

UNITED STATES SENATE  
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Robert John Colville

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

United States District Judge 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.

815 City-County Building  
414 Grant Street  
Pittsburgh, Pennsylvania 15219

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

1965; Pittsburgh, Pennsylvania

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.

1989 – 1992, Duquesne University School of Law; J.D., 1992

1984 – 1989, Pennsylvania State University; B.A., 1989

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.

2000 – present  
Court of Common Pleas of Allegheny County  
815 City-County Building  
414 Grant Street  
Pittsburgh, Pennsylvania 15219

Judge of the Court of Common Pleas  
Civil Division (2003 – present)  
Family Division (2002 – 2003)  
Juvenile Division (2000 – 2002)

2012 – 2016  
Pennsylvania Court of Judicial Discipline  
Judicial Center  
601 Commonwealth Avenue #5500  
Harrisburg, Pennsylvania 17120  
Judge

2003 – present  
LaRoche College  
9000 Babcock Boulevard  
Pittsburgh, Pennsylvania 15237  
Adjunct Professor

1994 – 1999  
Pietragallo Bosick & Gordon (now Pietragallo, Gordon, Alfano, Bosick & Raspanti LLP)  
One Oxford Centre, 38th Floor  
Grant Street  
Pittsburgh, Pennsylvania 15219  
Associate Attorney

Spring/Summer 1994  
Marcus and Shapira  
301 Grant Street  
Pittsburgh, Pennsylvania 15219  
Attorney/Legal Researcher

1992 – 1994  
Pennsylvania Supreme Court  
One Oxford Centre, 31st Floor  
Grant Street  
Pittsburgh, Pennsylvania 15219  
Law Clerk for Justice Ralph J. Cappy

1989 – 1992  
Duquesne Law Library  
900 Locust Avenue  
Pittsburgh, Pennsylvania 15292  
Student Employee

Summer 1991  
Congressman Joseph Gaydos

United States House of Representatives  
Rayburn House Office Building  
Washington, DC 20515  
Legislative Aide

1990 – 1991  
Allegheny County Public Defender's Office  
Appellate Division  
542 Forbes Avenue #400  
Pittsburgh, Pennsylvania 15219  
Legal Intern/Law Clerk

Summer 1989; Summer 1990  
Laborer's Union Local #1058  
12 Eighth Street  
Pittsburgh, Pennsylvania 15222  
Laborer

Other Affiliations (uncompensated):

2004 – 2011  
Pennsylvania Conference of State Trial Judges  
Administrative Office of Pennsylvania Courts  
601 Commonwealth Avenue, Suite 1500  
Harrisburg, Pennsylvania 17106  
Immediate Past President (2010 –2011)  
President (2009 –2010)  
President Elect (2008 – 2009)  
First Vice President (2007 – 2008)  
Second Vice President (2006 – 2007)  
Treasurer (2005 –2006)  
Secretary (2004 –2005)

1999 – 2002  
Brighton Heights Citizens Federation  
3629 California Avenue  
Pittsburgh, Pennsylvania 15212  
Board Member

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

I have not served in the military. I registered with the selective service at age 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.

Recognition as Fellow of the Allegheny County Bar Foundation (2017)

“Highly Recommended,” Pennsylvania Bar Association, Judicial Evaluation Commission (2015)

“Highly Recommended,” Allegheny County Bar Association, Judicial Evaluation Committee (2008 and 2015)

Outstanding Ten Years’ Service on Faculty, LaRoche College (2014)

Appointment to Ethics Committee, Pennsylvania Conference of State Trial Judges (2012)

Appointment to Court of Judicial Discipline, Pennsylvania Supreme Court (2012)

“Highly Recommended,” Pennsylvania Bar Association, Judicial Evaluation Commission (2011)

Recognition for Seven Years as Officer and President, Pennsylvania Conference of State Trial Judges (2011)

Recognition for Seven Years of Service on Juvenile Court Procedural Rules Committee, Pennsylvania Supreme Court (2002)

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 Bar Association (1992 – present)

Speakers Bureau Member (2004 – 2009)

Women in the Law – Gender Bias Committee (2010 – present)

American Bar Association (1992 – 2011)

Defense Research Institute (1994 – 2000)

Duquesne University School of Law

Alumni Board, Board of Governors (2002 – 2003)

Class Representative (1992 – present)

Pennsylvania Bar Association (1992 – 2011)

Long Term Planning Committee (2008 – 2010)

Commission for Justice Initiatives (2009 – 2010)

Pennsylvania Bar Institute (1994 – 2000)

Pennsylvania Conference of State Trial Judges

Secretary (2004 – 2005)

Treasurer (2005 – 2006)

Second Vice President (2006 – 2007)

First Vice President (2007 – 2008)

President Elect (2008 – 2009)

President (2009 – 2010)

Immediate Past President (2010 – 2011)

Ethics Committee Member (2012 – present)

National Conference of State Trial Judges

Membership Committee Co-Chair (2008 – 2010)

PCSTJ Delegate to NCSTJ/ABA Convention (2005 – 2010)

Pennsylvania Liaison (2007 – 2011)

Judicial Mentor Program (2008 – 2011)

Nomination Committee (2010 – 2011)

Pennsylvania Supreme Court Juvenile Court Procedural Rules Committee

Inaugural Voting Member (2001 – 2008)

Pennsylvania Trial Lawyers Association (now Pennsylvania Association for Justice)  
(1994 – 2000)

Western Pennsylvania Federal Bar Association (1994 – 2000)

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, 1992

West Virginia, 1998

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 Third Circuit, 1998

United States District Court for the Western District of Pennsylvania, 1992

United States District Court for the Southern District of West Virginia, 1998

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.

