

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Jagan Nicholas Ranjan

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

United States District Court for the Western District of Pennsylvania

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

Office: K&L Gates LLP
210 Sixth Avenue
Pittsburgh, Pennsylvania 15222

Residence: Allison Park, Pennsylvania

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

1978; Lancaster, Ohio

5. **Education:** List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

2000 – 2003, University of Michigan Law School; J.D. (*cum laude*), 2003

1999 (summer), Indiana University-Lilly Family School of Philanthropy; no degree

1996 – 2000, Grove City College; B.A. (*summa cum laude*), 2000

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.

2005 – present

K&L Gates LLP
210 Sixth Avenue
Pittsburgh, Pennsylvania 15222
Partner (2013 – present)
Associate (2005 – 2012)

2016 – present
American Arbitration Association
Case Management Center
950 Warren Avenue
East Providence, Rhode Island 02914
Arbitrator (law firm is paid directly per each engagement)

Spring 2012
Grove City College
100 Campus Drive
Grove City, Pennsylvania 16127
Adjunct Professor

2004 – 2005
United States Court of Appeals for the Sixth Circuit
2 South Main Street
Akron, Ohio 44308
Law Clerk to the Honorable Deborah L. Cook

2004 – 2005
Ashland Symphony Orchestra
401 College Avenue
Ashland, Ohio 44805
Substitute Violinist (paid per concert series)

2003 – 2004
Ohio Attorney General's Office
Office of the State Solicitor
30 East Broad Street
Columbus, Ohio 43215
Simon Karas Fellow

Summer 2003
Kirkpatrick & Lockhart LLP
Now K&L Gates LLP
210 Sixth Avenue
Pittsburgh, Pennsylvania 15222
Summer Associate

Summer 2002

United States Attorney's Office for the Southern District of Indiana
10 West Market Street, Suite 2100
Indianapolis, Indiana 46204
Summer Associate

Summer 2001 (partial)
Eli Lilly & Co. (Legal Division)
1 Lilly Corporate Center
Indianapolis, Indiana 46285
Summer Associate

Summer 2001 (partial)
Kohrman, Jackson & Krantz LLP
1375 East 9th Street
Cleveland, Ohio 44114
Summer Associate

Other Affiliations (uncompensated unless otherwise indicated)

2017 – present
Pittsburgh Symphony Orchestra
600 Penn Avenue
Pittsburgh, Pennsylvania 15222
Member, Board of Trustees' Institutional Relationships Committee

2017 – present
Pittsburgh Legal Diversity & Inclusion Coalition
Pittsburgh, Pennsylvania 15222
Director, Board of Directors
Chairman, Managing Committee

2016 – present
U.S. Chamber of Commerce Litigation Center
1615 H Street N.W.
Washington, D.C. 20062
Member, State Law Advisory Committee

2015 – present
Pittsburgh Symphony Orchestra
600 Penn Avenue
Pittsburgh, Pennsylvania 15222
Member, Jack Heinz Society

2011 – present
Discovery Christian Church
850 Cranberry Woods Drive #2236

Cranberry Township, Pennsylvania 16066
Elder & Chairman of Board of Directors

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

I have not served in the military. I registered for the selective service upon turning 18.

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.

Pennsylvania Super Lawyers, “Rising Star” (2018)

Leadership Council on Legal Diversity, Fellow (2017)

K&L Gates “Excellence in Mentoring” Award (2017)

K&L Gates Pro Bono Service Recognition Award (2012, 2015, 2016, and 2017)

The Litigation Counsel of America, Fellow (2016 – present)

Chambers USA – Recognized for General Commercial Litigation in Pennsylvania, and selected as one of two “Up and Coming Individuals” for Pennsylvania commercial litigation (2014 and 2016)

Pittsburgh Leadership Conference and Pennsylvania Diversity Council, “Pittsburgh Leadership Excellence Award” (2014, 2018)

The Fred Rogers Good Neighbor Award (2011, 2012)

Communities in Schools of Pittsburgh, Allegheny County, Mentoring Service Award (2010 – present)

Duquesne University Career Literacy for African-American Youth, Service Award (2009) (approx.)

University of Michigan Law Review
Note Editor (2002 – 2003)
Associate Editor (2001 – 2002)

University of Michigan Law School, Raymond K. and John R. Dykema Scholarship Award (2002)

Grove City College

Pi Sigma Alpha History Honorary Society (1999 – 2000)

Pi Gamma Mu Social Sciences Honorary Society (1999 – 2000)

Omicron Delta Kappa Academic Honorary Society (1998 – 2000)

Roundtable Sophomore Academic Honorary Society (1997 – 1998)

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.

Allegheny County (Pennsylvania) Bar Association (2005 – 2009; 2014 – 2015; 2017 – present) (approx.)

Institute for Energy Law

Advisory Board Member (2015 (approx.) – present)

Leadership Council on Legal Diversity

LCLD Fellow (2017 – present)

Ohio Oil and Gas Association (2014 – 2016) (approx.)

Pittsburgh Legal Diversity & Inclusion Coalition

Director, Board of Directors (2017 – present)

Chairman, Managing Committee (2017 – present)

Planning Committee Member (2016 – 2017)

The Litigation Counsel of America

Fellow (2016 – present)

U.S. Chamber of Commerce Litigation Center

Member, State Law Advisory Committee (2016 – present)

10. **Bar and Court Admission:**

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

Pennsylvania, 2004

Ohio, 2015

West Virginia, 2016

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 Court of Appeals for the Second Circuit, 2008
United States Court of Appeals for the Third Circuit, 2005
United States Court of Appeals for the Sixth Circuit, 2004
United States Court of Appeals for the Seventh Circuit, 2006
United States Court of Appeals for the Ninth Circuit, 2006
United States District Court for the Northern District of Ohio, 2015
United States District Court for the Southern District of Ohio, 2015
United States District Court for the Western District of Pennsylvania, 2006
United States District Court for the Northern District of West Virginia, 2016
United States Department of Veterans Affairs (attorney accreditation), 2017

In 2018, I elected not to renew my attorney accreditation for the VA. Otherwise, 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.

