "PGA negotiating on whether '08 Barclays stays in Westchester," *Associated Press*, January 14, 2008. Copy supplied.

Larry Dorman, "PGA will Move Barclays from Westchester Club," *New York Times,* January 14, 2008. Copy supplied.

John Hawkins, "The PGA Tour's Big Breakup in the Big Apple," *Golf Digest,* January 7, 2008. Copy supplied.

Mark Fass, "Insurers Face Liability in Asbestos Cases," *New York Law Journal (Online)*, May 9, 2007. Copy supplied.

Christina Occhipinti, "Winners of the First County 'Above the Bar Awards'," *Westchester County Business Journal*, May 7, 2007. Copy supplied.

Bryan Yurchan, "Guidelines sought for new data retention rules," *Westchester Business Journal*, February 5, 2007 at 6. Copy supplied.

Bruce Golding, "Al Pirro wins back law license," *The Journal News*, January 25, 2007 at 1A. Copy supplied.

Kathleen B. Smith, "Pirro Bugs Out Amid Probe. She Tried to Catch Hubby in Tryst on Boat, Says Feds" *New York Daily News,* September 28, 2006. Copy supplied.

Allan Drury, "Gabelli Pay, Deals Disturb Judge," *The Journal News*, May 2005 at 9C. Copy supplied.

Rick Archer, "Developer Settles Austin Ave. Cemetery Dispute," *Westchester*

County Business Journal, January 31, 2005 at 3. Copy supplied.

Jim Fitzgerald, "N.Y. Developer Agrees to Monument, Research on Former Jewish Cemetery Paved Over for Big Stores," *Associated Press*, January 25, 2005. Copy supplied.

Ken Valenti, "Dispute over Unaccounted Graves Settled," *The Journal News*, January 25, 2005 at 1A. Copy supplied.

Alex Philippidis, "July 23 deadline for arguments in Austin Avenue cemetery case," *Westchester County Business Journal*, July 19, 2004 at 2. Copy supplied.

Ernie Garcia, "2 gravestones found near Yonkers store," *The Journal News*, July 9, 2004 at 1A. Copy supplied.

"Fate of Cemetery Remains at Issue," *Albany Times Union*, July 8, 2004 at B3. Copy supplied.

Thomas Crampton, "The Law; A Body Blow to Retail Goliaths," *The New York Times*, May 23, 2004. Copy supplied.

Yancy Roy, "Home Depot, Developer Suits Tossed," *Poughkeepsie Journal,* May 14, 2004 at B5. Copy supplied.

John Caher, "Developers Lose Civil Rights Tool in Land Cases," *New York Law Journal*, May 14, 2004 at 17. Copy supplied.

Alex Philippidis, "Home Depot Mulls Appeal as Court Upends $10M Award," *Westchester County Business Journal*, June 2, 2003 at 5. Copy supplied.

John Jordan, "City of Rye Secures Reversal in Home Depot Case," Globest.com, May 28, 2003. Copy supplied.

Len Maniace, "$15M Home Depot Lawsuit Dismissed," *The Journal News,* May 20, 2003. Copy supplied.

"Pirro's Law License is Suspended for 3 Years," *The New York Times*, May 17, 2003. Copy supplied.

Timothy O'Connor, "Al Pirro Law License Suspended for Three Years," *The Journal News*, May 15, 2003 at B1. Copy supplied.

Susan Elan, "Deli Owner Wins Right to Buy Prime Property," *The Journal News*, August 8, 2002 at 1B. Copy supplied.

Bruce Golding, "Al Pirro Likely to Endure Despite Prison Term," *The Journal*

News, November 6, 2000 at 1A. Copy supplied.

Daniel Wise, "Donors Filled War Chests in Hard-Fought Election for Westchester Surrogate," *The Journal News*, November 3, 2000 at 1. Copy supplied.

Winnie Hu, "After-Tax Fraud Conviction Pirro Leaves Law Practice," *The New York Times*, July 1, 2000. Copy supplied.

Len Maniace, "Developer Behind in Rent Payments," *The Journal News*, February 5, 2000 at 1B. Copy supplied.

Loren Brody, "Project Disputes Sparks First Amendment Debate," *Westchester County Business Journal*, January 10, 2000. Copy supplied.

Daphne Stein, "FOWCAS, Summit Court Victories Even Up" *The Rivertowns Enterprise*, December 31, 1999. Copy supplied.

Alicia Maxey, "Developer can Sue Protesters Judge Rules," *The Journal News*, December 31, 1999. Copy supplied.

Daphne Stein, "State Supreme Court Denies Summit's Request to Gag FOWCAS," *The Rivertowns Enterprise*, December 24, 1999 at 7. Copy supplied.

Alicia Maxey, "Builder Loses Court Battle," *The Journal News*, December 16, 1999 at 1A. Copy supplied.

John Annese, "Another Landing Lawsuit?" *The Rivertowns Enterprise*, June 18, 1999 at 3. Copy supplied.

John Annese, "Village will Appeal Ruling on Landing Permits," *The Rivertowns Enterprise*, March 5, 1999 at 7. Copy supplied.

Alicia Maxey, "Village Loses Fight on Zoning," *The Journal News*, March 2, 1999. Copy supplied.

Brad Turner, "Snuffing Out Small Business?" *Westchester County Business Journal*, September 23, 1996 at 4. Copy supplied.

Brad Turner, "Smoking Ban a Drag on Business," *Westchester County Business Journal*, September 23, 1996 at 1. Copy supplied.

Jeff Barge, "Changing Jurisdictions," *Craines New York Business*, August 19-25, 1996. Copy supplied at 19.

Elsa Brenner, "Tough Smoking Law Survives Challenge," *New York Times*, June 23, 1996 at 13WC, 4. Copy supplied.

David McKay Wilson, "Smoking Ban Faces Challenge in Court," *The Reporter Dispatch*, May 30, 1996. Copy supplied.

Deborah Pines, "Court Makes 'The Case of the Invisible Ink' Disappear," *New York Law Journal*, June 5, 1995 at 1. Copy supplied.

Mike Finneg and Tom Robbins, "New Javits Big In Loan Default," *Daily News*, March 18, 1995. Copy supplied.

April Gavin, "Back to School," *Greenwich Times*, January 6, 1993 at A1. Copy supplied.

Robin Barron, "Coke Cans Its Classics, Age-Bias Suit Charges," *Connecticut Law Tribune,* June 4, 1990. 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 have not held judicial office.

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

i. Of these, approximately what percent were:

jury trials:	___%
bench trials:	___% [total 100%]
civil proceedings:	___%
criminal proceedings:	___% [total 100%]

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

c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature 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 (3) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

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.

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

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

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.

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.

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.

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:

I have not held judicial office.

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.

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

a. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed

you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

I have never been a candidate for, or held, any elective public office. Since law school, I have held the following appointed positions:

Member (1987 – 1989), Planning Board, Village of Mamaroneck, New York, Appointed in October 1987 (approximately) by Mayor Paul Noto

Commissioner (1986 – 1987), Taxi Commission, Village of Mamaroneck, New York, Appointed in January 1986 (approximately) by Mayor Paul Noto

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 August, 1980 to October, 1982, I served as a Law Clerk to the Honorable Irving Ben Cooper, District Judge of the United States District Court, Southern District of New York. From October, 1982 to December, 1983, I served as Judge Cooper's part-time Law Clerk.

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

I have not practiced alone.

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

Since graduating from law school, I have been affiliated with the following law firms:

1984 – Present
Collier Halpern & Newberg, LLP

(formerly Collier, Halpern, Newberg & Nolletti, LLP; Collier, Halpern, Newberg, Nolletti & Bock, LLP; Pirro, Collier, Cohen & Halpern, LLP; Pirro, Collier, Cohen, Crystal & Bock, LP; Collier, Cohen, Crystal & Bock, LLP; and Quinn, Cohen, Shields & Bock, LP)
One North Lexington Avenue
White Plains, New York 10601
Managing Partner (1995 - present)
Partner (1985 - present)
Associate (1984)

1982 – 1984
Kimmelman, Sexter & Sobel, LP
One Battery Park Plaza
New York, New York 10001
Associate

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 served as a mediator and arbitrator in alternative dispute resolution proceedings.

Supreme Court of the State of New York, New York County, Commercial Division:

1. *NY 46th LLC v. Gerard Addeo, CPA, P.C., et al.*, Index No. 160796/2015

Mediator

This mediation involved a commercial lease where the plaintiff sought substantial money damages from the defendant tenant and the guarantor. I mediated the dispute several days before the inquest on damages was to take place as the plaintiff had obtained a summary judgment decision on its breach of contract causes of action. The matter did not settle but I was able to reduce the spread of damages between the plaintiff and defendant to $90,000 which they believed would help resolve their upcoming inquest issues.

2. *Roy Food and Wine LLC et al., v. Paolo Meregalli, et al.*, Index No. 655420/2017

Mediator

This was a shareholder derivative action brought by the non-operating

members of the LLC against the operating member of the LLC. The business of the LLC was a high-end Italian restaurant in New York City. The landlord terminated the lease of the Italian restaurant and the parties' causes of action concerned waste and mismanagement issues. I mediated the case and was unable to resolve the matter.

3. *Cohen Capital Corp. v. Schnaier, et al.*, Index No. 655094/17

Mediator

I mediated this case where the plaintiff was suing on a promissory note signed by the defendant Schnaier and guaranteed by defendant Cohen. The parties were unable to resolve their differences and the case did not settle.

Supreme Court of the State of New York, Westchester County, Commercial Division:

4. *Gerardi v. Rajendran, et al.*, Index No. 65171/2017

Mediator

This case involved the plaintiff's claim for a specific performance of a real estate contract wherein plaintiff was to buy from defendant a particular building in Westchester County, New York. The defendant had refused to close. The defendant had counterclaims for employment issues relating to his wages and other business arrangements with the plaintiff as well as a claim for use and occupancy during the time the plaintiff has occupied the building without paying rent. I mediated this case and was able to settle and resolve all issues.

United States District Court for the Southern District of New York:

5. *Sherman v. Town of Chester, Its Town Board and Its Planning Board*, Docket No. 12-CV-00647 (ER)

Mediator

This was a Fifth Amendment takings case brought as a non-categorical taking under the *Penn Central v. New York City* rationale where plaintiff sought damages under both New York State and Federal law. On remand from the United States Supreme Court over an intervention issue, I mediated the case on the issue of damages and was unable to resolve the matter. The parties indicated that once discovery was completed on the damages issue they would contact me regarding further mediation. The

parties contacted me to continue mediation on the issue of damages and after an additional session I was unable to resolve the case.

6. *Perrotta v. Dutchess Golf Club LLC et al.*, Docket No. 17-CV-00278 (KMK)

Mediator

Plaintiff commenced a hostile work environment Title VII case on the basis of sex under both New York State and Federal law. Plaintiff sought damages for the exacerbated, serious and permanent injuries she sustained as a result of the alleged sexual harassment. Defendant maintained that all of the behavior alleged was consensual. I mediated the case and was unable to settle it.

7. *Zheng et al. v. J&J US Trading Inc. et al.*, Docket No. 15-CV-096235 (VB)

Mediator

Plaintiff commenced an action for unpaid wages, overtime, failure to provide statutory meal periods and liquidated damages for an extended period of years under both New York State and Federal law. Defendant maintained that the records it had substantiated payment in full of wages due. I mediated the case and was successful in resolving all issues.