Allegheny County Court of Common Pleas  
Technology Committee Member (2003 – 2017)

Allegheny County Mental Health/Department of Human Services  
Children's Cabinet Member (2002 – 2003)

Allegheny County Probation Office  
Balanced and Restorative Justice Implementation Work Group Member  
(2000 – 2003)

Brighton Heights Athletic Association Member (2001 – 2002)

Brighton Heights Citizens Federation  
Board Member (1999 – 2002)

Duff's Business Institute (now Everest Institute)  
Legal Studies Advisory Committee Member (2002 – 2005)

Pennsylvania Council of Chief Juvenile Probation Officers  
Balanced and Restorative Justice Implementation Committee Member  
(2000 – 2003)  
Court and Community Collaboration Subcommittee Member (2000 – 2003)

National Council of Jewish Women  
Children's Rooms in the Courts Advisory Committee Member (2002 –  
2005)

North Hills Athletic Association Member (2003 – 2008)

North Hills YMCA Adventure Guides Member (2003 – 2008)

Ross Township Athletic Association Member (2003 – 2008)

- 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 my knowledge, none of the organizations identified 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.

Letter to the Editor, March 8, 2006 (published in various outlets). Copy supplied.

Editor/Contributor, Pietragallo, Bosick & Gordon Legal Update/Newsletter (1998 – 1999). Copies of the two newsletters I could locate are supplied.

Contributor, Tri-State Products Liability Update, Pietragallo, Bosick & Gordon (1998 – 1999). I was unable to locate copies of these updates.

Contributor, *Annual Auto Law Update* (for PA, NJ, NY, OH, WV, DE, MD, CT), Tort & Insurance Law Journal (1995 – 1998). Copies for 1996 and 1997 supplied. I could not locate copies for 1995 or 1998.

*Paper Weighs More Than Words*, National Real Estate Training Video, CNA Insurance Co. (Summer 1997). I described my, and my firm's, involvement in the successful handling and resolution of a real estate dispute. I was unable to obtain a copy of this video.

With Robert J. Behling, *Protecting Your Agency's Assets*, CPCU Society Agent and Broker Solutions, Volume 9, No. 1 (March 1996). Copy supplied.

*Give Tim a Chance*, Pittsburgh Post-Gazette, June 5, 1993. Copy supplied.

During my Superior Court campaigns I maintained websites that provided general biographical and professional background information regarding me and credentials relevant to my candidacy. The website addresses were [www.judgecolvilleforsuperiorcourt.com](http://www.judgecolvilleforsuperiorcourt.com) (for the 2015 campaign) and

www.judgecolville.com (for the 2009 campaign). The websites are no longer maintained and I did not maintain copies of their content.

- 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.

As a member of the Pennsylvania Conference of State Trial Judges Ethics Committee from 2012 to present, I have drafted, offered editorial revisions to, and voted in support of or in opposition to confidential advisory ethics opinions to individual judges upon request as well as broader advisory opinions published occasionally on discrete topics. Copies of the non-confidential advisory opinions issued during my tenure on the Committee are provided.

Building Bridges Between Your Community and Your Court: A Handbook for Community Members, Court and Community Collaboration Committee, Work Group Contributor (2003). Copy supplied.

Building Bridges Between Your Court and Your Community: A Handbook for Juvenile Court Professionals, Court and Community Collaboration Committee, Work Group Contributor (2003). 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.

On December 9, 2015, I testified at my confirmation hearing before the Judiciary Committee of the United States Senate to be a United States District Judge for the Western District of Pennsylvania. I also answered Questions for the Record presented to me by Senators Grassley, Sessions, Flake and Tillis. Video of the hearing is available at: <https://www.judiciary.senate.gov/meetings/nominations-12-9-15>. My responses to the Questions for the Record are available at: <https://www.judiciary.senate.gov/download/colville-responses-to-questions-for-the-record>, and a copy of my responses to the written Questions for the Record is supplied.

I ran for judge of the Court of Common Pleas in Allegheny County in 1999 and for retention in 2009. I also ran for the Superior Court of Pennsylvania in 2009 and 2015. During the course of these campaigns, I filled out a number of candidate questionnaires. Although I have not retained all copies of the questionnaires and I do not recall every group for whom I filled out a

questionnaire, I have supplied the questionnaires that I have been able to locate after a diligent search of my records and the Internet.

- 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.

July 17, 2018, Speaker, *Civil Litigation Section "What Drives Judges Crazy" Skill Training with the Judges*, Allegheny County Bar Association, Pittsburgh PA. The presentation addressed recent case law, local practice developments, and personal practice preferences of judges within the Allegheny County civil division. I have no notes, transcript, or recording. The address for the Allegheny County Bar Association is 400 Koppers Building, 436 Seventh Avenue, Pittsburgh, Pennsylvania 15219.

June 16, 2018, Speaker, *Civil Litigation Section, Update 2018: New Policies and New Faces*, Allegheny County Bar Association, Seven Springs PA. The presentation addressed recent case law, local practice developments, and personnel changes within the Allegheny County civil litigation system and community. I have no notes, transcript, or recording. The address for the Allegheny County Bar Association is 400 Koppers Building, 436 Seventh Avenue, Pittsburgh, Pennsylvania 15219.