American Arbitration Association (2016 – present)

Ashland Symphony Orchestra (2004 – 2005)

Discovery Christian Church

Elder/Chairman of Board of Directors (2011 – present)

Donation Coordinator (2011 (approx.) – present)

Small Group Leader (2007 – 2014)

F3 Fitness Group (2017 – present)

Pittsburgh Symphony Orchestra (2015 – present)

Member, Board of Trustees' Institutional Relationships Committee (2017 – present)

Member, Jack Heinz Society (2015 – present)

- 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, 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.

F3 is a fitness group limited to men, although there is a corresponding organization for women. 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 a copy of all published material to the Committee.

Reverse Gender Discrimination Under Title IX Over a Year After Doe v. Columbia University, Courts Continue To Dismiss Reverse Discrimination Claims, Client Alert (K&L Gates LLP), Jan. 26, 2018. Copy supplied.

The Ohio Supreme Court Refuses To Impose an Independent Duty on Oil and Gas Operators To Develop Deeper Strata, Client Alert (K&L Gates LLP), Jan. 22, 2018. Copy supplied.

West Virginia Confirms its Adherence to the Contract Theory for Pooling of Non-Participating Royalty Interests, Client Alert (K&L Gates LLP), June 28, 2017. Copy supplied.

Kindred Nursing Centers L.P. v. Clark: The Supreme Court Reemphasizes That Arbitration Agreements Must Be Placed on Equal Footing With Other Contracts, Client Alert (K&L Gates LLP), May 26, 2017. Copy supplied.

Title IX Implications for Higher Education Institutions Over Peer Gender-Based Harassment, Client Alert (K&L Gates LLP), Feb. 13, 2017. Copy supplied.

Before You Move To Dismiss, Read This, NAT'L L.J. Feb. 6, 2017. Copy supplied.

Potential Changes to the Oil and Gas Lease Protection Package: Pennsylvania Oil and Gas Producers Need To Prepare for New Legislation That Could Give Rise to Disputes with Royalty Owners, Client Alert (K&L Gates LLP), Feb. 2, 2017. Copy supplied.

Third Circuit Moves Toward a Broader View of Standing in FCRA Data-Breach Class Action, Client Alert (K&L Gates LLP), Jan. 30, 2017. Copy supplied.

Crisis Management in the Gas Patch (Part 3): Additional Insured Coverage, Client Alert (K&L Gates LLP), Jan. 4, 2017. Copy supplied.

With Robert L. Byer, *May I Appeal? Basics of Appellate Jurisdiction and Writ Relief*, in THIRD CIRCUIT APPELLATE PRACTICE MANUAL (Pa. Bar Inst. Ed., 3d ed. 2016). Copy supplied.

Crisis Management in the Gas Patch (Part 2): Handling Well Control Claims, Client Alert (K&L Gates LLP), Sept. 14, 2016. Copy supplied.

Crisis Management in the Gas Patch (Part 1): Control of Well Insurance, Client Alert (K&L Gates LLP), July 20, 2016. Copy supplied.

Important Changes in Litigating Oil and Gas Cases in Federal Court: What the 2015 Amendments to the Federal Rules Mean for Oil and Gas Companies, Client Alert (K&L Gates LLP), Oct. 2, 2015. Copy supplied.

Federal Courts in the Third Circuit are Following the National Trend and Dismissing Data Breach Cases for Lack of Standing, Client Alert (K&L Gates LLP), Apr. 24, 2015. Copy supplied.

Supreme Court of Ohio Rejects Local Governments' Attempts to Regulate Oil and Gas Activities, Client Alert (K&L Gates LLP), Feb. 20, 2015. Copy supplied.

Class Certification Trends in Consumer Data Breach Litigation—Individualized Damages Theories May Preclude Certification, Client Alert (K&L Gates LLP), Dec. 15, 2014. Copy supplied.

Connecticut Supreme Court Issues Decision That Could Expand State Law Liability in Data Breach Class Actions for Businesses Subject to HIPAA, Client Alert (K&L Gates LLP), Nov. 21, 2014. Copy supplied.

Lessons Learned from the Fourth Circuit's Decision to Vacate Class Certification in Coalbed Methane Royalty Underpayment Cases, Client Alert (K&L Gates LLP), Sept. 29, 2014. Copy supplied.

Pennsylvania Appeals Court Issues Decision Curtailing Oil and Gas Owners' Ability To Terminate Their Leases, Client Alert (K&L Gates LLP), Sept. 27, 2013. Copy supplied.

The Third Circuit Issues a "Double-Edged" Decision that Could Increase Individual Lawsuits under the Telephone Consumer Protection Act, but Limit TCPA Class Actions, Client Alert (K&L Gates LLP), Sept. 23, 2013. Copy supplied.

Arbitration/Class Waiver Clauses in Oil and Gas Leases: The Applicability of Concepcion and Italian Colors Restaurant to the Natural Gas Industry, Client Alert (K&L Gates LLP), Sept. 11, 2013. Copy supplied.

Preparing for the New Pennsylvania "Oil and Gas Lease Act," Client Alert (K&L Gates LLP), July 3, 2013. Copy supplied.

With Christopher D. Kratovil, *Expert Procedure: Error Preservation and Standards of Review*, EXPERT WITNESS ANSWER BOOK 2012 (Practicing Law Instit. Ed., 2012). Copy supplied.

Third Circuit Gives Natural-Gas Producers Important Ammunition for Obtaining Expedited Injunctive Relief from the Courts, Client Alert (K&L Gates LLP), Oct. 10, 2011. Copy supplied.

My Experience at K&L Gates by Nicholas Ranjan, K&L GATES LLP DIVERSITY REPORT, 2009, at 8. Copy supplied.

Regulatory Compliance May Not Be Enough: U.S. Supreme Court Rejects Pharmaceutical Maker's Argument That Compliance With Federal Labeling Requirements Precluded State Court Failure-To-Warn Claim, Client Alert (K&L Gates LLP), Mar. 6, 2009. Copy supplied.