8. *Sandoval v. Tequila Sunrise of Westchester Inc., et al.*, Docket No. 17-CV-01504-VB

Mediator

Plaintiff commenced the action under the Fair Labor Standards Act and New York Labor Law for failure to pay minimum wage, overtime wages and failure to record keep under both New York State and Federal law. Defendant maintained that its employees were paid in full. I mediated the case and was able to resolve all issues associated therewith.

9. *Palentino, et al. v. Tasty Baking Company, et al.*, Docket No. 12-CV-8955 (VB)

Mediator

Plaintiff commenced an action against his employer for a failure to pay overtime and for legal fees under both New York State and Federal law. Defendant maintained that plaintiffs were exempt from overtime wages under the totality of the circumstances test which was applicable to this

fact pattern. I mediated the case and was able to successfully conclude and settle it with respect to all issues.

10. *Iadeluca v. St. John Fisher College et al.*, Docket No. 12-civ-2100 (CS)

Mediator

Plaintiff commenced an action under the Fair Labor Standard Act as well as New York Labor Law seeking reinstatement and money damages for retaliatory firing for her refusal to provide sexual favors as *quid pro quo* for employment; and for discrimination based on gender as well as the willful failure to pay her overtime. Defendant maintained that plaintiff's termination was a result of a restructuring and had nothing whatsoever to do with her grievances. The individual defendant likewise maintained his innocence with respect to all claims made against him. I mediated the case and was able to resolve all issues and settle the case.

American Arbitration Association:

Voluntary Dispute Resolution Program Arbitrator.

I conducted a number of small claims arbitrations but have no records as I participated in the program from 1994 – 1995 (approximately).

United States District Court for the Eastern District of New York:

Early Neutral Evaluator.

I conducted a number of early neutral evaluations but have no records as I participated in the program from 1994 – 1995 (approximately).

a. Describe:

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

I have more than 39 years of civil trial experience, and spent almost all of my professional time in the litigation process. In October 1982, I began work as an associate at a law firm. I worked on litigation matters relating to breach of contract, estates and trusts, real estate and securities fact patterns. I also did significant work for the partner who had been appointed a Special Master in the case *Van Gemert v. Boeing* then pending in the United States District Court, Southern District of New York. The research associated with the Special Master's report was substantial and complicated.

After I left that firm and beginning in 1984 at my current firm, I worked on litigation problems including contract disputes, copyright, divorce, entertainment law, environmental law, intellectual property, real estate and shareholder derivative issues.

Beginning in or about 1988, and after my firm began working for a large corporate client, I worked heavily in the areas of Title VII, Age Discrimination in Employment Act (ADEA), Americans with Disabilities Act (ADA), Labor Management Relations Act (LMRA), National Labor Relations Act (NLRA), labor and collective bargaining agreement issues, fraudulent conveyance issues, creditors' rights, bankruptcy and Tax Court issues. I tried to conclusion seven to ten labor arbitrations each year in that period for a number of years on a variety of different issues; and in a variety of different states. I also tried cases (including arbitrations) for that client in a number of states. Additionally, I worked extensively on administrative law issues associated with the New York City Fire Department issuing more than 300 violations to this client's customers. During this time, I also worked on general business contract disputes, RICO, Comprehensive Environmental Response Compensation and Liability Act (CERCLA) and Resource Conservation and Recovery Act (RCRA) cases, business litigation, shareholder derivative matters and real estate issues. Once that large client was acquired by another corporate entity and after I moved my offices to White Plains, New York, (in or about 1995) much of that work ceased.

I worked on environmental issues, land-use issues, construction law issues, landlord-tenant issues (we represented a local mall that had just been built), business issues, contract disputes, Title VII, ADEA, ADA issues, shareholder derivative, employment issues and constitutional law issues. I also worked on some labor and collective bargaining agreement issues. The nature of the practice since 1995 has continued to be a steady flow of business disputes, securities, shareholder derivative, contract, construction, land use, real estate, estates and trust, environmental law, oil and gas, employment and creditors' rights in bankruptcy issues. During this time, I have also served as a mediator in state court (since 2017) and in federal court (since 1999), an interest arbitrator in a collective bargaining dispute and an early neutral evaluator (during 1994 and 1995).

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

My primary area of focus has been complex business and commercial litigation in state and federal courts. The cases I have handled span a multitude of different industries including accounting, banking, financial, entertainment, insurance, labor, legal, real estate, real estate development,

soft drink, oil and gas and other different business settings. I, myself, have litigated and arbitrated matters from simple commercial landlord-tenant disputes to defending a multi-million dollar claim of fraud, RICO violations and fraudulent conveyance claims concerning a leveraged buyout. I have worked on complex fraud, accounting and contract disputes; and I have also resolved cases during this timeframe for large eight and nine figure settlement amounts. In the late 1980's and early 1990's, I spent a lot of time in the area of labor law and collective bargaining issues, and trying cases for a large corporation in a variety of states.

Since joining my law firm in January 1984, I typically have represented individuals, small and large businesses as well as large, privately-held corporations, public corporations and a municipal corporation.

Currently, I represent individuals and small and large corporations—both on the plaintiff's side and defendant's side. I also serve as a mediator in state and federal court litigations assigned to me.

b. 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 legal practice has been devoted to civil litigation. In private practice, I have appeared in court on an occasional to regular basis over the course of my career, depending on what I was working on at the time. Some months I may be at the courthouse every week; and other months, not at all. The percentages below are estimates based on my practice as an attorney over the span of my entire legal career.

i. Indicate the percentage of your practice in:
   1. federal courts: 40%
   2. state courts of record: 60%
   3. other courts: 0%
   4. administrative agencies: 0%

ii. Indicate the percentage of your practice in:
   1. civil proceedings: 100%
   2. criminal proceedings: 0%

c. 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.

Excluding cases brought to conclusion by way of Motion for Summary Judgment

or other dispositive motions, and excluding cases tried to arbitrators, I have tried more than 50 cases in courts of record to verdict. In all cases, I was sole or lead counsel.

i. What percentage of these trials were:
   1. jury: 17%
   2. non-jury: 83%

d. Describe your practice, if any, before the Supreme Court of the United States. Supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

I have not practiced before the Supreme Court of the United States.

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

a. the date of representation;

b. the name of the court and the name of the judge or judges before whom the case was litigated; and

c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

1. *Matter of Morris Builders, L.P., v. Empire Zone Designation Board,* unreported Order/Judgment Index No. 4443-10, *rev'd*, 95 A.D.3d 1381, 943 N.Y.S.2d 678 (3d Dep't 2012) *aff'd*, 21 N.Y.3d 233, 970 N.Y.S.2d 888 (2013)

I was lead counsel for petitioners/plaintiffs Morris Builders, L.P. and Morris Industrial Builders, L.P. at the trial court level and throughout the appeals. The *Morris* case was a combined Article 78 and declaratory judgment hybrid proceeding brought by Morris Builders, L.P. and Morris Industrial Builders, L.P. to annul and vacate determinations made by the Empire Zone Determination Board which revoked Morris' Empire Zone program certification and to declare New York's General Municipal Law § 959 unconstitutional in its retroactive application to petitioners/plaintiffs. The petitioner/plaintiffs had previously received tax credits for capital and labor expenditures paid in an Empire Zone. In April 2009, the Governor of New York revoked the enabling legislation retroactive to January 1, 2008. The matter was determined at the trial court level by Justice Devine on the papers and motion practice against petitioners/plaintiffs. The appeal was argued in the Appellate Division, Third Department (with five other

consolidated cases) and decided by Appellate Division Judges Peters, Kavanaugh, Stein, and Egan, Jr. The Appellate Division reversed the decision of the Trial Court. The appeal by the government from the Appellate Division was argued in the New York State Court of Appeals and decided by New York Court of Appeals Chief Judge Jonathan Lipman and Judges Graffeo, Read, Pigott, Rivera and Smith. The result was that the decision by the Appellate Division that New York's General Municipal Law § 959 was declared unconstitutional was affirmed by New York Court of Appeals.

a. 2010 – 2013

b. New York State Supreme Court
Albany County
Judge Devine

New York State Supreme Court
Appellate Division, Third Dept.
Judges Peters, Kavanaugh, Stein, and Egan, Jr.

State of New York
Court of Appeals
Chief Judge Lippmann, Judges Graffeo, Read, Pigott, Rivera, and Smith

c. Counsel for Respondent Government Entities:
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2. *Horizon Asset Mgt., Inc. v Duffy*, Summary Judgment Decision and Order dated October 14, 2011, Index No. 602509/08, *aff'd*, 106 A.D.3d 594, 967 N.Y.S.2d 17 (1st Dep't 2013); other decision in case at Index No. 602509/08, *aff'd*, 82 AD.3d 442, 918 N.Y.S.2d 85 (1st Dep't 2011)

I was lead counsel for defendants Raymond Duffy and Horizon Asset Management Services, LLC and actively participated in all aspects of the lower court and appellate cases. In this case, plaintiff commenced an action against defendant Raymond Duffy on various contract and employment theories of law. Raymond Duffy counterclaimed for breach of contract, conversion and a shareholder derivative action against Horizon Asset Management Services LLC, Murray Stahl and Horizon Asset Management LLC. The gravamen of Duffy's dispute was that as a 50% member of a Delaware LLC he was deprived by the plaintiffs and third-party defendant Stahl of his 50% entitlement to the profits therefrom. While Duffy had an operating agreement which was governed by

Delaware law, many of the formalities of business (such as a bank account and accounting records) were not maintained by the entity he owned but rather by the plaintiffs and third-party defendant. The trial court, by Justice Bernard Fried, granted summary judgment dismissing the causes of action brought by plaintiff and granting Duffy summary judgment on his breach of contract and conversion causes of action and directed an immediate trial on damages before a special referee. That decision was affirmed on appeal by Judges Gonzalez, Friedman, Moskowitz and Feinman. Just before a trial on damages before a special referee was to take place, the matter was settled for a very substantial eight-figure settlement.

a. 2008 – 2015

b. New York State Supreme Court
County of New York
Justice Fried and thereafter Friedman
New York State Supreme Court
Appellate Division, First Dept.
Judges Gonzalez, Friedman, Moskowitz, and Feinman

c. Counsel for plaintiffs-appellants:
Robert M. Abrahams
Teleah Jennings
Schulte Roth & Zabel, LLP
919 Third Avenue
New York, NY 10022
(212) 756-2355

3. *Manley v. AmBase Corp.*, 121 F.Supp.2d 758 (S.D.N.Y., 2000); 126 F. Supp. 743 (S.D.N.Y. 2001) *aff'd*, 337 F.3d 237 (2d Cir. 2003)

I was lead counsel for defendant AmBase Corporation and tried this case to a jury twice; and acted as co-counsel on the appeal. Plaintiff Marshall Manley sought indemnification (pursuant to a Delaware by-law of the defendant AmBase Corporation) for payments he made to the bankruptcy trustee in the *Finley Kumball* bankruptcy proceeding. The case was tried to a jury (District Judge Ward presiding) and a verdict for approximately $1.8 million was awarded to the plaintiff. AmBase Corporation thereafter moved to set aside the jury's verdict and for a new trial. That motion was granted by District Judge Ward and a second jury trial was had before Judge Ward. At the retrial, the jury found for defendant AmBase Corporation. Both decisions were affirmed on appeal in the Second Circuit Court of Appeals by Judges Newman, Katzmann and Raggi.