June 16, 2018, Speaker, *Breakfast with the Judges, Torn from the Headlines*, Allegheny County Bar Association, Seven Springs PA. The presentation addressed Pennsylvania law and legal discussions and argument regarding topical national cases. I have no notes, transcript, or recording. The address for the Allegheny County Bar Association is 400 Koppers Building, 436 Seventh Avenue, Pittsburgh, Pennsylvania 15219.

April 20, 2018: Panelist, *19th Symposium on Civil Trial Practice in Western Pennsylvania*, Academy of Trial Lawyers of Allegheny County, Pittsburgh, PA. The presentation addressed civil litigation practice generally. I have no notes, transcript, or recording. The address for the Academy of Trial Lawyers is Post Office Box 14744, Pittsburgh, Pennsylvania 15234

March 15, 2018: "Judge"/Speaker, Murray S. Love Moot Court Trial Competition Final — 2018, University of Pittsburgh School of Law, Pittsburgh, PA. The presentation involved my presiding over a mock trial and then delivering remarks regarding the trial and the practice of law generally. I have no notes, transcript, or

recording. The address for the University of Pittsburgh School of Law is Barco Law Building 3900 Forbes Avenue, Pittsburgh, PA 15260.

December 14 2017: Presenter, *Civil Practice in the Court of Common Pleas of Allegheny County*, Pennsylvania Bar Institute, Pittsburgh, PA. The presentation addressed Pennsylvania civil litigation generally in Allegheny County with an emphasis on discovery rules, local Allegheny County discovery practice, and the Complex and Commercial Litigation Center. I have no notes, transcript, or recording. The address for the Pennsylvania Bar Institute is 5080 Ritter Road, Mechanicsburg, Pennsylvania 17055.

December 8, 2017: Presenter, *2017 Fall Symposium – Ethics, Community Activities*, Administrative Office of Pennsylvania Courts, Pittsburgh, Pennsylvania. The presentation addressed Pennsylvania discovery rules and local Allegheny County discovery practice, as well as management of the Complex and Commercial Litigation Center in Allegheny County. I have no notes, transcript, or recording. The address for the Administrative Office of Pennsylvania Courts is 1515 Market Street, Suite 1428, Philadelphia Pennsylvania 19102.

December 4, 2017, Presenter, *Civil Litigation CLE – Civil Division Administration, Complex Center, and Discovery*, Allegheny County Bar Association, Pittsburgh PA. The presentation addressed Pennsylvania discovery rules and local Allegheny County discovery practice, as well as management of the Complex and Commercial Litigation Center in Allegheny County. I have no notes, transcript, or recording. The address for the Allegheny County Bar Association is 400 Koppers Building, 436 Seventh Avenue, Pittsburgh, Pennsylvania 15219.

July 2017: Presenter, *Calendar Control and Discovery Practice in Allegheny County*, Pennsylvania Bar Institute, Pittsburgh, PA. The presentation addressed Pennsylvania discovery rules and local Allegheny County discovery practice. I have no notes, transcript, or recording. The address for the Pennsylvania Bar Institute is 5080 Ritter Road, Mechanicsburg, Pennsylvania 17055.

February 24, 2017: Presenter, *Ethics: Regards to Trial*, Pennsylvania Conference of State Trial Judges, Mid Annual Meeting, Pittsburgh, PA. The presentation addressed the Pennsylvania Rules of Judicial Conduct. I have no notes, transcript, or recording. The address for the Pennsylvania Conference of State Trial Judges is 1515 Market Street, Suite 1428, Philadelphia, Pennsylvania 19102.

September 30, 2016: Panelist, *Implicit Bias Within the Courts – How Unconscious Discrimination Can Affect the Outcome of Your Cases*, Academy of Trial Lawyers of Allegheny County, Masters of Trial Advocacy Retreat, Nemaquin, Farmington PA. The presentation addressed the risks of unconscious gender-bias within the legal profession. I have no notes, transcript, or recording. The address for the Academy of Trial Lawyers is Post Office Box 14744, Pittsburgh, Pennsylvania

15234

June 19, 2015: Panelist and Speaker, *Breakfast with the Judges and 2015 Views from the Bench, Insights & Best Practices*, Allegheny County Bar Association, Champion, Pennsylvania. The breakfast presentation addressed ethical considerations for state practitioners and the second presentation addressed best practices for civil practitioners in Allegheny County. I have no notes, transcript, or recording. The Allegheny County Bar Association address is 400 Koppers Building, 436 Seventh Avenue, Pittsburgh, Pennsylvania 15219.

March 25, 2015: Speaker, *Practice Tips for the Allegheny County Court of Common Pleas, Answers to All the Questions You've Been Afraid to Ask*, Pennsylvania Bar Institute, Pittsburgh, Pennsylvania. The presentation addressed best practice suggestions regarding civil litigation in Allegheny County. I have no notes, transcript, or recording. The address for the Pennsylvania Bar Institute is 5080 Ritter Road, Mechanicsburg, Pennsylvania 17055.

March 20, 2015: Speaker, *Advocacy in Pretrial Motions – Federal & State Court, Motions to Dismiss & Motions for Summary Judgment: Real World Strategies & Practice Pointers*, Academy of Trial Lawyers and the Allegheny County Bar Association Federal Courts Section, Pittsburgh, Pennsylvania. The presentation addressed best practice suggestions and a comparison of dispositive motion practice in state versus federal court. I have no notes, transcript, or recording. The address for the Academy of Trial Lawyers is Post Office Box 14744, Pittsburgh, Pennsylvania 15234.