Third Circuit Imposes 1:1 Constitutional Limit on Punitive Damages Awards, Client Alert (K&L Gates LLP), Dec. 2008. Copy supplied.

Philadelphia Trial Court Rejects "Single-Fiber" Causation Theory in Asbestos Cases, Client Alert (K&L Gates LLP), Oct. 8, 2008. Copy supplied.

Supreme Court Further Defines Outer Limitation For Awards of Punitive Damages: Exxon Shipping Co. v. Baker, Client Alert (K&L Gates LLP), June 25, 2008. Copy supplied.

Book Review: *The Politicization of Clarence Thomas*, 101 MICH L. REV. 2084 (2003). Copy supplied.

Medicaid and the Unconstitutional Dimensions of Prior Authorization, 101 MICH. L. REV. 602 (2002). Copy supplied.

Egalitarianism and the Jurisprudence of the Warren Court, THE CRIMSON REVIEW (1999). Although I have diligently searched my own records and those available publicly, I have not been able to locate a copy of this article.

Historical Determinism: An Analysis of the Euro, THE ENTREPRENEUR (1999). Although I have diligently searched my own records and those available publicly, I have not been able to locate a copy of this article.

- b. Supply a copy 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.

Cocaine and Federal Sentencing Policy, FEDERAL PUBLIC DEFENDER REPORT FOR THE WESTERN DISTRICT OF NEW YORK (1997). Although I have diligently searched my own records and those available publicly, I have not been able to locate a copy of this report.

- c. Supply a copy 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.

None.

- d. Supply a copy, 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.

August 7, 2018: Speaker, "Chevron 14th Annual Law Firm Diversity Awards," San Ramon, California. I gave an acceptance speech to in-house attorneys at Chevron Corporation, accepting an award Chevron bestowed upon K&L Gates LLP for commitment to diversity and inclusion. I have no notes, transcript, or recording. The address of Chevron is 6001 Bollinger Canyon Road, San Ramon, California 94583.

June 15, 2018: Panelist, "Appealing to Court's Discretion – Motions, Petitions and Applications in the Appellate Courts," Allegheny County Bar Association Bench-Bar Conference, Seven Springs, Pennsylvania. I spoke about motions that are filed in the Pennsylvania appellate courts to an audience of Allegheny County-area attorneys and judges. I have no notes, transcript, or recording. The address of the Allegheny County Bar Association is 400 Koppers Building, 436 Seventh Avenue, Pittsburgh, Pennsylvania 15219.

November 15, 2017: Speaker, “Annual Meeting: Report by the Managing Committee,” Pittsburgh Legal Diversity & Inclusion Coalition, Pittsburgh, Pennsylvania. Powerpoint supplied.

November 9, 2017: Speaker, “Pennsylvania ‘Bridge the Gap,’” Pennsylvania Bar Institute, Pittsburgh, Pennsylvania. I spoke about the rules of professional conduct and ethical practice management considerations to newly admitted attorneys. I have no notes, transcript, or recording. The address of the Pennsylvania Bar Institute is 5080 Ritter Road, Mechanicsburg, Pennsylvania 17055.

October 26, 2017: Panelist, “Navigating a Return to Work: Surviving and Thriving Following Maternity (and Other) Leave,” Allegheny County Bar Association’s Women in the Law Division, Pittsburgh, Pennsylvania. I spoke about my experience in taking paternity leave, and about K&L Gates’s program for transitioning back from leave. I have no notes, transcript, or recording. The address of the Allegheny County Bar Association is 400 Koppers Building, 436 Seventh Avenue, Pittsburgh, Pennsylvania 15219.

September 27, 2017: Panelist, “Pennsylvania Bar Association, Minority and Women Lawyers’ Business Development Forum,” Pennsylvania Bar Association, Pittsburgh, Pennsylvania. I spoke regarding effective diversity and inclusion practices to enhance business development for minority and women attorneys, and contracting opportunities for minority and women attorneys and law-related businesses. I have no notes, transcript, or recording. The address of the Pennsylvania Bar Association is 339 Sixth Avenue, Suite 760, Pittsburgh, Pennsylvania 15222.

June 22, 2017: Speaker, “Cybersecurity for Oil and Gas Companies,” Pennsylvania Bar Institute Oil and Gas Colloquium, Washington, Pennsylvania. Powerpoint supplied.

June 16, 2017: Panelist, “From Merely Good to Really Great—Appellate Tips from the Judiciary,” Allegheny County Bar Association Bench-Bar Conference, Seven Springs, Pennsylvania. I spoke about effective oral advocacy to an audience of Allegheny County-area attorneys and judges. I have no notes, transcript, or recording. The address of the Allegheny County Bar Association is 400 Koppers Building, 436 Seventh Avenue, Pittsburgh, Pennsylvania 15219.

June 5, 2017: Panelist, “A Call to Action: Pittsburgh Legal Diversity & Inclusion Coalition,” Pittsburgh Legal Diversity & Inclusion Coalition, Pittsburgh, Pennsylvania. I spoke to area law firm managing partners, general counsels, and heads of legal departments about the launch of a greater Pittsburgh area legal diversity coalition. I described the coalition’s structure and the vision for the coalition. I have no notes, transcript, or recording. The coalition presently does not have a physical address.

March 21, 2017: “Expert” Advocate, “Argument in Commonwealth Court: Lessons Live From the Bench,” Pennsylvania Bar Association, Pittsburgh, Pennsylvania. I spoke about effective appellate oral advocacy, and presented a mock oral argument to a panel of judges of the Pennsylvania Commonwealth Court before an audience of local attorneys and law students. I have no notes, transcript, or recording. The address of the Pennsylvania Bar Association is 100 South Street, Harrisburg, Pennsylvania 17101.

March 16, 2017: Moot Court Judge, “Seventh Annual National Energy and Sustainability Competition,” Center for Energy and Sustainable Development, Morgantown, West Virginia. I served as a moot court appellate judge for a law school competition. I have no notes, transcript, or recording. The address for the Center for Energy and Sustainable Development is West Virginia University College of Law, P.O. Box 6130, Morgantown, West Virginia 26506.