a. 1994 -2003

b. United States District Court
Southern District of New York
Judge Ward (deceased)

United States Court of Appeals
Second Circuit
Judges Newman, Katzmann, and Raggi.

c. Co-Counsel for Appellee:
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4. *Moody v. Security Pacific Business Credit*, 127 B.R. 958 (W.D. Pa. 1991), *aff'd*, 971 F.2d 1056 (3d Cir. 1992)

I was co-counsel for defendants The Coca-Cola Bottling Co. of New York, Inc. and KNY Development Corp. and participated in this lengthy non-jury trial and appeal. The plaintiff trustee commenced a fraud, fraudulent conveyance action under Pennsylvania law and a RICO action against the seller, the buyer and the bank associated with the transaction concerning the sale of Jeanette Corporation in 1981. The transaction itself between buyer and seller was a leveraged buyout. In essence, defendants The Coca-Cola Bottling Co. of New York, Inc. and KNY Development Corp. bought Jeanette Corporation in 1978 for almost $40 million; and subsequently, in July 1981, sold Jeanette Corporation to J. Corp. and an individual named John Brogan for $12.1 million. After trial, trial Judge Diamond concluded that none of the fraudulent conveyance statute, common law or RICO causes of action were viable, and as a result, dismissed plaintiff's Complaint. In addition, the court found that defendants' defense that the sale to J. Corp. was a "bargain" was sustained. The decision was affirmed by the Judges Sloviter, Scirica and Nygaard of the Third Circuit Court of Appeals. The basis for the affirmance that the lower court properly found defendants were not intending to defraud creditors, otherwise committed no wrong; and found that the defense of a "Bargain" deal was viable.

a. 1984 - 1993

b. United States District Court
Western District-Pennsylvania
Judge Diamond

United States Court of Appeals
Third Circuit
Chief Judge Sloviter, and Judges Scirica and Nygaard

c. Co-Counsel for defendants-appellees The Coca-Cola Bottling Co. of New York, Inc. and KNY Development Corp.:
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Frank R. Arcuri
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Counsel for plaintiff-appellant:
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5. *Mancheski v. GGCP, Inc.,* Summary Judgment Decision dated March 30, 2006, Index No. 018762/03, *aff'd*, 41 A.D.3d 790, 839 N.Y.S.2d 192 (2d Dep't 2005); other litigated issues may be found at Index No. 018762/03, aff'd, 22 A.D.3d 532, 802N.Y.S.2d 473 (2d Dep't 2005), and 39 A.D.3d 499, 835 N.Y.S.2d 595 (2d Dep't 2007)

I was lead counsel for plaintiff-respondent Frederick J. Mancheski and participated in every aspect of this case at the trial level and on the several appeals. This action was

commenced by two individuals who sought, under New York's common law dissolution theory (available for shareholders owning less than 20% of the outstanding shares), a dissolution of Gabelli Group Capital Partners Inc. and a declaratory judgment that the plaintiffs' shares did not have the restrictions that the defendant sought to impose. After contentious discovery and summary judgment arguments were had, Justice Jamieson granted plaintiffs' summary judgment declaring that there were no restrictions on the plaintiffs' shares and directed a summary judgment hearing on the issue of the common law dissolution cause of action. The court set an immediate hearing date concerning the underlying breaches of fiduciary duty which were the basis for the dissolution action, and shortly thereafter, the matter settled for a large nine-figure settlement. The press took an appeal of Judge Jamieson's Order limiting what they could review and it was affirmed in the Appellate Division by Judges Miller, Mastro, Krausman and Carni.

a. 2004-2007

b. New York State Supreme Court
County of Westchester
Justice Jamieson

New York State Supreme Court
Appellate Division
Second Dept.
Judges Miller, Mastro, Krausman, and Carni

c. Counsel for plaintiff David Perlmutter:
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Southern District of New York
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720 Milton Rd, J1
Rye, NY 10580
(914) 921-5533

6. *White Plains Plaza Realty, LLC v Town Sports Intl., LLC*, 2007 WL 7271973 (summary judgment Decision); 2009 WL 7401502 (damages trial Decision) *rev'd*, 79 A.D.3d 1025, 914 N.Y.S.2d 222 (2d Dep't 2010).

I was lead counsel for defendants-respondents and participated in every aspect of the trial and appeal through the entry of a final money judgment after the appeal. The plaintiff-landlord commenced a breach of a commercial lease action against the defendants seeking damages for the tenants-defendants' early departure from the premises in 2005. The lease term extended through 2018. While the defendants were found liable for their breach of the lease by abandoning the premises as they did, the trial court by Justice Scheinkman found that the defendants were not liable for damages through the balance of the term. Justice Scheinkman found that the defendants established their burden of proof that the plaintiff failed to mitigate its damages properly and limited the plaintiff to four months' worth of rent damages. That finding was later modestly modified upward to include several additional months' worth of rent damages by the Appellate Division Judged Mastro, Florio, Leventhal and Sgroi.

a. 2007 - 2010

b. New York State Supreme Court
County of Westchester
Justice Scheinkman
(now Presiding Justice, Appellate Division, Second Department)

New York State Supreme Court
Appellate Division
Second Dept.
Judges Mastro, Florio, Leventhal, Sgroi

c. Counsel for plaintiff:
Mona D. Shapiro
Shapiro, Gettinger & Waldinger, LLP
(n/k/a Shapiro, Gettinger, Waldinger & Montelone, LLP)
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(914) 666-8033

Appellate counsel for plaintiff-appellant:
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John P. Sheridan
Herrick Feinstein, LLP
Two Park Avenue
New York, NY 10016
(212) 592-1400

7. *Continental Cas. Co. v. Employers Ins. Co. of Wausau,* 16 Misc.3d 223, 839 N.Y.S.2d 403 (first trial), rev'd, 60 A.D.3d 128, 871 N.Y.S.2d 48 (1st Dep't 2008), *app. denied*, 13 NY3d 710, 890 N.Y.S.2d 447 (2009); 22 Misc.3d 729, 865 N.Y.S.2d 855 (second trial), rev'd, 85 A.D.3d 403, 925 N.Y.S.2d 538 (1st Dep't 2011)

I acted as co-counsel for Individual Class defendants and local counsel for a Washington, D.C. law firm; and my firm and I participated in both the non-jury trials (spanning 74 trial days) and the first appeal to the Appellate Division. The plaintiff insurance company commenced this action seeking a declaratory judgment that it was not obligated to defend an insured, Robert A Keasbey & Company (a corporation that dissolved in 2001) against asbestos claims raised by defendants-former employees of Keasbey who had asbestos-related tort injuries pending against Robert A. Keasbey & Company (denominated as the defendant class). The defendants were also similarly-situated insurance companies and individuals. After two non-jury trials, Justice Braun determined that plaintiff insurance company as well as the other defendant insurance companies were obligated to share equally in the cost of the defense and that there was indemnity coverage available for the injured class defendants. Judges Tom, Friedman, Nardelli and Catterson in the Appellate Division, and after each trial, reversed the trial court's finding and determined that the insurance companies' coverage for "products/completed operations" was exhausted more than 20 years before the trial had begun. Thus, there was no insurance coverage for the asbestos-injured defendants.

a. 2003 - 2011

b. New York State Supreme Court
County of New York
Justice Braun

New York State Supreme Court
Appellate Division
First Dept.
Judges Tom, Freidman, Nardelli, and Catterson

c. Co-Counsel for Individual Class Action defendants-appellees
August J. Matteis, Jr.
David N. Webster
Charley C. Sung

Ted J. Feldman
Mark Tanney
Richard D. Shore
(of the District of Columbia Bar, admitted *pro hac vice*)
Gilbert Randolph LLP
(n/k/a Weisbrod Matteis & Copley PLLC)
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Washington, D.C. 20036
(202) 499-7910

Perry Weitz
Weitz & Luxenberg P.C.
700 Broadway
New York, NY 10003
(212) 558-5500

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Dale C. Christensen, Jr.
Seward & Kissel LLP
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(212) 574-1200

Counsel for Employers Liability Assurance Company, defendant-appellant:
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Kyle Medley
Ford Marrin Esposito
Witmeyer & Gleser, L.L.P.
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Gary M. Elden
Todd C. Jacobs
Irving C. Faber
Marc S. Lauerman
John E. Bucheit
Brian J. Mowbray
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Grippo & Elden LLC
111 S Wacker Drive
Chicago, IL 60606
(312) 704-7700

Counsel for amicus curiae:
Andrew T. Frankel
Mary Beth Forshaw
Elisa Alcabes
Simpson Thacher & Bartlett LLP
425 Lexington Avenue
New York, NY 10017
(212) 455-2000

8. *Home Depot, U.S.A., Inc. v. Dunn*, Trial Court Decision dated November 19, 2000 Index No. 97/05316, *rev'd*, 305 A.D.2d 459 (2d Dep't 2003), *aff'd*, 2 N.Y.3d 617, 781 N.Y.S.2d 240 (2004)

I was lead counsel for plaintiff-appellant Home Depot, U.S.A., Inc. during the trial phase and all appellate phases in this case. The plaintiff commenced this action under 28 USC §1983 for deprivation of its substantive due process and equal protection rights when the municipal defendants refused to issue permits necessary for the plaintiff to build and open its store. Justice Cowhey granted summary judgment on the substantive due process cause of action and determined that there was an issue of fact as to whether or not the equal protection clause had been violated which warranted a trial. Judges Altman, Cozier, Mastro and Rivera of the Appellate Division, Second Department reversed the trial court's finding and determined that the causes of action should have been dismissed as it found no constitutional law violation. New York's highest court, The Court of Appeals, granted leave to appeal. Chief Judge Kay and Judges Ciparick, Rosenblatt, Graffeo, Pigott, Smith and Read of the Court of Appeals determined that the plaintiff had

no clear right to the permit it sought and affirmed the Second Department's dismissal of plaintiff's substantive due process and equal protection causes of action.

a. 1997- 2004

b. New York State Supreme Court
County of Westchester
Judge Cowhey

New York State Supreme Court
Appellate Division
Judges: Altman, Cozier, Mastro, and Rivera

State of New York
Court of Appeals
Judges Kaye, Ciparick, Rosenblatt, Graffeo, Pigott, Smith, and Read.

c. Counsel for defendants (except Dunn):
Robert H. Hermann
(formerly with Plunkett & Jaffee, P.C. n/k/a Plunkett & Jaffe Group)
DelBello Donnellan Weingarten Wise & Wiederkehr LLP
One North Lexington Avenue
White Plains, NY 10601
(914) 681-0200
Counsel for respondent Dunn:
William P. Harrington, Jr.
Bleakley Platt & Schmidt, LLP
One North Lexington Avenue
White Plains, NY 10601
(914) 287-6104

9. *George R. Staskus et al. v. The Rawlplug Company Inc. et al*, 1992 WL 380930 (S.D.N.Y. 1992); 1993 WL 212736 (S.D.N.Y. 1993)