December 15, 2014: Panelist, *Tips from the Inside: The Best Practices of Allegheny County Judges*, Allegheny County Bar Association, Pittsburgh, Pennsylvania. The presentation addressed best practice suggestions regarding civil litigation in Allegheny County. I have no notes, transcript, or recording. The address for the Allegheny County Bar Association is 400 Koppers Building, 436 Seventh Avenue, Pittsburgh, Pennsylvania 15219.

November 2014: Panelist, *Civil Court Judicial Forum: Advanced Discovery and Trial Practice*, National Business Institute, Southpointe, Pennsylvania. The presentation addressed best practice suggestions regarding discovery and civil jury trial litigation in Allegheny County. I have no notes, transcript, or recording. The address for the National Business Institute is Post Office Box 3067, Eau Claire, Wisconsin 54702.

November 2014: Panelist, *Medical Malpractice Update*, Pennsylvania Bar Association, Pittsburgh, Pennsylvania. The presentation addressed recent developments in medical malpractice law in Pennsylvania. I have no notes, transcript, or recording. The address for the Pennsylvania Bar Association is 100 South Street, Harrisburg, Pennsylvania 17101.

October 2013: Panelist, *As Judges See It – Top Mistakes Attorneys Make in Civil Litigation*, National Business Institute, Pittsburgh, Pennsylvania. The presentation addressed the trial bench's recommendation to trial lawyers on how to avoid common litigation errors. I have no notes, transcript, or recording. The address for the National Business Institute is Post Office Box 3067, Eau Claire, Wisconsin 54702.

June 2013: Panelist, *What Do the Judges Know About Ethics That You Don't*, Allegheny County Bench Bar Conference, Breakfast with the Judges Program, Allegheny County Bar Association, Seven Springs, Pennsylvania. The presentation addressed ethical dilemmas that commonly arise in litigation in Allegheny County. I have no notes, transcript, or recording. The address for the Allegheny County Bar Association is 400 Koppers Building, 436 Seventh Avenue, Pittsburgh, Pennsylvania 15219.

February 2013: Panelist, *Medical Malpractice Update*, Pennsylvania Bar Association, Pittsburgh, Pennsylvania. The presentation addressed recent developments in medical malpractice law in Pennsylvania. I have no notes, transcript, or recording. The address for the Pennsylvania Bar Association is 100 South Street, Harrisburg, Pennsylvania 17101.

February 2013: Chief Judge, National Thurgood Marshall Mock Trial and Frederick Douglass Moot Court Competitions, Mid-Atlantic Region of the National Black Law Students, Pittsburgh, Pennsylvania. I served as a judge in a moot court competition and offered insights and advice following the competition. I have no notes, transcript, or recording. The address for the National Black Law Students Association is 1225 11th Street NW, Washington, DC 20001.

October 2012: Panelist, *What Civil Court Judges Want You to Know*, National Business Institute, Pittsburgh, Pennsylvania. The presentation addressed best practice suggestions regarding civil litigation in Allegheny County. I have no notes, transcript, or recording. The address for the National Business Institute is Post Office Box 3067, Eau Claire, Wisconsin 54702.

February 2012: Panelist, *Expert Witnesses*, American Inns of Court, Pittsburgh, Pennsylvania. The presentation addressed issues related to expert witness testimony at trial. I have no notes, transcript, or recording. The address for the American Inns of Court is 225 Reinekers Lane, Suite 770, Alexandria, Virginia 22314.

December 2011: Panelist, *Civil Court Judicial Forum: Advanced Discovery and Trial Practice*, National Business Institute, Pittsburgh, Pennsylvania. The presentation addressed best practice suggestions regarding discovery and civil jury trial litigation in Allegheny County. I have no notes, transcript, or recording. The address for the National Business Institute is Post Office Box 3067, Eau Claire, Wisconsin 54702.

December 2011: Panelist, *Civil Practice in the Allegheny County Court of Common Pleas*, Pennsylvania Bar Institute, Pittsburgh, Pennsylvania. The presentation addressed best practice suggestions regarding civil litigation in Allegheny County. I have no notes, transcript, or recording. The address for the Pennsylvania Bar Institute is 5080 Ritter Road, Mechanicsburg, Pennsylvania 17055.

October 2011: Speaker, *Asbestos: Current Issues and Effective Litigation Tactics*, National Business Institute, Pittsburgh, Pennsylvania. The presentation addressed recent developments regarding asbestos litigation in Pennsylvania and Allegheny County. I have no notes, transcript, or recording. The address for the National Business Institute is Post Office Box 3067, Eau Claire, Wisconsin 54702.

April 22, 2010: Speaker, *Lawyers and Judges in the Classroom*, Allegheny County Bar Association, Pittsburgh Pennsylvania. The presentation addressed the role of government and the courts in society. I have no notes, transcript or recording. The address for the Allegheny County Bar Association is 436 Seventh Ave, Pittsburgh, Pennsylvania 15219.

January 2010: Speaker, *Justice is the Business of Government*, Midyear Meeting 2010, Pennsylvania Bar Association, Nassau, Bahamas. The presentation addressed recent developments in Pennsylvania law with a specific focus on the Justice Initiatives committee investigations relating to funding of courts. I have no notes, transcript, or recording. The address for the Pennsylvania Bar Association is 100 South Street, Harrisburg, Pennsylvania 17101.