February 21, 2017: Panelist, “LCLD Mentoring Event: Diversity Trends in the Legal Profession,” Leadership Council on Legal Diversity, Pittsburgh, Pennsylvania. I spoke about law firms’ initiatives in promoting diversity and inclusion in the legal profession to an audience of attorneys and law students. I have no notes, transcript, or recording. The address of the Leadership Council on Legal Diversity is PO Box 1656, Richmond, Virginia 23218.

November 11, 2016: Speaker, “Pennsylvania ‘Bridge the Gap,’” Pennsylvania Bar Institute, Pittsburgh, Pennsylvania. I spoke about the rules of professional conduct and ethical practice management considerations to newly admitted attorneys. I have no notes, transcript, or recording. The address of the Pennsylvania Bar Institute is 5080 Ritter Road, Mechanicsburg, Pennsylvania 17055.

October 27, 2016: Panelist, “Preparation & Action: Communications Strategies for Navigating a Crisis,” Marcellus Shale Coalition Training Seminar, State College, Pennsylvania. Powerpoint supplied.

October 25, 2016: Panelist, “Diversity Is About Who’s on the Team. Inclusion Is About Who Gets To Play,” Pittsburgh Leadership Conference (affiliated with the National Diversity Council), Pittsburgh, Pennsylvania. The panel discussed diversity and inclusion in the workplace and the audience was business professionals, diversity directors, and representatives from higher education institutions. I have no notes, transcript, or recording. The address for the National Diversity Council is 2401 Fountainview Drive, Suite 420, Houston, Texas 77057.

March 30, 2016: Panelist, “What I Did On My Summer Vacation: Exploring Employment Options and Opportunities for Law Students After the Semester Ends,” Leadership Council on Legal Diversity, Pittsburgh, Pennsylvania. I spoke to law students about summer legal employment positions and opportunities. I

have no notes, recording, or transcript. The address for the Leadership Council on Legal Diversity is P.O. Box 1656, Richmond, Virginia 23218.

October 14, 2015: Speaker, "Pennsylvania 'Bridge the Gap,'" Pennsylvania Bar Institute, Pittsburgh, Pennsylvania. I spoke about the rules of professional conduct and ethical practice management considerations to newly admitted attorneys. I have no notes, transcript, or recording. The address of the Pennsylvania Bar Institute is 5080 Ritter Road, Mechanicsburg, Pennsylvania 17055.

September 16, 2015: Panelist, "Effective Practices During Incident Response" Marcellus Shale Coalition's Shale Insight Conference, Philadelphia, Pennsylvania. Powerpoint supplied.

April 9, 2014: Panelist, "LCLD 1L Success in Law School," Leadership Council on Legal Diversity, Pittsburgh, Pennsylvania. Notes supplied.

2009: Speaker, "Duquesne University Career Literacy for African-American Youth," Duquesne University, Pittsburgh, Pennsylvania. I gave one of the keynote addresses at Duquesne University regarding my experience mentoring a high school student through the CLAAY program. I have no notes, transcript, or recording. The address for Duquesne University is 600 Forbes Avenue, Pittsburgh, Pennsylvania 15282.

- 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 a copy of the clips or transcripts of these interviews where they are available to you.

Susan Yohe, *Charting a Path to a More Diverse Pittsburgh*, THE JOURNAL OF THE ALLEGHENY COUNTY BAR ASSOCIATION, Oct. 12, 2018. Copy supplied.

K&L Gates Honored by Longtime Client Chevron U.S.A. for Diversity and Inclusion Initiatives, K&L GATES, Aug. 30, 2018. Copy supplied.

David Gialanella & Lizzy McLellan, *Phila. Judge Younge, K&L Gates Partner Ranjan Nominated to District Judgeships*, THE LEGAL INTELLIGENCER, July 13, 2018. Copy supplied.

Y. Peter Kang, *The Biggest Med Mal Decisions of 2017: Midyear Report*, LAW 360, July 3, 2017. Copy supplied.

K&L Gates Names Pittsburgh Partner as 2017 Leadership Council on Legal Diversity Fellow, K&L GATES, Mar. 6, 2017. Copy supplied.

Tom McParland, *Third Circuit Vacates \$1.1M Attorney Fees Award*, DEL. BUS. COURT INSIDER, Jan. 9, 2017. Copy supplied.

Nate Guidry, *Building a More Diverse Legal Community*, PITTSBURGH POST-GAZETTE, Oct. 30, 2016. Copy supplied.

Tracy Carbasho, *Five Local Firms Score Well in LGBT Equality*, Lawyers Journal, Dec. 26, 2014. Copy supplied.

Dan Packel, *Chevron Again Faces Appeal in \$100M Marcellus Dispute*, Law 360, June 3, 2014. Copy supplied.

'Borough of Brookville Agrees To Pay \$100,000 for Shutting Down Church's Homeless Ministry, Am. Civil Liberties Union of Pa., Oct. 13, 2009. Copy supplied.

Joe Smydo, *Call issued for mentors for all city sixth-graders*, PITTSBURGH POST-GAZETTE, June 2, 2009. Copy supplied.

Drew Fitzgerald, *Role Models Sought To Mentor Pittsburgh's 6th-Graders*, PITTSBURGH TRIBUNE-REVIEW, June 2, 2009. Copy supplied.

ACLU of Pennsylvania Defends Church Forced to Shut Down Its Ministry to Homeless, Kane Republican, Jan. 20, 2009. Copy supplied.

William Loeffler, *Swanky Capital Grille: Latest Addition to Downtown*, PITTSBURGH TRIBUNE-REVIEW, Sept. 30, 2007. 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? _____

Of these, approximately what percent were:

- i. jury trials: _____%
bench trials: _____% [total 100%]
- ii. 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 (4) 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 not held public office. I have had no unsuccessful candidacies for elective office or unsuccessful nominations for appointed office.

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

I have not held any memberships or offices or rendered services to any political party or election committee. I have never played a role in a political campaign.