I acted as lead counsel for defendants in the Northern District of Ohio (admitted *pro hac vice*) and in the Southern District of New York. Plaintiffs, disgruntled minority-interest shareholders, dissented from a redemption of their Class B stock interests in the defendant corporations and commenced a fraud action in the Northern District of Ohio before Judge Batchelder pursuant to 15 USC § 78j(b). At the same time, defendant corporations commenced a fair value proceeding against the plaintiffs in New York State Court to determine the fair value of their redeemed shares which would result in a payment of that fair value to the plaintiffs. Ultimately, the federal case was transferred from the Northern District of Ohio by Judge Batchelder to the Southern District of New York. Once in the Southern District of New York, Judge McKenna granted defendants' motion for judgment on the pleadings dismissing the federal court action and leaving the disgruntled plaintiffs to their fair value proceeding commenced in New York Supreme

Court, Westchester County (Index No. 3363/91). The fair value proceeding was ultimately heard in the state court and the plaintiffs received their fair value.

a. 1991-1995

b. United States District Court
Northern District of Ohio, Eastern Division
Judge Batchelder

United States District Court
Southern District of New York
Judge McKenna

c Counsel for plaintiffs:
Thomas Beirne
(formerly with Cuddy & Fedder)
DelBello Donnellan Weingarten Wise & Wiederkehr LLP
One North Lexington Avenue
White Plains, NY 10601
(914) 681-0200
Stephen Hochhauser
Bertine, Hufnagel, Headley, Zeltner, Drummond & Dohn
(n/k/a Bertine Hufnagel LLP)
700 Post Rd., # 237
Scarsdale, NY 10583
(914) 472-7700

10. *Glugover v. The Coca-Cola Bottling Company of New York, Inc.*, Index No. 91 civ. 6331 (PKL), *aff'd*, Index No. 94-9142 (2d Cir. 1995)

I was lead counsel for defendant The Coca-Cola Bottling Company of New York, Inc. and participated in every aspect of the trial and appeal of this case. *Pro se* plaintiff commenced a Title VII action against the defendant based on national origin and the failure of the defendant to promote her. In addition, plaintiff brought an action pursuant to 42 USC § 1981(b). Defendant, during a reduction in workforce, terminated plaintiff's employment and offered plaintiff severance pay in exchange for a general release which plaintiff accepted. Thereafter plaintiff commenced a proceeding against defendant before the EEOC and later in federal court. During the discovery phase of this case, defendant learned that the plaintiff signed the general release to the defendant not only in blue ink but also in invisible ink which reappeared when heat was applied to the original of the release document. The magistrate judge and District Court Judge Leisure denied defendant's summary judgment motion based upon the release (and the lack of legal significance to the invisible ink) and impaneled an advisory jury for the *pro se* plaintiff. At the conclusion of the jury trial before Judge Leisure, the plaintiff's claims for relief were dismissed and the defendant received $1.00 verdict on its counterclaim for a return of the severance paid to the plaintiff. Judges Newman, Lumbard and McLaughlin of the

Second Circuit Court of Appeals affirmed the dismissal of plaintiff's complaint and defendant's $1.00 verdict.

a. 1991 - 1995

b. United States District Court
Southern District of New York
Judge Leisure (deceased)

United States Court of Appeals
Second Circuit
Judges Newman, Lumbard, and McLaughlin

c. Margaret Glugover - *pro se*
(whereabouts presently unknown)

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.)

The bulk of my time as the partner in charge of litigation at my law firm has been to counsel clients, manage partners and associates handling litigation cases for the firm and to try cases and argue appeals. Besides the cases that I actually handle myself, I manage all of the litigation that my firm is involved in and have done so since 1985. Because our emphasis is on the burden of proof, the strategies associated therewith and execution thereof require regular attention; and, in fact, with very few exceptions, our litigation group meets every other week to review each case in detail.

I am also active in mentoring both staff attorneys and outside attorneys who seek my advice on a variety of professional and personal issues. I spend a fair amount of time on the Boards that I volunteered to participate on as well. The Metropolitan Golf Association, Legal Services of the Hudson Valley, Board of Visitors at the Elisabeth Haub School of Law at Pace University, and the Green and Legal Committee at Westchester Country Club require some of my time. I also am an improving Adjunct Professor. I look regularly for materials to improve my presentation to my students in the class I teach at the law school, and am presently in the middle of writing a second textbook concerning the burden of proof which I hope to have finished soon. I believe that it will not only help the students I teach but also young lawyers generally as well.

Additionally, I spend time on the Civil Practice Advisory Committee to which I was appointed by the then Chief Judge of the State of New York, Jonathan Lippman. I have been involved on that Committee since 1999. The Committee is tasked with evaluating proposals which may be submitted by members of the bench, Bar and public to amend

the civil practice law and rules provisions that govern all litigation in New York. We recommend changes to the Chief Judge and the legislature on an annual basis. Most recently, I was the proponent of a Limited Scope Representation proposal which passed our Committee and now may be considered by the New York Legislature. The purpose of the Limited Scope Representation provision is to permit lawyers to participate on a limited fee or a pro bono basis in pieces of litigation (as opposed to the entirety) to expand the participation of attorneys in such cases. Finally, I spend significant time working for a particular family in connection with the family's businesses, trusts as well as a charitable foundation. I work daily with the family's accountants, lawyers, business advisors and investment bankers.

I have never provided lobbying services to any client or organization.

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.

    In the fall semesters of 2016 and 2017 and this coming fall semester, 2019, I taught and will teach a course at the Elisabeth Haub School of Law at Pace University, "The Anatomy of a Trial: The Burden of Proof." Copies of the course syllabus for the years 2016, 2017 and 2019 are supplied.

    This course is an intensive one-semester practical introduction to the litigation strategies associated with commercial litigation. The course's objective is to teach the student how to efficiently and effectively plan a commercial litigation strategy once the case is being prosecuted or defended by a firm or agency. Students use legal theories associated with the burden of proof and the rules of evidence to think through litigation problems and formulate an overall strategy for a case from inception through a final, non-appealable order or judgment. Class meetings include legal analysis and strategy formulation in connection with the commercial litigation arena. Guest lecturers from the bench and the bar lend their experience to the development and refinement of student strategies, and the course concludes with students' presentation of their strategies concerning a real (and previously adjudicated) problem. This course is not intended to teach oral advocacy, interviewing, deposition, or writing skills, but rather to inform the use of those skills, based on the strategic imperatives of the burden on proof associated with a particular case. The prerequisites for this class include Evidence and Trial Advocacy is recommended.

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.

    Other than from savings accounts, I presently expect to receive additional deferred

income payments from my current law firm which it may distribute on a deferred basis.

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.

    If confirmed, I would like to continue in my role as an Adjunct Professor at the Elisabeth Haub School of Law at Pace University and teach the class, "The Anatomy of a Trial: The Burden of Proof."

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).

    See attached Schedule.

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 would carefully review and address any real or potential conflicts in accordance with the Code of Conduct for United States Judges, as well as applicable policies and procedures of the United States Courts and other relevant canons and statutory provisions. I will recuse myself from any case in which I have previously participated as an attorney and in any case in which my law firm was involved while I was a member of the firm. My sister is an attorney admitted to practice in the State of Texas. One of my sons graduated from law school and has been admitted to the New York Bar. Disqualification in matters in which my sister or my son could appear before me are governed by 28 USC § 455. Except as indicated, I am unaware of any individuals, whether relatives or otherwise, who would be likely to present a 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.

       If confirmed, I will comply with the Code of Conduct for United States Judges, all

applicable policies and procedures of the United States Courts and other relevant canons and statutory provisions. I will review, on a case-by-case basis, the existence of a potential conflict of interest arising from any personal or former client relationships or financial interests, and will apply generally applicable principles and rules concerning ethics and conflicts of interest in conducting such an inquiry and assessing whether a recusal is warranted.

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.

Throughout my entire career, I have devoted substantial time to helping disadvantaged individuals and individuals who cannot afford to pay for legal help. Recently, New York established a rule requiring lawyers to keep track of their time and to engage in pro bono activity in the amount at least 50 hours per year. Until recently, I did not keep track of my time, but estimate that throughout my career and until I was required to keep track of my time, I spent at least 50 - 75 hours each and every year helping the disadvantaged or those who could not afford legal help. Since the rule in New York has been established which requires record keeping, I have maintained records which reflect that my pro bono activities exceed 50 hours per year.

With respect to pro bono activities, I have taken on a number of different approaches. First, because I grew up working in the golf industry, and since 1982, I have offered my services pro bono to all golf professionals and greens keepers in the New York Metropolitan area (which includes New York, New Jersey and Connecticut). I have also occasionally helped caddies in need of representation. As a result, I have received a steady diet of a wide variety of issues including traffic tickets, landlord-tenant disputes, warranty disputes, lease disputes, contract with employer disputes, divorce issues, tax issues and the general business and personal advice that golf professionals and greens keepers need from time to time. Invariably, the amount of time I spend on this alone is between 30 and 60 hours per year. In the last three years, I have been involved in a copyright infringement case for the Metropolitan Golf Course Superintendents Association. This past year, I participated in both a foreclosure action for one golf professional and an adverse possession case in the State of Connecticut for another. In the foreclosure case, I was able to have the mortgage reinstated; and I settled the adverse possession case on favorable terms.

In addition to my pro bono activities for golf professionals and greens keepers, I regularly take cases from individuals who need help and cannot afford to pay. These cases include foreclosure, landlord-tenant, business disputes and employment matters. The most notable case I took in that regard was a case in the District of Connecticut entitled, *Shane v. State of Connecticut*. One of the decisions is recorded at 821 F. Supp. 829 (D. Conn. 1993). This case took me from 1989 until 1997 to complete. The plaintiff, Shane, was the first black trooper hired by the Department of Public Safety under an affirmative

action program and Court Order. Shane was terminated for a variety of racially discriminatory reasons. The case was hotly contested before Judge Eginton in the District of Connecticut, and prior to trial, settled giving the plaintiff a significant sum of money.

Finally, I have supported for several decades the Elisabeth Haub School of Law at Pace University by donating to it for various scholarships to be given to needy students. This past year, I agreed to participate and fund, along with several other alumni, a new scholarship program that the dean initiated for needy law students. Additionally, I have supported the Legal Services of the Hudson Valley for more than 15 years and recently (2017) was recognized for that support.

I regularly reach out to a number of local charities to see what they need. I also support a number of local charities involving children and battered woman.

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.

I was recommended to the White House Counsel's Office for the position of United States District Judge for the Southern District of New York by Judge Jeanine Pirro. Since April 28, 2017, I have been in contact with officials from the White House Counsel's Office. On May 5, 2017, I interviewed with attorneys from the White House Counsel's Office and the Office of Legal Policy at the Department of Justice in Washington, D.C. On March 9, 2018, I was informed by the White House's counsel that the President was moving forward with my nomination subject to vetting by the F.B.I. and the Department of Justice. Since then, I have been in contact with officials from the F.B.I. and the Department of Justice. On October 10, 2018, the President announced his intention to submit my nomination to the Senate. On November 13, 2018, the President submitted my nomination to the Senate. On January 3, 2019, my nomination was returned by the Senate to the President as required by Rule XXXI. On January 23, 2019, the President announced his intention to submit my nomination to the Senate. On January 23, 2019, my nomination was resubmitted to the Senate by the President.

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.