September 2009: Speaker, *What Civil Court Judges Want You to Know*, National Business Institute, Pittsburgh, Pennsylvania. The presentation addressed best practices in civil trial litigation in Pennsylvania and Allegheny County. I have no notes, transcript, or recording. The address for the National Business Institute is Post Office Box 3067, Eau Claire, Wisconsin 54702.

June 2009: Speaker, *Congratulatory Remarks*, Pennsylvania Association of Court Managers, Pennsylvania. The short speech, given as President of the Pennsylvania Conference of State Trial Judges addressed the court's gratitude for the work of court administrators and managers throughout the Commonwealth. I have no notes, transcript, or recording. The address for the Pennsylvania Association of Court Managers is 601 Commonwealth Avenue, Suite 1500, Post Office Box 61260, Harrisburg, Pennsylvania 17106.

June 2009: Speaker, *The Future of Uninsured and Underinsured Motorist Claims in Light of IFP v. Koken*, Pennsylvania Association for Justice, Philadelphia, Pennsylvania. The presentation addressed uninsured and underinsured motorist law changes in Pennsylvania and my experience conducting the first insured versus an insurer direct UM/UIM lawsuit in Pennsylvania. I have no notes,

transcript, or recording. The address for the Pennsylvania Association for Justice is 800 North Third Street, Suite 203, Harrisburg, Pennsylvania 17102.

May 2009: Speaker, *The Future of Uninsured and Underinsured Motorist Claims in Light of IFP v. Koken*, Pennsylvania Association for Justice, Harrisburg, Pennsylvania. The presentation addressed uninsured and underinsured motorist law changes in Pennsylvania and my experience conducting the first insured versus an insurer direct UM/UIM lawsuit in Pennsylvania. I have no notes, transcript, or recording. The address for the Pennsylvania Association for Justice is 800 North Third Street, Suite 203, Harrisburg, Pennsylvania 17102.

April 2009: Speaker, *The Future of Uninsured and Underinsured Motorist Claims in Light of IFP v. Koken*, Pennsylvania Association for Justice, Pittsburgh, Pennsylvania. The presentation addressed uninsured and underinsured motorist law changes in Pennsylvania and my experience conducting the first insured versus an insurer direct UM/UIM lawsuit in Pennsylvania. I have no notes, transcript, or recording. The address for the Pennsylvania Association for Justice is 800 North Third Street, Suite 203, Harrisburg, Pennsylvania 17102.

February 2009: Presenter, *Civil Litigation 2009: Case Law Highlights and Other Topics (First Pennsylvania Koken Trial)*, Mid-Year Meeting, Pennsylvania Bar Association, St. Thomas, United States Virgin Islands. The presentation addressed recent case law developments including the first insured versus an insurer direct UM/UIM lawsuit in Pennsylvania. I have no notes, transcript, or recording. The address for the Pennsylvania Bar Association is 100 South Street, Harrisburg, Pennsylvania 17101.

February 2009: Presenter, *Fair and Impartial Courts*, Mid-Year Meeting, Pennsylvania Bar Association, St. Thomas, United States Virgin Islands. The presentation addressed efforts to improve access to, accountability, and transparency of the courts. I have no notes, transcript, or recording. The address for the Pennsylvania Bar Association is 100 South Street, Harrisburg, Pennsylvania 17101.

October 2008: Speaker, *Bad Faith Litigation*, Pennsylvania Defense Institute, Annapolis, Maryland. The presentation addressed recent case law developments in insurance bad faith, including my personal involvement in a recent bad faith decision. I have no notes, transcript, or recording. The address for the Pennsylvania Defense Institute is Post Office Box 697, Camp Hill, Pennsylvania 17001.

October 2008: Speaker, *Preventing Nightmares: Preserving Issues and Avoiding Waiver at Trial and on Appeal*, Pennsylvania Bar Institute, Pittsburgh, Pennsylvania. The presentation addressed best practices to ensure preservation of trial issues for appeal. I have no notes, transcript, or recording. The address for

Pennsylvania Bar Institute is 5080 Ritter Road, Mechanicsburg, Pennsylvania 17055.

April 2008: Speaker, *Expert Testimony Materials*, Science and Technology 2008 Conference and Exhibition, Pittsburgh, Pennsylvania. The presentation addressed the history, and function of the Pennsylvania and federal decisions governing admissibility of expert testimony. I have no notes, transcript, or recording. To my knowledge the Science and Technology 2008 Conference and Exhibition does not maintain a mailing address.

November 2007: Speaker, *Annual Auto Law Update – View From the Bench*, Pennsylvania Bar Institute, Pittsburgh, Pennsylvania. The presentation addressed recent developments in auto law. I have no notes, transcript, or recording. The address for the Pennsylvania Bar Institute is 5080 Ritter Road, Mechanicsburg, Pennsylvania 17055.

October 2007: Presenter, *The Dependency Rules: Everything You Need to Know*, Allegheny County Bar Association, Pittsburgh, Pennsylvania. The presentation addressed the new Juvenile Court Rules relevant to dependency proceedings. I have no notes, transcript, or recording. The address for the Allegheny County Bar Association is 400 Koppers Building, 436 Seventh Avenue, Pittsburgh, Pennsylvania 15219.

March 2007: Speaker, *Voir Dire, Jury Selection and Jury Charge*, American Association of Legal Nursing Consultants, Pittsburgh, Pennsylvania. The presentation addressed pretrial process and procedure for prospective nursing expert witnesses. I have no notes, transcript, or recording. The address for the American Association of Legal Nursing Consultants is 330 North Wabash, Suite 2000, Chicago, Illinois 60611.