16. Legal Career: Answer each part separately.

- a. Describe in reverse chronological order 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 2004 – 2005, I was a clerk for the Honorable Deborah L. Cook, Circuit Judge for the United States Court of Appeals for the Sixth Circuit.

- 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.

2003 – 2004
Ohio Attorney General
State Solicitor General
30 East Broad Street
Columbus, Ohio 43215
Simon Karas Fellow

2005 – present
K&L Gates LLP
K&L Gates Center
210 Sixth Avenue
Pittsburgh, Pennsylvania 15222
Partner (2013 – present)
Associate (2005 – 2012)

- 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 was recently admitted to the roll of arbitrators for the American Arbitration Association, but have only served as an arbitrator in two cases. One of these matters involved a breach of a future receivables agreement, with asserted damages of less than \$100,000. The other matter was an approximately \$1 million dispute regarding a closing purchase price adjustment in an oil and gas transaction.

I have not served as a mediator.

b. Describe:

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

Upon graduation from law school in 2003, I was the Simon Karas Fellow with the Ohio Attorney General's Office. This was a one-year fellowship, in which I worked under the supervision of the state's solicitor general and his deputies, and assisted them in briefing the office's major appeals. This included appeals to the Supreme Court of the United States, U.S. Court of Appeals for the Sixth Circuit, and Ohio Supreme Court, on a wide array of statutory, criminal, habeas, and constitutional issues.

After my fellowship ended, I served as a clerk to Judge Deborah L. Cook of the United States Court of Appeals for the Sixth Circuit.

Since 2005, I have been a commercial and appellate litigator at the law firm of K&L Gates LLP. My practice has intentionally included a

breadth of areas, including energy law, class action litigation, corporate insurance recovery, business disputes, appeals, civil rights, false advertising, intellectual property, catastrophic injury, trade secret, corporate raiding, and transportation-related litigation, among others.

I also have maintained an active pro bono practice, representing prisoners, criminal defendants, and religious entities in free speech, religious liberties, civil rights, criminal, and habeas cases, both at the trial level and on appeal.

In addition to litigation, I have represented clients during crisis events. This has included serving on site as part of incident responses, conducting investigations, and managing litigation and cost-recovery efforts. I have also, from time to time, represented corporate clients in conducting due diligence associated with certain litigation liabilities, and provided strategic advice regarding legal concerns as they relate to business strategy.

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

While in private practice, my typical clients have been corporations and other business organizations (both large and small). I have also had the privilege to represent many pro bono clients, including indigent individuals, prisoners, and religious organizations.

When I worked for the Ohio Attorney General's Office, my clients were the state of Ohio and officials acting in their capacity on behalf of the state.

- c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

My private practice has been at least 95% devoted to litigation, and I appear in court frequently, handling all aspects of my cases. The following estimates are an attempt to provide an approximate average of my experience during my time in private practice.

- i. Indicate the percentage of your practice in:
 - 1. federal courts: 60%
 - 2. state courts of record: 30%
 - 3. other courts: 10% (private arbitration)
 - 4. administrative agencies: 0%
- ii. Indicate the percentage of your practice in:

1. civil proceedings: 90%
2. criminal proceedings: 10%

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

I have tried fourteen cases to a final decision in which evidence was taken and witnesses were presented. Of these cases, two were tried to a jury verdict; one was tried to a final judgment by the court upon a bench trial; six were tried in private arbitration to final awards before an arbitrator; and five were bench trials seeking injunctive relief and resulted in decisions on motions for injunctions that resolved the cases. I was sole, chief, or co-lead counsel in all of these matters, except for one injunction trial, in which I served as associate counsel.

- i. What percentage of these trials were:

1. jury: 15%
2. non-jury: 85%

- e. Describe your practice, if any, before the Supreme Court of the United States. Supply a copy of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

While I was the Simon Karas fellow with the Ohio Attorney General's office, I assisted on several certiorari and merits briefs that the office filed in the Supreme Court, but I did not appear and was not counsel of record in those cases. I cannot recall the names of those cases, and I have otherwise not practiced before the Supreme Court.

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. *Ampco-Pittsburgh Corp. v. Allstate Ins. Co.*, No. 01-16-0000-7222 (Am. Arbitration Ass'n 2016).

I represented the claimants in this arbitration. My clients had entered into a comprehensive coverage-in-place agreement with numerous insurers to cover several hundred million dollars in asbestos liabilities. One of the highest-paying insurers at the time violated the agreement by failing to make timely payments, which caused my clients to have to cover several hundred thousand dollars for weeks and sometimes months, causing a significant financial hardship. We filed an arbitration demand, claiming breach of the relevant agreements and seeking damages, interest, attorneys' fees, and costs. The matter was tried before an arbitrator. I handled the entire arbitration alone, including the examination of the witnesses, opening statement, and closing argument. The arbitrator issued an award in our favor, granting my clients complete relief.

Arbitrator:

Jared Simmer
Carnegie-Mellon University Heinz College
5000 Forbes Avenue, Hamburg Hall
Pittsburgh, Pennsylvania 15213
(724) 575-0898

Opposing Counsel:

Stefano V. Calogero
Windels Marx Lane & Mittendorf, LLP
One Giralda Farms
Madison, New Jersey 07940
(973) 966-3205

2. *Byrnes v. Moody*, No. 2:15-cv-00570 (W.D. Pa. 2017).

I represented a prisoner in a civil rights case, who claimed that a prison guard employed excessive force against him in violation of the Eighth Amendment to the U.S. Constitution. We tried the case to a jury, which rendered a verdict in favor of the defendant. I served as lead counsel during the trial, directing trial strategy, directing jury *voir dire*, examining our key witness in putting in our direct case, delivering the closing argument, arguing successfully against a motion for directed verdict, and addressing a number of evidentiary arguments and issues during trial.

Judge:

Honorable Lisa Pupo Lenihan
United States District Court for the Western District of Pennsylvania

Co-Counsel:

Stefanie M. Lacy

Kelly M. Flanigan
K&L Gates LLP
K&L Gates Center
210 Sixth Avenue
Pittsburgh, Pennsylvania 15222
(412) 355-6500

Opposing Counsel:
Jeffrey M. Paladina
Abby Trovinger
Pennsylvania Department of Corrections
Governor's Office of General Counsel
1920 Technology Parkway
Mechanicsburg, Pennsylvania 17050
(717) 728-7763

3. *Caldwell v. Folino*, No. 2:08-cv-00122 (W.D. Pa. 2012).