AO 10
Rev. 1/2018

FINANCIAL DISCLOSURE REPORT
NOMINATION FILING

Report Required by the Ethics in Government Act of 1978 (5 U.S.C. app. §§ 101-111)

1. Person Reporting (last name, first, middle initial)	2. Court or Organization	3. Date of Report
Halpern, Philip M.	United States District Court - Southern District of New York	01/24/2019
4. Title (Article III judges indicate active or senior status; magistrate judges indicate full- or part-time)	**5a. Report Type (check appropriate type)**	**6. Reporting Period**
U.S.District Judge-Nominee	☑ Nomination Date 01/23/2019 ☐ Initial ☐ Annual ☐ Final **5b.** ☐ Amended Report	01/01/2018 to 01/24/2019
7. Chambers or Office Address		
c/o Collier Halpern & Newberg, LLP 1 Nonh Lexington Avenue White Plains , New York, 10601		

IMPORTANT NOTES: *The instructions accompanying this form must be followed. Complete all parts, checking the NONE box for each part where you have no reportable information.*

I. POSITIONS. *(Reporting individual only; see pp. 9-13 of filing instructions.)*

☐ NONE *(No reportable positions.)*

	POSITION	NAME OF ORGANIZATION/ENTITY
1.	Partner	Collier,Halpern&Newberg, LLP
2.	Adjunct Professor/Board of Visitor	Elizabeth Haub School of Law at Pace University
3.	Director	Legal Services of the Hudson Valley
4.	Director	Metropolitan Golf Association
5.	Director	Flugen, Inc.
6.	Director	Harrison Rye Realty Corp.
7.	Director	SHINE Medical Technologies Inc
8.	Director	Foundation No. I
9.	Trustee	Revocable Trust No. I
10.	Trustee	Irrevocable Trust No. I

II. AGREEMENTS. *(Reporting individual only; see pp. 14-16 of filing instructions.)*

☐ NONE *(No reportable agreements.)*

	DATE	PARTIES AND TERMS
1.	01/01/2018	Collier, Halpern & Newberg LLP Partnership Agreement

2.

3.

III. NON-INVESTMENT INCOME. *(Reporting individual and spouse; see pp. 17-24 of filing instructions.)*

A. Filer's Non-Investment Income

☐ NONE *(No reportable non-investment income.)*

	DATE	SOURCE AND TYPE	INCOME (yours, not spouse's)
1.	2017	Collier, Halpern&Newberg,LLP-Profits	$1,694,676.00
2.	2017	Elizabeth Haub School of Law at Pace Unviversity-Salary	$2,980.00
3.	2017	Foundation No. I-Director's Fees	$75,000.00
4.	2018	Collier, Halpern&Newberg,LLP-Profits	$3,857,645.00
5.	2018	Foundation No. I-Director's Fees	$125,000.00
6.	2019	Collier, Halpern&Newberg,LLP-Profits year to date	$147,333.34
7.			

B. Spouse's Non-Investment Income - *If you were married during any portion of the reporting year, complete this section.*

(Dollar amount not required except for honoraria.)

☑ NONE *(No reportable non-investment income.)*

	DATE	SOURCE AND TYPE
1.		
2.		
3.		
4.		

IV. REIMBURSEMENTS -- *transportation, lodging, food, entertainment.*

(Includes those to spouse and dependent children; see pp. 25-27 of filing instructions.)

☐ NONE *(No reportable reimbursements.)*

	SOURCE	DATES	LOCATION	PURPOSE	ITEMS PAID OR PROVIDED
1.	Exempt				
2.					
3.					
4.					

5.

V. GIFTS. *(Includes those to spouse and dependent children; see pp. 28-31 of filing instructions.)*

☐ NONE *(No reportable gifts.)*

	SOURCE	DESCRIPTION	VALUE
1.	Exempt		
2.			
3.			
4.			
5.			

VI. LIABILITIES. *(Includes those of spouse and dependent children; see pp. 32-33 of filing instructions.)*

☑ NONE *(No reportable liabilities.)*

	CREDITOR	DESCRIPTION	VALUE CODE
1.			
2.			
3.			
4.			
5.			

VII. INVESTMENTS and TRUSTS -- *income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)*

☐ NONE *(No reportable income, assets, or transactions.)*

A. Description of Assets (including trust assets). Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period (1) Amount Code 1 (A-H)	B. (2) Type (e.g., div., rent, or int.)	C. Gross value at end of reporting period (1) Value Code 2 (J-P)	C. (2) Value Method Code 3 (Q-W)	D. Transactions during reporting period (1) Type (e.g., buy, sell, redemption)	D. (2) Date mm/dd/yy	D. (3) Value Code 2 (J-P)	D. (4) Gain Code 1 (A-H)	D. (5) Identity of buyer/seller (if private transaction)
1. AC ALTERNATIVE INC	A	Dividend	K	T	Exempt				
2. ADIENT PLC COM	A	Dividend	J	T					
3. ALLERGAN PLC SHS	A	Dividend	K	T					
4. AMAZON COM INC		None	L	T					
5. AMBASE CORP		None	J	T					
6. AMER CENT EMERG MKTS I-1	A	Dividend	K	T					
7. AMER CENT EMERG MKTS I-2	A	Dividend	J	T					
8. AMER CENT EMERG MKTS I-3	A	Dividend	J	T					
9. APPLE INC-2	A	Dividend	K	T					
10. APPLE INC-3	C	Dividend	M	T					
11. BLACKSTONE GROUP LP	C	Int./Div.	K	T					
12. BRIGHTHOUSE FINL INC		None	J	T					
13. CAPITAL ONE FINANCIAL CORP	B	Dividend	L	T					
14. CHEVRON CORP	A	Dividend	K	T					
15. COMM SERV. SELECT SECTOR SDRR	A	Dividend	J	T					
16. CONOCOPHILLIPS	B	Dividend	L	T					
17. CONS DISCRET SEL SECT SPDR FD-1	A	Dividend	K	T					

1. Income Gain Codes: (See Columns B1 and D4)
A =$1,000 or less
B =$1,001 - $2,500
C =$2,501 - $5,000
D =$5,001 - $15,000
E =$15,001 - $50,000
F =$50,001 - $100,000
G =$100,001 - $1,000,000
H1 =$1,000,001 - $5,000,000
H2 =More than $5,000,000
J =$15,000 or less
K =$15,001 - $50,000
L =$50,001 - $100,000
M =$100,001 - $250,000
N =$250,001 - $500,000
O =$500,001 - $1,000,000
P1 =$1,000,001 - $5,000,000
P2 =$5,000,001 - $25,000,000
P3 =$25,000,001 - $50,000,000
P4 =More than $50,000,000

2. Value Codes (See Columns C1 and D3)
R =Cost (Real Estate Only)
S =Assessment
T =Cash Market

3. Value Method Codes (See Column C2)
Q =Appraisal
U =Book Value
V =Other
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Name of Person Reporting	Date of Report
Halpern, Philip M.	01/24/2019

VII. INVESTMENTS and TRUSTS — *income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)*

☐ NONE *(No reportable income, assets, or transactions.)*

A. Description of Assets (including trust assets). Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period (1) Amount Code 1 (A-H)	B. (2) Type (e.g., div., rent, or int.)	C. Gross value at end of reporting period (1) Value Code 2 (J-P)	C. (2) Value Method Code 3 (Q-W)	D. Transactions during reporting period (1) Type (e.g., buy, sell, redemption)	D. (2) Date mm/dd/yy	D. (3) Value Code 2 (J-P)	D. (4) Gain Code 1 (A-H)	D. (5) Identity of buyer/seller (if private transaction)
18. CONS DISCRET SEL SECT SPDR FD-2	A	Dividend	J	T					
19. CONS DISCRET SEL SECT SPDR FD-3	A	Dividend	J	T					
20. CONS STAPLES SEL SECT SPDR FD	A	Dividend	K	T					
21. CONS STAPLES SEL SECT SPDR FD	A	Dividend	J	T					
22. CONS STAPLES SEL SECT SPDR FD	A	Dividend	J	T					
23. CTR COAST BRKFLD MLP FOCUS Y-1	A	Dividend	J	T					
24. CTR COAST BRKFLD MLP FOCUS Y-2	A	Dividend	J	T					
25. CTR COAST BRKFLD MLP FOCUS Y-3	A	Dividend	J	T					
26. DELAWARE VALUE INSTL	A	Dividend	K	T					
27. Delaware SMID Cap Growth INST		None	J	T					
28. DELTA AIR LINES INC NEW	C	Dividend	K	T					
29. DOUBLELINE INCOME SOLUTIONS FD-1	C	Dividend	K	T					
30. DOUBLELINE INCOME SOLUTIONS FD-2	B	Dividend	K	T					
31. DOUBLELINE INCOME SOLUTIONS FD-3	A	Dividend	J	T					
32. DREYFUS DYNAMIC TOTAL RET I-1	A	Dividend	J	T					
33. DREYFUS DYNAMIC TOTAL RET I-2	A	Dividend	J	T					
34. DREYFUS DYNAMIC TOTAL RET I-3	A	Dividend	J	T					

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3. Value Method Codes (See Column C2)

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35. DREYFUS GLOBAL EMERGING MRKT I-1	A	Dividend	K	T					
36. DREYFUS GLOBAL EMERGING MRKT I-2		None	J	T					
37. DREYFUS GLOBAL EMERGING MRKT I-3	A	Dividend	J	T					
38. DREYFUS MUNI BND INFRA FND INC	C	Interest	K	T					
39. ENERGY SEL SECT SPDR FD-1	A	Dividend	K	T					
40. ENERGY SEL SECT SPDR FD-2	A	Dividend	J	T					
41. ENERGY SEL SECT SPDR FD-3	A	Dividend	J	T					
42. EXXON MOBIL CORP-2	D	Dividend	N	T					
43. EXXON MOBIL CORP-3	B	Dividend	K	T					
44. FACEBOOK INC CL-A		None	K	T					
45. FIRST TRUST AMEX BIOTECH		None	J	T					
46. FIRST TR HIGH YL LG/SHT ETF-1	B	Dividend	K	T					
47. FIRST TR HIGH YL LG/SHT ETF-2	A	Dividend	J	T					
48. FIRST TR HIGH YL LG/SHT ETF-3	A	Dividend	J	T					
49. FIRST TRST HLTH CARE ALPHA ETF-1		None	K	T					
50. FIRST TRST HLTH CARE ALPHA ETF-2		None	J	T					
51. FIRST TRST HLTH CARE ALPHA ETF-3		None	J	T					

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52. FIRST TRUST EUROPE-1	A	Dividend	K	T					
53. FIRST TRUST EUROPE-2	A	Dividend	J	T					
54. FIRST TRUST EUROPE-3	A	Dividend	J	T					
55. FIRST TRUST INDS/PRODS ETF-1	A	Dividend	J	T					
56. FIRST TRUST INDS/PRODS ETF-2	A	Dividend	J	T					
57. FIRST TRUST INDS/PRODS ETF-3	A	Dividend	J	T					
58. FIRST TRUST JAPAN-1	A	Dividend	K	T					
59. FIRST TRUST JAPAN-2	A	Dividend	J	T					
60. FIRST TRUST JAPAN-3	A	Dividend	J	T					
61. FIRST TRUST NASDAQ ABF CBIF-1	A	Dividend	J	T					
62. FIRST TRUST NASDAQ ABF CBIF-2	A	Dividend	J	T					
63. FIRST TRUST NASDAQ ABF CBIF-3	A	Dividend	J	T					
64. FT ENHANCED SHORT MURITY ETF	A	Dividend	K	T					
65. FT-PREFERRED SECUR & INC ETF-1	A	Dividend	J	T					
66. FT-PREFERRED SECUR & INC ETF-2	A	Dividend	J	T					
67. FT-PREFERRED SECUR & INC ETF-3	A	Dividend	J	T					
68. GENERAL ELECTRIC CO	A	Dividend	J	T					