December 2006: Speaker, *16th Annual Auto Law Update – View From the Bench*, Pennsylvania Bar Institute, Pittsburgh, Pennsylvania. The presentation addressed developments in auto law. I have no notes, transcript, or recording. The address for the Pennsylvania Bar Institute is 5080 Ritter Road, Mechanicsburg, Pennsylvania 17055.

April 2006: Speaker, *Seventh Annual Civil Trial Practice Symposium*, The Academy of Trial Lawyers of Allegheny County, Pittsburgh, Pennsylvania. The presentation addressed best practices in civil litigation. I have no notes, transcript, or recording. The address for the Academy of Trial Lawyers is Post Office Box 14744, Pittsburgh, Pennsylvania 15234.

March 2006: Speaker, *Chicken Soup for the Trial Lawyer's Soul*, Pennsylvania Association for Justice, Pittsburgh, Pennsylvania. The presentation addressed general practice tips for young practitioners. I have no notes, transcript, or

recording. The address for the Pennsylvania Association for Justice is 800 North Third Street, Suite 203, Harrisburg, Pennsylvania 17102.

December 2005: Featured Speaker, *Know Your Rights: Family Law and Fair Housing Law*, YWCA of Greater Pittsburgh and the Pittsburgh Fair Housing Partnership, Pittsburgh Pennsylvania. The presentation addressed issues relevant primarily to landlord tenant cases. I have no notes, transcript, or recording. The address for the YWCA of Greater Pittsburgh is 305 Wood Street, Pittsburgh, Pennsylvania 15222.

June 2005: Speaker, *Motivating Tomorrow's Leaders Today*, 2005 Western Pennsylvania Leadership Seminar, Hugh O'Brian Youth Leadership, Pittsburgh, Pennsylvania. I congratulated student award winners generally, encouraging their continuing scholastic efforts. I have no notes, transcript, or recording. The address for the Hugh O'Brian Youth Leadership is 31255 Cedar Valley Drive, Suite 327, Westlake Village, California 91362.

December 2004: Panelist, *Civil Division Judges Potpourri*, Western Pennsylvania Trial Lawyers Association, Pittsburgh, Pennsylvania. I do not recall the substance of this presentation, but I suspect from its title that it was a general judicial roundtable format, and I would have shared my observations from the bench. I have no notes, transcript, or recording. The address for the Western Pennsylvania Trial Lawyers Association is 909 Mt. Royal Boulevard, Pittsburgh, Pennsylvania 15223.

January 2005: Speaker, *14th Annual Auto Law Update – Judicial Hints for Successful Trials*, Pennsylvania Bar Institute, Pittsburgh, Pennsylvania. The presentation addressed developments in auto law, and best practices tips from the bench. I have no notes, transcript, or recording. The address for the Pennsylvania Bar Institute is 5080 Ritter Road, Mechanicsburg, Pennsylvania 17055.

November 2004: Speaker, *Conciliations and Pre-Trial Procedures – A Judicial Perspective*, Pennsylvania Association for Justice, Pittsburgh, Pennsylvania. The presentation addressed pretrial practice and procedure in Allegheny County. I have no notes, transcript, or recording. The address for the Pennsylvania Association for Justice is 800 North Third Street, Suite 203, Harrisburg, Pennsylvania 17102.

July 2004: Presenter, *Asbestos Litigation – Top Ten Things to Know*, Pennsylvania State Trial Judges Conference, Hershey, Pennsylvania. The presentation was a detailed overview of the history of asbestos litigation nationally and substantive Pennsylvania case law impacting litigation locally. I have no notes, transcript, or recording. The Pennsylvania State Trial Judges Conference is overseen by the AOPC, with an address of AOPC Harrisburg, 601 Commonwealth Avenue, Suite 1500, Post Office Box 61260, Harrisburg, Pennsylvania 17106.

September 2002: Participant, Focus Group, Allegheny County Bureau of Drug and Alcohol Programs, Pittsburgh, Pennsylvania. I do not recall the details of this focus group but I suspect that it addressed the issues of substance abuse within the context of juvenile court cases. I have no notes, transcript, or recording. The Allegheny County Bureau of Drug and Alcohol is a sub-department of Allegheny County Department of Human Services, with an address at The Human Services Building, One Smithfield Street, Pittsburgh, Pennsylvania 15222.

November 2001: Panelist, *Forum with the Judges*, Parent Advocates CLE training seminar, Juvenile Court Project, Pittsburgh, Pennsylvania. The presentation addressed best practices for lawyers practicing in the family division, including juvenile court in Allegheny County. I have no notes, transcript, or recording. The address for the Juvenile Court Project is 400 Koppers Building, Suite 1100, 436 Seventh Avenue, Pittsburgh, Pennsylvania 15219.

May 2001: Presenter/Panelist, *The Power of a Court Appointed Special Advocate*, Dave Thomas Center for Adoption Law Third Annual Symposium – Improving Permanency Placement Solutions: Maximizing Communication and Cooperation, CASA of Allegheny County, Columbus, Ohio. I described the historical progress and current work of CASA in Allegheny County, which had just received a national award and recognition for excellency. I have no notes, transcript, or recording. The address for CASA of Allegheny County is 564 Forbes Avenue, Suite 902, Pittsburgh, Pennsylvania 15219.