I represented a prisoner who alleged that he was the victim of inappropriate sexual contact by a prison guard. The lawsuit alleged a number of civil rights and constitutional claims under 28 U.S.C. § 1983. I was lead counsel for the prisoner, and tried the case to a jury verdict. I served as lead counsel during the trial, directing trial strategy, directing jury *voir dire*, examining our primary witness in our direct case, delivering the opening statement, delivering closing argument, and addressing a number of evidentiary arguments and issues during trial.

Judge:
Honorable Maureen Kelly
United States District Court for the Western District of Pennsylvania

Co-Counsel:
Jonathan D. Christman
Fox Rothschild LLP
10 Sentry Parkway, Suite 200
P.O. Box 3001
Blue Bell, Pennsylvania 19422
(610) 397-6500
Formerly with K&L Gates LLP

Magua B. Benson
The Cuffie Law Firm
3080 Campbellton Road
Atlanta, Georgia 30311
(404) 344-4242
Formerly with K&L Gates LLP

Opposing Counsel:

Scott A. Bradley
Senior Deputy Attorney General
Pennsylvania Attorney General
1251 Waterfront Place
Pittsburgh, Pennsylvania 15222
(412) 565-5135

4. *Chevron U.S.A. Inc. v. Bonar*, No. 16-1213, 2018 WL 871567 (W. Va. 2018).

I represented Chevron in this contract dispute, seeking to compel the case to arbitration. The trial court held that my client had waived its right to compel arbitration by failing to perform under other parts of the contract at issue. I took an immediate interlocutory appeal to the West Virginia Supreme Court. The West Virginia Supreme Court ruled in my client's favor, clarified the law on both waiver and unconscionability, and remanded the case to arbitration. I wrote the briefs and presented argument in the Supreme Court.

Judges:

Justices Davis, Loughry, Workman, and Walker
Supreme Court of Appeals of West Virginia

Opposing Counsel:

Anthony Werner
Joseph John
John Werner Law Offices
Board of Trade Building, Suite 200
80-12th Street
Wheeling, West Virginia 26003
(304) 233-4380

5. *Dungee v. Davison Design & Dev.*, No. 10-325, 2016 WL 9180448 (D. Del. 2010), *rev'd*, No. 16-1486, 674 F. App'x 153 (3d Cir. 2017).

This case involved representing the defendant in a class action lawsuit. I was lead counsel, and negotiated a complex classwide settlement. This included serving as lead counsel at a mediation and in months of additional settlement discussions, as well as serving as lead counsel at the class settlement approval or fairness hearing in the district court. I also represented the defendant in the appeal of the district court's award of attorneys' fees to the Third Circuit in 2016. This included assisting in the briefing of the appeal, and delivering the oral argument to the Third Circuit. The Third Circuit agreed with my position and reversed the district court's fee award decision. The case was publicized in Law360.com, among other publications. On remand, the district court ultimately entered a fee award consistent with the position I advanced.

Judges:

Judge Gregory Sleet
United States District Court for the District of Delaware

Judges McKee, Restrepo, and Hornak (by designation)
United States Court of Appeals for the Third Circuit

Co-Counsel:

H. Woodruff Turner
David M. Aceto
K&L Gates LLP
210 Sixth Avenue
Pittsburgh, Pennsylvania 15222
(412) 355-6500

James P. Angelo
Metz Lewis Brodman Must O'Keefe
535 Smithfield Street, Suite 800
Pittsburgh, Pennsylvania 15222
(412) 918-1100
Formerly with K&L Gates LLP

John A. Sensing
Kathleen Furey McDonough
Richard L. Horwitz
Potter Anderson & Corroon LLP
1313 North Market Street
P.O. Box 951
Wilmington, Delaware 19899
(302) 984-6093

Opposing Counsel:

Richard H. Cross, Jr.
Cross & Simon, LLC
1105 North Market Street, Suite 901
Wilmington, Delaware 19801
(302) 777-4200

6. *Lawrence v. Atlas Resources, Chevron Appalachia, LLC*, No. GD 10-011904 (Allegheny Cnty. (Pa.) Court of Common Pleas/Commerce and Complex Litigation Center)

This case is an oil and gas royalty class action that has been ongoing for eight years, in which I have served as lead counsel for the defendants. This has consisted of serving as lead counsel at numerous depositions, discovery proceedings, class-certification proceedings, and summary-judgment oral

argument. In 2012, the court granted my clients' summary-judgment motion, dismissing most of the claims in the case. The court granted summary judgment on liability on one claim in the plaintiff's favor, which the plaintiffs have since declined to pursue further.

Judges:

Judge Stanton Wettick (retired) & Judge Robert Colville
Allegheny County (Pa.) Court of Common Pleas, Commerce and Complex
Litigation Center

Co-Counsel:

Walter A. Bunt, Jr.
Mark D. Feczko
K&L Gates LLP
210 Sixth Avenue
Pittsburgh, Pennsylvania 15222
(412) 355-6500

James P. Angelo
Metz Lewis Brodman Must O'Keefe
535 Smithfield Street, Suite 800
Pittsburgh, Pennsylvania 15222
(412) 918-1100
Formerly with K&L Gates LLP

Opposing Counsel:

Robert C. Sanders
Law Office of Robert C. Sanders
12051 Upper Marlboro, Maryland 20772
(412) 371-2132

William Caroselli (*deceased*)
Caroselli, Beachler & Coleman, L.L.C.
20 Stanwix Street, Seventh Floor
Pittsburgh, Pennsylvania 15222
(412) 567-1232

7. *Lincoln v. Palakovich*, No. 08-3165, 384 F. App'x 193 (3d Cir. 2010)
Lincoln v. Smithfield, No. 14-2642, 595 F. App'x 143 (3d Cir. 2014)
Lincoln v. Warden Smithfield SCI, No. 15-1738, 634 F. App'x 85 (3d Cir. 2015)