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69. GUGGENHEIM MACRO OPPORT I	A	Dividend							
70. HARTFORD SCHRODER EM MKT EQ	A	Dividend	K	T					
71. HEALTH CARE SEL SECT SPDR FD-1	A	Dividend	K	T					
72. HEALTH CARE SEL SECT SPDR FD-2	A	Dividend	K	T					
73. HEALTH CARE SEL SECT SPDR FD-3	A	Dividend	J	T					
74. INDUSTRIAL SEL SEC SPDR FD-1	A	Dividend	K	T					
75. INDUSTRIAL SEL SEC SPDR FD-2	A	Dividend	J	T					
76. INDUSTRIAL SEL SEC SPDR FD-3	A	Dividend	J	T					
77. INVESCO EMER MRKTS SOVER ETF-1	A	Dividend	J	T					
78. INVESCO EMER MRKTS SOVER ETF-2	A	Dividend	J	T					
79. INVESCO EMER MRKTS SOVER ETF-3	A	Dividend	J	T					
80. INVESCO MUNI INCOME A	A	Dividend	J	T					
81. ISHARES INC MSCI JAPAN ETF-1	A	Dividend	K	T					
82. ISHARES INC MSCI JAPAN ETF-2	A	Dividend	J	T					
83. ISHARES INC MSCI JAPAN ETF-3	A	Dividend	J	T					
84. ISHARES JP MORGAN EM BOND ETF-1	A	Dividend	J	T					
85. ISHARES JP MORGAN EM BOND ETF-2	A	Dividend	J	T					

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86. ISHARES JP MORGAN EM BOND ETF-3	A	Dividend	J	T					
87. ISHARES MSCI BRIC ETF-1	A	Dividend	K	T					
88. ISHARES MSCI BRIC ETF-2	A	Dividend	J	T					
89. ISHARES MSCI BRIC ETF-3	A	Dividend	J	T					
90. ISHARES MSCI CANADA ETF-1	A	Dividend	J	T					
91. ISHARES MSCI CANADA ETF-2	A	Dividend	J	T					
92. ISHARES MSCI CANADA ETF-4	A	Dividend	J	T					
93. ISHARES MSCI CANADA ETF-3	A	Dividend	J	T					
94. ISHARES MSCI EAFE ETF	B	Dividend	K	T					
95. ISHARES MSCI EAFE GRWTH ETF-1	A	Dividend	K	T					
96. ISHARES MSCI EAFE GRWTH ETF-2	A	Dividend	J	T					
97. ISHARES MSCI EAFE GRWTH ETF-3	A	Dividend	J	T					
98. ISHARES MSCI EMERGING MKTS ETF-1	A	Dividend	K	T					
99. ISHARES MSCI EMERGING MKTS ETF-2	A	Dividend	J	T					
100. ISHARES MSCI EMERGING MKTS ETF-4	A	Dividend	J	T					
101. ISHARES MSCI EMERGING MKTS ETF-3	A	Dividend	J	T					
102. ISHARES MSCI EMU ETF-1	B	Dividend	K	T					

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103. ISHARES MSCI EMU ETF-2	A	Dividend	J	T					
104. ISHARES MSCI EMU ETF-3	A	Dividend	J	T					
105. ISHARES MSCI FRONTIER 100 ETF-1	A	Dividend	J	T					
106. ISHARES MSCI FRONTIER 100 ETF-2	A	Dividend	J	T					
107. ISHARES MSCI FRONTIER 100 ETF-3	A	Dividend	J	T					
108. ISHARES S&P MIDCAP 400 INDEX-1	A	Dividend	K	T					
109. ISHARES S&P MIDCAP 400 INDEX-2	A	Dividend	J	T					
110. ISHARES S&P MIDCAP 400 INDEX-3	A	Dividend	J	T					
111. ISHARES S&P US PFD STK IDX FD-2	A	Dividend	J	T					
112. ISHARES S&P US PFD STK IDX FD-3	A	Dividend	J	T					
113. ISHARES SP SMALLCAP 600 INDEX-1	A	Dividend	K	T					
114. ISHARES SP SMALLCAP 600 INDEX-2	A	Dividend	J	T					
115. ISHARES SP SMALLCAP 600 INDEX-3	A	Dividend	J	T					
116. JOHNSON CTLS INTL PLC	B	Dividend	K	T					
117. Lowes Companies Inc	A	Dividend	J	T					
118. JPMORGAN GLOBAL BD OPPORT I-1	A	Dividend	J	T					
119. JPMORGAN GLOBAL BD OPPORT I-2	A	Dividend	J	T					

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120. JPMORGAN GLOBAL BD OPPORT I-3	A	Dividend	J	T					
121. JP MORGAN ULTRA-SHORT INC ETF	A	Dividend	K	T					
122. MATERIALS SEL SECT SPDR FD-1	A	Dividend	J	T					
123. MATERIALS SEL SECT SPDR FD-2	A	Dividend	J	T					
124. MATERIALS SEL SECT SPDR FD-3	A	Dividend	J	T					
125. METLIFE INCORORATED	A	Dividend	J	T					
126. MORGAN STANLEY common stock	A	Dividend	K	T					
127. NYS GO REF BOND SER C OID 4/15/30 3%	B	Interest	K	T					
128. MORGAN STANLEY BANK N.A. (Cash)	B	Interest	P1	T					
129. MORGAN STANLEY BANK N.A. (Cash)	A	Interest	K	T					
130. MORGAN STANLEY BANK N.A. (Cash)	A	Interest	J	T					
131. MORGAN STANLEY BANK N.A. (Cash)	A	Interest	J	T					
132. MORGAN STANLEY BANK N.A. (Cash)	A	Interest	K	T					
133. MORGAN STANLEY BANK N.A. (Cash)	A	Interest	J	T					
134. MORGAN STANLEY BANK N.A. (Cash)	A	Interest	J	T					
135. MORGAN STANLEY BANK N.A. (Cash)	A	Interest	J	T					
136. MORGAN STANLEY PRIVATE BANK NA (Cash)	A	Interest	J	T					

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137. MORGAN STANLEY PRIVATE BANK NA (Cash)	A	Interest	K	T					
138. MORGAN STANLEY PRIVATE BANK NA (Cash)	A	Interest	N	T					
139. MORGAN STANLEY PRIVATE BANK NA (Cash)		None	J	T					
140. MS U.S. GOV'T MONEY MARKET TR	A	Interest	J	T					
141. NUV NEW YORK AMT-FREE MUNIC	A	Dividend	J	T					
142. NUVEEN NEW YORK MUNI VALUE FD		None	J	T					
143. NUVEEN NY DIV ADV MUNI FD	A	Dividend	J	T					
144. OPPENHEIMER RCH MUNICIPALS A	A	Dividend	L	T					
145. PIMCO DYN CREDIT & MORT INC FD-1	C	Dividend	K	T					
146. PIMCO DYN CREDIT & MORT INC FD-2	B	Dividend	K	T					
147. PIMCO DYN CREDIT & MORT INC FD-3	A	Dividend	J	T					
148. PORT AUTH NY NJ SPL PJ 6 JFK INTL AIR TERMINAL LLC PJCoupon 5.75% Mat	A	Interest	J	T					
149. SPDR GOLD TR GOLD SHS-1		None	J	T					
150. SPDR GOLD TR GOLD SHS-2		None	J	T					
151. SPDR GOLD TR GOLD SHS-3		None	J	T					
152. SPDR S&P 500 ETF TRUST-4	B	Dividend	L	T					

1. Income Gain Codes: (See Columns B1 and D4)
2. Value Codes (See Columns C1 and D3)
3. Value Method Codes (See Column C2)

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B =$1,001 - $2,500
C =$2,501 - $5,000
D =$5,001 - $15,000
E =$15,001 - $50,000
F =$50,001 - $100,000
G =$100,001 - $1,000,000
H1 =$1,000,001 - $5,000,000
H2 =More than $5,000,000
J =$15,000 or less
K =$15,001 - $50,000
L =$50,001 - $100,000
M =$100,001 - $250,000
N =$250,001 - $500,000
O =$500,001 - $1,000,000
P1 =$1,000,001 - $5,000,000
P2 =$5,000,001 - $25,000,000
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P4 =More than $50,000,000
Q =Appraisal
R =Cost (Real Estate Only)
S =Assessment
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W =Estimated

Name of Person Reporting	Date of Report
Halpern, Philip M.	01/24/2019

VII. INVESTMENTS and TRUSTS -- *income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)*

☐ NONE *(No reportable income, assets, or transactions.)*

A. Description of Assets (including trust assets). Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period (1) Amount Code 1 (A-H)	B. (2) Type (e.g., div., rent, or int.)	C. Gross value at end of reporting period (1) Value Code 2 (J-P)	C. (2) Value Method Code 3 (Q-W)	D. Transactions during reporting period (1) Type (e.g., buy, sell, redemption)	D. (2) Date mm/dd/yy	D. (3) Value Code 2 (J-P)	D. (4) Gain Code 1 (A-H)	D. (5) Identity of buyer/seller (if private transaction)
153. SPDR S&P 500 ETF TRUST	A	Dividend	J	T					
154. SPDR S&P GLB NAT RESOURCES-1	A	Dividend	J	T					
155. SPDR S&P GLB NAT RESOURCES-2	A	Dividend	J	T					
156. SPDR S&P GLB NAT RESOURCES-3	A	Dividend	J	T					
157. THE FINANCIAL SEL SECT SPDR FD-1	A	Dividend	K	T					
158. THE FINANCIAL SEL SECT SPDR FD-2	A	Dividend	J	T					
159. THE FINANCIAL SEL SECT SPDR FD-3	A	Dividend	J	T					
160. TRI CONTINENTAL CORP	D	Dividend	N	T					
161. UNIT IMIT MUNICIPAL INSURED NEW YORK 120 MPS		None	J	T					
162. UNUMPROVIDENT CORP	A	Dividend	K	T					
163. UTILITIES SEL SECT SPDR FUND-2	A	Dividend	J	T					
164. UTILITIES SEL SECT SPDR FUND-3	A	Dividend	J	T					
165. VANGUARD FTSE PACIFIC ETF-1	A	Dividend	K	T					
166. VANGUARD FTSE PACIFIC ETF-2	A	Dividend	J	T					
167. VANGUARD FTSE PACIFIC ETF-3	A	Dividend	J	T					
168. VANGUARD GLBL EX-US REAL EST-1	A	Dividend	J	T					
169. VANGUARD GLBL EX-US REAL EST-2	A	Dividend	J	T					

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VII. INVESTMENTS and TRUSTS -- *income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)*