April 2001: Presenter, *Dependency/Adoption Seminar*, Three Rivers Adoption Council and Child Watch, Pittsburgh, Pennsylvania. The presentation addressed best practices for practitioners in the adoption and juvenile dependency courts. I have no notes, transcript, or recording. The address for the Three Rivers Adoption Council is 307 Fourth Avenue #310, Pittsburgh, Pennsylvania 15222.

April 2001: Presenter, *The Abused Child: When to Suspect and How to Manage – Legal Issues in Child Abuse*, National Association of Pediatric Nurse Practitioners, Pittsburgh, Pennsylvania. The presentation addressed issues surrounding the investigation, defense, and prosecution concerns of attorneys and the court regarding clinical examinations of abused children. I have no notes, transcript, or recording. The address for the National Association of Nurse Practitioners is Five Hanover Square, Suite 1401, New York, New York 10004.

March 2001: Presenter/Panelist, *The Judge's Role*, Balanced and Restorative Justice Conference, Pennsylvania Juvenile Court Chief Probation Officers Commission, Philadelphia, Pennsylvania. The presentation addressed the reformative goals of the Balanced and Restorative Justice framework for juvenile court delinquency matters. I have no notes, transcript, or recording. The Pennsylvania Juvenile Court Chief Probation Officers Commission does not have a mailing address.

February 2001: Court Panelist, *Adoption for the Procedurally Challenged*, Matrimonial Inns of Court, Pittsburgh, Pennsylvania. The presentation addressed procedural requirements in adoption matters. I have no notes, transcript, or recording. The address for the Matrimonial Inns of Court is 225 Reinekers Lane, Suite 770, Alexandria, Virginia 22314.

November 2000: Panelist, *From Behind the Bench*, University of Pittsburgh Inns of Court, Pittsburgh, Pennsylvania. The panel discussed judicial insights to the practice of law in Allegheny County. I have no notes, transcript, or recording. The address for the University of Pittsburgh Inns of Court is Barco Law Building, 3900 Forbes Avenue, Pittsburgh, Pennsylvania 15260.

June 2000 – 2002: Panelist, *Sound-off with Judges*, Allegheny County Bench Bar Conference – Family Law Section, Allegheny County Bar Association, Champion, Pennsylvania. The presentation addressed various concerns raised by the practitioners of Allegheny County's family division. I have no notes, transcript, or recording. The address for the Allegheny County Bar Association is 436 Seventh Avenue, Pittsburgh, Pennsylvania 15219.

May 2000 – 2004: Speaker, *Back to School*, National Law Day, Pittsburgh, Pennsylvania. I spoke at various local grade schools and high schools, the identities of which I no longer recall (with the exception of Oliver High School and North Catholic High School) on topics including the challenges confronting families in juvenile court and the importance of education and healthy lifestyles. I have no notes, transcript, or recording. I believe the events were sponsored by the Allegheny County Bar Association. The address for the Allegheny County Bar Association is 436 Seventh Avenue, Pittsburgh, Pennsylvania 15219.

August 1998: Presenter, *The New Pennsylvania Rules of Evidence – Legal Relevance/Exclusionary Rules*, Pennsylvania Bar Institute, Pittsburgh, Pennsylvania. The presentation was on the newly-promulgated Pennsylvania Rules of Evidence. I have no notes, transcript, or recording. The address for the Pennsylvania Bar Institute is 5080 Ritter Road, Mechanicsburg, Pennsylvania 17055.

I delivered many speeches and participated in a few interviews related to my 2009 candidacy and (much shorter) 2011 and 2015 candidacies for the Pennsylvania Superior Court. I spoke to legal, civic, and trade groups, such as law firms, senior citizen centers and local labor councils, and at Democratic party events. I have limited recollection to establish date or place of any specific campaign speech, but I have reviewed my records and searched the Internet to compile the following list. For all of the below events, my remarks were limited to descriptions of my prior professional and judicial experience, and brief descriptions of my personal background, with one exception as noted. I have no notes, transcripts, or recordings for any of these events.

May 14, 2015: Speaker, Candidate Speech, Cambria County Annual Spring Kick-off Picnic, Johnstown, Pennsylvania. The Cambria County Democratic Committee does not appear to maintain a mailing address.

May 9, 2015: Speaker, Candidate Speech, Butler County Labor Council, Butler, Pennsylvania. The address of the Butler County Labor Council is Post Office Box 2148, Butler, Pennsylvania 16003.

May 9, 2015: Speaker, Candidate Meet & Greet, Allegheny County Fifth Ward Democratic Committee Meeting, Pittsburgh, Pennsylvania. The Allegheny County Fifth Ward Democratic Committee does not appear to maintain a physical address.

May 5, 2015: Speaker, Candidate Forum, Sherwood Oaks Residents Association, Cranberry, Pennsylvania. The address of the Sherwood Oaks Residents Association is 100 Norman Drive, Cranberry Township, Pennsylvania 16066.

May 2, 2015: Speaker, Candidate Speech, Beaver-Lawrence Central Labor Council, Alliquippa, Pennsylvania. The address of the Beaver-Lawrence Central Labor Council is 2912 Plank Road, New Castle, Pennsylvania 16105.

April 30, 2015: Speaker, Candidate Forum, Coalition of Black Trade Unionists, Pittsburgh, Pennsylvania. The address of the Coalition of Black Trade Unionists is 1155 Connecticut Avenue, Suite 500, Washington, DC 20036.

April 30, 2015: Speaker, Candidate Meet and Greet, Pennsylvania Democratic State Committee Black Caucus, Pittsburgh, Pennsylvania. The address of the Pennsylvania Democratic State Committee Black Caucus is 100 Fifth Avenue, Suite 514, Pittsburgh, Pennsylvania 15222.