I represented a habeas petitioner in three separate appeals to the Third Circuit. The first appeal concerned whether the petitioner was denied effective assistance of counsel, and the Third Circuit agreed with my position and held that cause existed to conclude that my client may have been denied effective assistance of

counsel, and remanded the case for an evidentiary hearing. After that hearing, the district court concluded that my client was denied effective assistance of counsel, and ordered a conditional writ of habeas corpus. The second appeal was filed by the government, challenging the district court's later issuance of a Rule 60 order in fashioning habeas relief. The Third Circuit agreed with my client's position and affirmed the Rule 60 determination. The third appeal was filed by my client, seeking to enforce the district court's order requiring my client's immediate release. The Third Circuit reversed, and instead of ordering my client's release, effectively caused the matter to return to state court on a new conditional writ of habeas corpus. In each of these appeals, I served as lead counsel, which involved being the principal drafter of the appellate briefs and presenting three oral arguments before the Third Circuit.

Judges:

Case No. 08-3165: Judges Sloviter, Nygaard, Restini (by designation)
Case No. 14-2642: Judges Chagares, Ambro, Vanaskie
Case No. 15-1738: Judges Hardiman, Ambro, Sloviter
United States Court of Appeals for the Third Circuit

Opposing Counsel:

John W. Goldsborough
Federal Litigation Unit
Philadelphia District Attorney's Office
3 South Penn Square
Philadelphia, Pennsylvania 19107
(215) 686-8000

8. *Mifflin Energy Corp. v. Chevron Appalachia, LLC*, No. GD-10-007048 (Allegheny Cnty. (Pa.) Court of Common Pleas/Commerce and Complex Litigation Center 2014); No. 868 WDA 2014 (Pa. Super. Ct. 2014).

After an initial round of litigation and an appeal, this case was remanded to the trial court in 2012, at which time I was retained to represent the defendant Chevron Appalachia, LLC. The case involved a dispute between oil and gas joint-venture partners, in which the plaintiff Mifflin Energy was seeking approximately \$100 million in damages. I was the lead attorney in the case, and successfully obtained a dismissal of the lawsuit upon a motion to dismiss (known as preliminary objections in Pennsylvania), in which I was the principal drafter of the brief and delivered the oral argument to the trial court. I also represented Chevron on Mifflin's appeal to the Pennsylvania Superior Court. I served as lead counsel, which included being the principal drafter of the appellate brief and delivering the oral argument to the appellate court. Shortly after the oral argument, I negotiated a settlement of the case with Mifflin's counsel.

Judges:

Judge Christine Ward

Allegheny County (Pa.) Court of Common Pleas, Commerce and Complex
Litigation Center

Judges Bender, Jenkins, and Musmanno
Pennsylvania Superior Court

Co-Counsel:

Walter A. Bunt, Jr.
Katherine M. Gafner
K&L Gates LLP
210 Sixth Avenue
Pittsburgh, Pennsylvania 15222
(412) 355-6500

Opposing Counsel:

Timothy Murray
Dr. John Murray (*deceased*)
Murray Hogue & Lannis
3400 Gulf Tower
707 Grant Street
Pittsburgh, Pennsylvania 15219
(412) 263-5245

David J. Montgomery
The Montgomery Law Firm LLC
100 Ross Street, Suite 510
Pittsburgh, Pennsylvania 15219
(412) 904-2641

9. *Porter, et al. v. Chevron Appalachia, LLC*, No. 1612 of 2017 (Fayette Cnty.
(Pa.) Court of Common Pleas 2017).

I represented Chevron in this case. The plaintiff filed suit, seeking to enjoin Chevron from conducting natural gas operations on his property. The plaintiff then prevented Chevron from accessing the property in order to perform critical and time-sensitive testing. I was lead counsel for Chevron in filing an emergency motion for a preliminary injunction in order to allow the testing to go forward. The court held an injunction bench trial, at which I served as lead counsel. I delivered the opening statement, closing argument, and examined the principal technical witness. The court agreed with our position and granted the injunction, which allowed Chevron to access the property and conduct its testing. The plaintiff since appealed. I handled the briefing of the appeal. The appeal is pending.

Judge:

Judge Linda Cordaro

Fayette County (Pa.) Court of Common Pleas

Co-counsel:

Amanda Cashman
Brian J. Kluckman
Els S. Baum
K&L Gates LLP
210 Sixth Avenue
Pittsburgh, Pennsylvania 15222
(412) 355-6500

Opposing Counsel:

James S. Lederach
201 North Chestnut Street
P.O. Box 342
Scottdale, Pennsylvania 15683
(724) 887-3600

10. *Viola Food Stores, Inc. v. V3 Yoga & Pilates, LLC*, No. GD-14-001816
(Allegheny Cnty. (Pa.) Court of Common Pleas/Commerce and Complex
Litigation Center 2014), *aff'd*, No. 1930 WDA 2014 (Pa. Super. Ct. 2016).

I represented a health and fitness company, which was being evicted by the owner of a shopping plaza through a motion for a preliminary injunction. I was co-lead counsel for my client in a bench trial/injunction proceeding in the commerce and complex litigation center court. I was in charge of directing the trial strategy, drafting the pre-trial briefs, and examining several of the witnesses at trial. The trial court ruled in my client's favor, and denied the injunction. The matter was then appealed by the plaintiff to the Pennsylvania Superior Court, and the trial court's decision was affirmed in 2016. I handled the briefing on appeal, while my associate handled the oral argument.

Judges:

Judge Christine Ward
Allegheny County (Pa.) Court of Common Pleas, Commerce and Complex
Litigation Center

Judges Ford Elliott, Bowes, and Musmanno
Pennsylvania Superior Court

Co-Counsel:

Ryan D. DeMotte
Leech Tishman LLC
525 William Penn Place, 28th Floor
Pittsburgh, Pennsylvania 15219
(412) 586-0712

Formerly with K&L Gates LLP

Opposing Counsel:

Mary Bower Sheats
Frank, Gale, Bails, Murcko, & Pocrass, P.C.
Gulf Tower
707 Grant Street, Suite 3300
Pittsburgh, Pennsylvania 15219
(412) 471-5931

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.)