☐ NONE *(No reportable income, assets, or transactions.)*

A. Description of Assets (including trust assets). Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period (1) Amount Code 1 (A-H)	B. (2) Type (e.g., div., rent, or int.)	C. Gross value at end of reporting period (1) Value Code 2 (J-P)	C. (2) Value Method Code 3 (Q-W)	D. Transactions during reporting period (1) Type (e.g., buy, sell, redemption)	D. (2) Date mm/dd/yy	D. (3) Value Code 2 (J-P)	D. (4) Gain Code 1 (A-H)	D. (5) Identity of buyer/seller (if private transaction)
170. VANGUARD GLBL EX-US REAL EST-3	A	Dividend	J	T					
171. VANGUARD INFO TECH ETF-1	B	Dividend	L	T					
172. VANGUARD INFO TECH ETF-2	A	Dividend	K	T					
173. VANGUARD INFO TECH ETF-3	A	Dividend	J	T					
174. VANGUARD INTL EQUITY INDEX FD-1	A	Dividend	K	T					
175. VANGUARD INTL EQUITY INDEX FD-2	A	Dividend	J	T					
176. VANGUARD INTL EQUITY INDEX FD-3	A	Dividend	J	T					
177. VANGUARD REAL ESTATE ETF-2	A	Dividend	J	T					
178. VANGUARD REAL ESTATE ETF-3	A	Dividend	J	T					
179. VICTORY RS INTL A		None	J	T					
180. VICTORY RS LARGE CAP ALPHA A		None		T					
181. VIRTUS INVESTMENT PARTNERS INC	A	Dividend	J	T					
182. VIRTUS VONTOBEL EMRG MKT OPP I-2	A	Dividend	J	T					
183. VIRTUS VONTOBEL EMRG MKT OPP I-3	A	Dividend	J	T					
184. WISDOMTREE US MIDCAP EARNING-1	A	Dividend	J	T					
185. WISDOMTREE US MIDCAP EARNING-2	A	Dividend	J	T					
186. WISDOMTREE US MIDCAP EARNING-3	A	Dividend	J	T					

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Halpern, Philip M.	01/24/2019

VII. INVESTMENTS and TRUSTS -- *income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)*

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A. Description of Assets (including trust assets). Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period (1) Amount Code 1 (A-H)	B. (2) Type (e.g., div., rent, or int.)	C. Gross value at end of reporting period (1) Value Code 2 (J-P)	C. (2) Value Method Code 3 (Q-W)	D. Transactions during reporting period (1) Type (e.g., buy, sell, redemption)	D. (2) Date mm/dd/yy	D. (3) Value Code 2 (J-P)	D. (4) Gain Code 1 (A-H)	D. (5) Identity of buyer/seller (if private transaction)
187. WISDOMTREE US SMALLCAP DIV FND-1	A	Dividend	K	T					
188. WISDOMTREE US SMALLCAP DIV FND-2	A	Dividend	J	T					
189. WISDOMTREE US SMALLCAP DIV FND-3	A	Dividend	J	T					
190. Merrill Lynch Cash Balance Account	A	Interest	K	T					
191. APPLE INC	A	Dividend	L	T					
192. APPLIED MATERIAL INC	A	Dividend	J	T					
193. BANK OF AMERICA, NA RASP	A	Dividend							
194. BECTON DICKINSON CO	A	Dividend	K	T					
195. BOEING COMPANY	A	Dividend	J	T					
196. CHEVRON CORP	A	Dividend	K	T					
197. EATON VANCE BALANCED FUND CL I	A	Dividend	K	T					
198. GENERAL ELECTRIC	A	Dividend	J	T					
199. ISHARES CORE U.S. AGGREGATE BOND ETF	A	Dividend	J	T					
200. ISHARES EDGE MSCI MIN VOL USA ETF	A	Dividend	J	T					
201. ISHARES MSCI EAFE	A	Dividend	J	T					
202. ISHARES NASDAQ BIOTECH ETF	A	Dividend	J	T					
203. ISHARES NATIONAL MUNI BOND ETF	A	Dividend	J	T					

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Halpern, Philip M.	01/24/2019

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204. ISHARES 7-10 YEAR TREAS BOND	A	Dividend	J	T					
205. JPMORGAN CHASE & CO common stock	A	Dividend	J	T					
206. MATERIALS SELECT SECTOR SPDR FUND	A	Dividend	J	T					
207. NETFLIX COM INC		None	K	T					
208. PIMCO ENHANCED SHORT MATURITY ACTIVE ETF	A	Dividend							
209. RAYTHEON CO DELAWARE NEW		None	J	T					
210. SPDR S&P MIDCAP 400 ETF TRUST		None	J	T					
211. SPDR S&P 500 ETF TRUST		None	K	T					
212. SPOTIFY TECH S.A. REG SHS		None	K	T					
213. VANGUARD GROWTH ETF	A	Dividend	K	T					
214. VANGUARD RUSSELL 1000 ET VALUE	A	Dividend	J	T					
215. VANGUARD VALUE ETF	A	Dividend	J	T					
216. WISDOMTREE US MIDCAP DIV FD	A	Dividend	K	T					
217. Guardian Investor 11-Variable Annuity B Series			M	T					
218. Guardian Core Plus Fixed Income VIP Fund			J	T					
219. Guardian International Growth VIP Fund			J	T					
220. Guardian Large Cap Disciplined Value VIP Fund			J	T					

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221. Guardian Large Cap Fundamental Growth VIP Fund			J	T					
222. Guardian Mid Cap Relative Value VIP Fund			J	T					
223. Guardian Mid Cap Traditional Growth VIP Fund			J	T					
224. Blackrock Advantage Large Cap Core CL 111			J	T					
225. Columbia Variable Portfolio Small Cap Value Fund Class 2			J	T					
226. Fidelity VIP ContraFund SRCL 2			J	T					
227. Victory Incore Investment Quality Bond VIP Series			J	T					
228. Victory Incore Low Duration Bond VIP Series			J	T					
229. MFS VIT New Discovery Series SC			J	T					
230. MFS VIT Technology Portfolio SC			J	T					
231. MFS VIT Utilities Series SC			J	T					
232. Oppenheimer Main Street Small Cap Fund/ VA			J	T					
233. Oppenheimer Global Strategic Income/VA SC			J	T					
234. Putnam VT Equity Income CL IB			J	T					
235. Templeton Foreign VIP Fund Class 2 Shares			J	T					
236. Franklin US Government Securities VIP Fund Class 2 Shares			J	T					
237. Putnam VT Investors Club IB			J	T					

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VII. INVESTMENTS and TRUSTS -- *income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)*

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238.									
239.									
240.									
241.									
242.									
243.									
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Name of Person Reporting	Date of Report
Halpern, Philip M.	01/24/2019

VIII. ADDITIONAL INFORMATION OR EXPLANATIONS. *(Indicate part of report.)*

1 Positions:Filer has no beneficial interests in the two Trusts listed in items 9 and 10 in Part I. VIII Investments and Trusts: The assets listed on lines 205 through 222 do not show actual income earned ; and only show a unit value. Therfore, no information has been included in column B for those line items .

Name of Person Reporting	Date of Report
Halpern, Philip M.	01/24/2019

IX. CERTIFICATION.

I certify that all information given above (including information pertaining to my spouse and minor or dependent children, if any) is accurate, true, and complete to the best of my knowledge and belief, and that any information not reported was withheld because it met applicable statutory provisions permitting non-disclosure.

I further certify that earned income from outside employment and honoraria and the acceptance of gifts which have been reported are in compliance with the provisions of 5 U.S.C. app. § 501 et. seq., 5 U.S.C. § 7353, and Judicial Conference regulations.

Signature: **s/ Philip M. Halpern**

NOTE: ANY INDIVIDUAL WHO KNOWINGLY AND WILLFULLY FALSIFIES OR FAILS TO FILE THIS REPORT MAY BE SUBJECT TO CIVIL AND CRIMINAL SANCTIONS (5 U.S.C. app. § 104)

Committee on Financial Disclosure
Administrative Office of the United States Courts
Suite 2-301
One Columbus Circle, N.E.
Washington, D.C. 20544

FINANCIAL STATEMENT

NET WORTH

Provide a complete, current financial net worth statement which itemizes in detail all assets (including bank accounts, real estate, securities, trusts, investments, and other financial holdings) all liabilities (including debts, mortgages, loans, and other financial obligations) of yourself, your spouse, and other immediate members of your household.

ASSETS				LIABILITIES			
Cash on hand and in banks	1	956	677	Notes payable to banks-secured (auto)			
U.S. Government securities		57	500	Notes payable to banks-unsecured			
Listed securities – see schedule	3	765	182	Notes payable to relatives			
Unlisted securities				Notes payable to others			
Accounts and notes receivable:				Accounts and bills due			
Due from relatives and friends				Unpaid income tax			
Due from others				Other unpaid income and interest			
Doubtful				Real estate mortgages payable – see schedule		538	000
Real estate owned – see schedule	4	475	000	Chattel mortgages and other liens payable			
Real estate mortgages receivable				Other debts-itemize:			
Autos and other personal property		36	000				
Cash value-life insurance							
Other assets itemize:							
				Total Liabilities		634	728
				Net Worth	9	417	359
Total Assets	10	052	087	Total Liabilities and Net Worth	10	052	087
CONTINGENT LIABILITIES				GENERAL INFORMATION			
As endorser, comaker or guarantor		75	000	Are any assets pledged? (Add schedule)		No	
On leases or contracts		21	728	Are you defendant in any suits or legal actions?		No	
Legal Claims				Have you ever taken bankruptcy?		No	
Provision for Federal Income Tax							
Other special debt							

U.S. Government Securities:	
Series EE Bonds	$57,500
Total U.S. Government Securities	**$57,500**
Listed Securities:	
Account No. 1	
APPLE INC	$50,887.00
APPLIED MATERIAL INC	10,629.00
BECTON DICKINSON CO	24,492.00
BOEING COMPANY	8,563.00
CHEVRON CORP	19,579.00
EATON VANCE BALANCED FUND CL I	73,378.00
GENERAL ELECTRIC	3,640.00
ISHARES 7-10 YEAR TREAS BOND	9,673.00
ISHARES CORE U.S. AGGREGATE BOND ETF	10,077.00
ISHARES EDGE MSCI MIN VOL USA ETF	12,316.00
ISHARES MSCI EAFE	2,726.00
ISHARES NASDAQ BIOTECH ETF	5,442.00
ISHARES NATIONAL MUNI BOND ETF	10,221.00
JPMORGAN CHASE & CO	5,362.00
LOWE'S COMPANIES INC	2,258.00
MATERIALS SELECT SECTOR SPDR FUND	3,774.00
NETFLIX COM INC	27,533.00
NEW YORK ST GO REF BDS SER C OID MAR13 03.000%APR15 2030	30,134.00
RAYTHEON CO DELAWARE NEW	8,284.00
SPDR S&P 500 ETF TRUST	31,890.00
SPDR S&P MIDCAP 400 ETF TRUST	5,662.00
SPOTIFY TECH S.A. REG SHS	13,450.00
VANGUARD GROWTH ETF	19,651.00
VANGUARD RUSSELL 1000 ET VALUE	11,86.00
VANGUARD VALUE ETF	13,294.00
WISDOMTREE US MIDCAP DIV FD	17,688.00
Account No.2	
AC ALTERNATIVES INC I	$ 18,545.23
ADIENT PLC COM	1,677.70
ALLERGAN PLC SHS	28,660.00
AMAZON COM INC	87,162.21
AMBASE CORP	5,368.00
AMER CENT EMERG MKTS I	26,224.48
AMER CENT EMERG MKTS I	8,491.50
AMER CENT EMERG MKTS I	4,257.07
APPLE INC	111,615.98
APPLE INC	26,227.52
BLACKSTONE GROUP LP	31,309.20
BRIGHTHOUSE FINL INC	32.36
CAPITAL ONE FINANCIAL CORP	79,510.00