In addition to my litigated matters, I have represented clients in countless mediations and similar alternative dispute resolution proceedings, many of which were complex multi-party negotiations and resulted in settlements. I have represented business clients in analyzing legal issues as they relate to formulating business strategy. I have also represented clients during and after crisis events (e.g., explosions, fires, floods, and workplace safety incidents). This has included conducting internal investigations, providing on-site advice, directing cost recovery efforts (through available insurance and indemnities), and managing or directly handling underlying litigation.

In the legal community, I have been involved with the local bar association on issues such as mentoring of junior attorneys, promoting diversity, encouraging maternity and paternity leave, and pro bono involvement. I have served on the board of directors of a regional coalition that seeks to promote diversity and inclusion within the legal community, and have been primarily responsible for supervising all programming for that coalition. Within my law firm, I have served on the firm's office associates development committee, office hiring committee, office diversity committee (as chair), office pro bono committee (as coordinator), firmwide diversity committee, and firmwide pro bono committee.

I have not performed any lobbying activities.

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 a copy to the committee.

In the Spring of 2012, I taught a course entitled "LEGL 322 – Property: Freedoms, Rights and Restrictions." This was an undergraduate pre-law class taught at Grove City College.

The course focused on the definition and contours of property law, and the intersection of property law and various public policies. Syllabus supplied.

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.

If I were to leave the partnership at my law firm, my understanding is that my firm will return to me any capital contribution that I have made to the firm under the terms of the partnership agreement.

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.

I do not have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during my service with the court.

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 Financial Disclosure Report.

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

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

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

If confirmed, I will recuse in any litigation where I have ever played a role. For a period of time, I anticipate recusing myself in all cases where my current firm, K&L Gates, LLP, represents a party. I will evaluate any other real or potential conflict, or relationship that could give rise to appearance of conflict, on a case by

case basis and determine appropriate action with the advice of parties and their counsel, including recusal where necessary.

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

I would refer to 28 U.S.C. § 455, Canon 3 of the Code of Conduct for United States Judges, as well as any other applicable canons, rules, and statutes. In cases involving non-governmental corporate entities, I would review and rely on the corporate disclosure statements submitted by the parties pursuant to Federal Rule of Civil Procedure 7.1, and request supplemental disclosures if those statements are insufficient in assisting me in identifying potential conflicts of interest. If a litigant raises a conflict of interest, I would ask the parties to submit their positions as to the potential conflict and the controlling law and then I would make a timely decision on the merits.

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 work load, 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.

With the support of my law firm, I have devoted a considerable portion of my career to pro bono work. I have served on my law firm's firmwide pro bono committee and as the pro bono coordinator of my firm's office. Through these roles, I have initiated numerous new pro bono programs, opportunities, and training for the attorneys in my law firm and in my city. By way of example, in my role as pro bono coordinator (and with the support of many of the associates at my firm), I initiated new pro bono programs involving veteran's benefits, immigrant asylum work, child custody, and "juvenile lifer" litigation following *Montgomery v. Louisiana*, 136 S. Ct. 718 (2016). During my time as pro bono coordinator, the local bar association awarded my law firm the award of pro bono law firm of the year.

Individually, I have performed a significant amount of pro bono work. I have had dozens of pro bono clients, and spend approximately, on average, 150 – 200 hours each year on pro bono work. By way of example, I have represented one pro bono client for nine years in matters in five separate judicial proceedings, spending over 400 hours of my time devoted to his case (which remains ongoing).

I have been appointed by the United States Court of Appeals for the Third Circuit on numerous occasions to represent prisoners in habeas litigation, and, in one case, was appointed by the court to serve personally as an amicus curiae in my own name, along with one of my partners. I have also been appointed by the United States Court of Appeals for the Sixth Circuit to serve on pro bono habeas and criminal cases, and for a time, I was appointed to serve on the pro bono panel of the United States Court of Appeals for the Second Circuit. I have been appointed by the United States District

Court for the Western District Court of Pennsylvania to serve as lead counsel in approximately thirteen pro bono civil rights cases. I also served as lead counsel in submitting an amicus brief to the Pennsylvania Supreme Court in a pro bono case on behalf of the Innocence Project.

I have also represented small religious institutions (typically, small house churches in urban areas with homeless shelters) that have been discriminated against on account of their religious beliefs and the race of their attendees.

Aside from my direct pro bono involvement, I spend a considerable amount of time on community volunteer activities. Since 2005, I have continuously served as a mentor to high school and middle school students in inner-city schools in Pittsburgh. One of my two “older” mentees is now a full-time minister, and the other one is an Army veteran who is currently a pre-law student, and who I continue to mentor as he embarks on a future career in the law. Both of these students graduated from David B. Oliver High School, which the 2010 documentary “Waiting for Superman” referred to as a “dropout factory.” I have also mentored a number of law students at both local law schools. I have provided informal mentoring to a number of other lawyers, law students, and paralegals in the community.

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.

On March 31, 2017, I submitted an application through Senator Toomey’s office, which I understood would be forwarded to the bipartisan commission that was formed by Senators Toomey and Casey. On May 24, 2017, I interviewed with the bipartisan commission in Pittsburgh, Pennsylvania. The bipartisan commission approved of my nomination, and my understanding is that it then referred my application to Senator Toomey’s office. On October 6, 2017, I interviewed with Senator Toomey and several of his staff at the Senator’s office in Allentown, Pennsylvania. On February 28, 2018, I interviewed with Senator Casey and several members of his staff at the Senator’s office in Washington, D.C. On March 16, 2018, I interviewed with staff from the White House Counsel’s Office and Office of Legal Policy of the Department of Justice in Washington, D.C. Since March 20, 2018, I have been in contact with officials from the Office of Legal Policy and the White House Counsel’s Office. On July 24, 2018, the President submitted my nomination to the Senate.

- 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.