CHEVRON CORP	25,242.56
CHEVRON CORP	1,126.90
COMM SERV SELECT SECTOR SPDR	14,713.39
CONOCOPHILLIPS	76,547.34
CONS DISCRET SEL SECT SPDR FD	38,228.40
CONS DISCRET SEL SECT SPDR FD	12,295.08
CONS DISCRET SEL SECT SPDR FD	4,649.40
CONS STAPLES SEL SECT SPDR FD	27,523.60
CONS STAPLES SEL SECT SPDR FD	6,059.30
CONS STAPLES SEL SECT SPDR FD	2,567.50
CTR COAST BRKFLD MLP FOCUS Y	52,175.08
CTR COAST BRKFLD MLP FOCUS Y	8,146.20
CTR COAST BRKFLD MLP FOCUS Y	1,158.64
DELAWARE SMID CAP GROWTH INST	27,916.21
DELAWARE SMID CAP GROWTH INST	10,191.48
DELAWARE VALUE INSTL	42,428.63
DELTA AIR LINES INC NEW	47,330.00
DOUBLELINE INCOME SOLUTIONS FD	30,255.94
DOUBLELINE INCOME SOLUTIONS FD	15,137.20
DOUBLELINE INCOME SOLUTIONS FD	2,362.88
DREYFUS DYNAMIC TOTAL RET I	11,266.50
DREYFUS DYNAMIC TOTAL RET I	2,567.91
DREYFUS DYNAMIC TOTAL RET I	1,525.57
DREYFUS GLOBAL EMERGING MRKT I	8,269.77
DREYFUS GLOBAL EMERGING MRKT I	4,176.72
DREYFUS MUNI BND INFRA FND INC	41,374.94
ENERGY SEL SECT SPDR FD	41,221.25
ENERGY SEL SECT SPDR FD	8,146.25
ENERGY SEL SECT SPDR FD	3,675.00
EXXON MOBIL CORP	288,626.41
EXXON MOBIL CORP	42,636.35
FACEBOOK INC CL-A	28,120.00
FIRST TR HIGH YL LG/SHT ETF	37,436.33
FIRST TR HIGH YL LG/SHT ETF	8,906.78
FIRST TR HIGH YL LG/SHT ETF	2,505.03
FIRST TRST HLTH CARE ALPHA ETF	14,341.80
FIRST TRST HLTH CARE ALPHA ETF	3,148.20
FIRST TRST HLTH CARE ALPHA ETF	1,679.04
FIRST TRUST AMEX BIOTECH	14,214.60
FIRST TRUST EUROPE	44,684.73
FIRST TRUST EUROPE	10,629.99
FIRST TRUST EUROPE	3,747.96
FIRST TRUST INDS/PRODS ETF	8,462.79
FIRST TRUST INDS/PRODS ETF	3,827.57
FIRST TRUST INDS/PRODS ETF	1,088.57
FIRST TRUST JAPAN	32,365.01
FIRST TRUST JAPAN	6,443.03
FIRST TRUST JAPAN	4,495.14

FIRST TRUST NASDAQ ABF CBIF	5,709.82
FIRST TRUST NASDAQ ABF CBIF	2,247.96
FIRST TRUST NASDAQ ABF CBIF	539.51
FT ENHANCED SHORT MATURITY ETF	33,581.40
FT-PREFERRED SECUR & INC ETF	8,732.40
FT-PREFERRED SECUR & INC ETF	8,677.82
FT-PREFERRED SECUR & INC ETF	1,237.09
GENERAL ELECTRIC CO	5,794.20
HARTFORD SCHRODER EM MKT EQ I	43,777.03
HEALTH CARE SEL SECT SPDR FD	68,428.80
HEALTH CARE SEL SECT SPDR FD	16,934.40
HEALTH CARE SEL SECT SPDR FD	5,961.60
INDUSTRIAL SEL SEC SPDR FD	21,209.60
INDUSTRIAL SEL SEC SPDR FD	8,483.84
INDUSTRIAL SEL SEC SPDR FD	2,850.04
INVESCO EMER MRKTS SOVER ETF	8,797.46
INVESCO EMER MRKTS SOVER ETF	3,663.38
INVESCO MUNI INCOME A	4,944.38
INVESCO OPTIMUM YIELD DIVERSIF	14,491.90
ISHARES INC MSCI JAPAN ETF	32,903.52
ISHARES INC MSCI JAPAN ETF	6,485.79
ISHARES INC MSCI JAPAN ETF	4,534.78
ISHARES JP MORGAN EM BOND ETF	8,623.94
ISHARES JP MORGAN EM BOND ETF	3,680.95
ISHARES MSCI BRIC ETF	28,642.58
ISHARES MSCI BRIC ETF	7,054.63
ISHARES MSCI BRIC ETF	2,467.19
ISHARES MSCI CANADA ETF	8,508.90
ISHARES MSCI CANADA ETF	3,162.60
ISHARES MSCI CANADA ETF	1,154.60
ISHARES MSCI EAFE ETF	22,370.20
ISHARES MSCI EAFE GRWTH ETF	43,517.01
ISHARES MSCI EAFE GRWTH ETF	9,592.08
ISHARES MSCI EAFE GRWTH ETF	3,314.91
ISHARES MSCI EMERGING MKTS ETF	23,524.31
ISHARES MSCI EMERGING MKTS ETF	6,823.24
ISHARES MSCI EMERGING MKTS ETF	3,570.30
ISHARES MSCI EMERGING MKTS ETF	2,380.20
ISHARES MSCI EMU ETF	50,997.83
ISHARES MSCI EMU ETF	11,048.93
ISHARES MSCI EMU ETF	3,886.92
ISHARES MSCI FRONTIER 100 ETF	14,429.03
ISHARES MSCI FRONTIER 100 ETF	3,399.79
ISHARES MSCI FRONTIER 100 ETF	1,204.65
ISHARES S&P MIDCAP 400 INDEX	34,501.60
ISHARES S&P MIDCAP 400 INDEX	7,686.00
ISHARES S&P MIDCAP 400 INDEX	2,903.60
ISHARES S&P US PFD STK IDX FD	8,776.25

ISHARES S&P US PFD STK IDX FD	1,193.57
ISHARES SP SMALLCAP 600 INDEX	41,509.38
ISHARES SP SMALLCAP 600 INDEX	10,503.24
ISHARES SP SMALLCAP 600 INDEX	2,661.78
JOHNSON CTLS INTL PLC	30,540.90
JPMORGAN GLOBAL BD OPPORT I	22,731.45
JPMORGAN GLOBAL BD OPPORT I	12,709.80
JPMORGAN GLOBAL BD OPPORT I	1,926.95
JPMORGAN ULTRA-SHORT INC ETF	34,028.09
MATERIALS SEL SECT SPDR FD	8,491.92
MATERIALS SEL SECT SPDR FD	3,158.58
MATERIALS SEL SECT SPDR FD	1,139.16
METLIFE INCORPORATED	679.52
MORGAN STANLEY	20,700.00
MS U.S. GOV'T MONEY MARKET TR	314.87
NUV NEW YORK AMT-FREE MUNIC	2,461.70
NUVEEN NEW YORK MUNI VALUE FD	2,442.75
OPPENHEIMER RCH MUNICIPALS Y	72.37
PIMCO DYN CREDIT & MORT INC FD	43,751.64
PIMCO DYN CREDIT & MORT INC FD	16,673.57
PIMCO DYN CREDIT & MORT INC FD	3,541.48
PORT AUTH NY NJ SPL PJ 6 JFK INTL AIR TERMINAL LLC PJCoupon 5.75% Mature 12/01/2022 (AA222) Insurance Co: NATL PUBLIC FINANCE GUARANTEE (FORM MBIA)	5,194.25
SPDR GOLD TR GOLD SHS	15,656.73
SPDR GOLD TR GOLD SHS	5,825.76
SPDR GOLD TR GOLD SHS	849.59
SPDR S&P 500 ETF TRUST	70,115.38
SPDR S&P 500 ETF TRUST	764.90
SPDR S&P GLB NAT RESOURCES	4,148.77
SPDR S&P GLB NAT RESOURCES	3,079.50
SPDR S&P GLB NAT RESOURCES	598.79
THE FINANCIAL SEL SECT SPDR FD	55,035.09
THE FINANCIAL SEL SECT SPDR FD	13,994.43
THE FINANCIAL SEL SECT SPDR FD	4,954.85
TRI CONTINENTAL CORP	349,465.30
UNIT IMIT MUNICIPAL INSURED NEW YORK 120 MPS	3,112.20
UNUMPROVIDENT CORP	18,171.40
UTILITIES SEL SECT SPDR FUND	35,268.80
UTILITIES SEL SECT SPDR FUND	2,474.08
UTILITIES SEL SECT SPDR FUND	684.32
VANGUARD FTSE PACIFIC ETF	43,055.93
VANGUARD FTSE PACIFIC ETF	9,671.98
VANGUARD FTSE PACIFIC ETF	3,931.19
VANGUARD GLBL EX-US REAL EST	8,229.87
VANGUARD GLBL EX-US REAL EST	6,885.12
VANGUARD GLBL EX-US REAL EST	1,183.38
VANGUARD INFO TECH ETF	109,610.47

VANGUARD INFO TECH ETF	25,307.62
VANGUARD INFO TECH ETF	9,888.41
VANGUARD INTL EQUITY INDEX FD	29,056.59
VANGUARD INTL EQUITY INDEX FD	2,292.71
VANGUARD REAL ESTATE ETF	4,688.44
VANGUARD REAL ESTATE ETF	680.58
VICTORY RS INTL A	2,054.49
VIRTUS INVESTMENT PARTNERS INC	163.33
VIRTUS VONTOBEL EMRG MKT OPP I	12,068.02
VIRTUS VONTOBEL EMRG MKT OPP I	1,917.30
WISDOMTREE US MIDCAP EARNING	13,030.83
WISDOMTREE US MIDCAP EARNING	1,677.94
WISDOMTREE US SMALLCAP DIV FND	13,064.26
WISDOMTREE US SMALLCAP DIV FND	1,704.03
Total Listed Securities	**$3,765,182.00**

Real Estate Owned:

Personal Residence #1:	$3,500,000
Personal Residence #2:	650,000
50% Family Residence:	325,000
Total Real Estate Owned	**$4,475,000**

Real Estate Mortgages Payable:

Personal Residence #1:	$290,000
Personal Residence #2:	248,000
Total Real Estate Mortgages Payable	**$538,000**

AFFIDAVIT

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

2/25/19
(DATE)

(NAME)
Philip M. Halpern

(NOTARY)

LISA M. FORLENZA
Notary Public, State of New York
No. 01F06228740
Qualified in Westchester County
Commission Expires Sept. 27, 2022