April 25, 2015: Speaker, Spring Breakfast, Centre County Democratic Committee, Pennsylvania. The address of the Centre County Democratic Committee is 315 South Allen Street, Suite 116, State College, Pennsylvania 16801.

April 25, 2015: Speaker, Candidate Forum, Pennsylvania Federation of Democratic Women, New Cumberland, Pennsylvania. The Pennsylvania Federation of Democratic Women does not appear to maintain a mailing address.

April 23, 2015: Speaker, Candidate Speech, Clarion County Democratic Committee Annual Spring Banquet, Clarion Pennsylvania. The address of the Clarion County Democratic Committee is 77 South Seventh Avenue, Clarion, Pennsylvania 16214.

April 19, 2015: Speaker, Candidate Speech, 14th Ward Independent Democratic Club Endorsement Meeting, Pittsburgh Pennsylvania. The 14th Ward Independent Democratic Club does not appear to maintain a mailing address.

March 28, 2015: Speaker, Candidate Speech, Armstrong County Democratic Annual Breakfast, Ford Cliff, Pennsylvania. The address of the Armstrong County Democratic Committee is 307 North Pennsylvania Avenue, Apollo, Pennsylvania 15613.

March 14, 2015: Speaker, Candidate Speech, Greater Westmoreland County Labor Council, Greensburg, Pennsylvania. The address of the Greater Westmoreland County Labor Council is One Northgate Square, Greensburg, Pennsylvania 15601.

March 8, 2015: Speaker, Candidate Meet & Greet, Allegheny County Democratic Endorsement Meeting, Pittsburgh, Pennsylvania. The address of the Allegheny County Democratic Party is 429 Forbes Avenue, Suite 1301, Pittsburgh, Pennsylvania 15219.

March 6, 2015: Speaker, Candidate Speech, Allegheny County Labor Council, Pittsburgh Pennsylvania. The address of the Allegheny County Labor Council is 401 Wood Street, Pittsburgh, Pennsylvania 15222.

February 28, 2015: Speaker, Candidate Speech, Clarion County Democratic Committee Luncheon, Clarion Pennsylvania. The address of the Clarion County Democratic Committee is 77 South Seventh Avenue, Clarion, Pennsylvania 16214.

February 8, 2015: Speaker, Candidate Speech, South Central Democratic Caucus Meeting, Lebanon, Pennsylvania. The address of the South Central Democratic Caucus of Pennsylvania is c/o The Pennsylvania Democratic Party, 229 State Street, Harrisburg, Pennsylvania 17101.

August 21, 2009: Speaker, Candidate Candidate's Comedy Night Fundraiser, Allegheny County Department of Human Services, Pittsburgh, Pennsylvania. I told jokes as a candidate in support of the Allegheny County Children and Youth Services System. I have no notes, transcript or recording. The Allegheny County Department of Human Services address is One Smithfield Street, Pittsburgh, Pennsylvania 15222.

May 8, 2009: Speaker, Candidate Speech, Jefferson County Democratic Committee Spring Dinner, Reynoldsville, Pennsylvania. Press coverage is supplied. The Jefferson County Democratic Committee does not appear to maintain a mailing address.

May 2, 2009: Speaker, Candidate Speech, Bradford County Democratic Committee Dinner, Towanda, Pennsylvania. Press coverage is supplied. The Bradford County Democratic Committee does not appear to maintain a mailing address.

April 23, 2009: Speaker, Candidate Speech, Erie County Democratic Committee Jefferson-Jackson Dinner, Erie, Pennsylvania. The address of the Erie County Democratic Committee is 1305 State Street, Erie, Pennsylvania 16501.

April 16, 2009: Speaker, Candidate Speech, Somerset County Democratic Committee Dinner, Berlin, Pennsylvania. Press coverage is supplied. The address of the Somerset County Democratic Committee is 139 West Union Street, P.O. Box 11, Somerset, Pennsylvania 15501.

March 18, 2009: Speaker, Candidate Introductions, Cambria County Courthouse, Ebensburg, Pennsylvania. The address of the Cambria County Courthouse is 200 South Center Street, Ebensburg, Pennsylvania 1593.

January 30, 2009: Speaker, Candidate Speech, Pennsylvania Democratic Committee Women's Caucus, Harrisburg, Pennsylvania. The address for the Pennsylvania Democratic Committee Women's Caucus is c/o The Pennsylvania Democratic Party, 229 State Street, Harrisburg, Pennsylvania 17101.

- 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.

Janice Crompton, *Police Chief, District Attorney, Judge*, Pittsburgh Post-Gazette, September 13, 2018. Copy supplied.

Lexi Belculfine, *Philadelphia Judge Beats Colville for Superior Court Nomination*, Pittsburgh Post-Gazette, May 20, 2015. Copy supplied.

*Your Guide to the 2015 Primary*, Patriot News (Harrisburg, Pennsylvania), May 14, 2015. Copy supplied.

*League of Women Voters Guide to Primary Election – May 19, 2015*, New Pittsburgh Courier, May 13-19, 2015. Copy supplied.

Peter Jackson, *Pennsylvania Supreme Court Race Overshadows Competition for Two Lower Courts*, Associated Press, May 11, 2015. Copy supplied.

Interview, *PCN TV*, April 29, 2015. In relation to my 2015 Superior Court candidacy, I gave an interview addressing my personal and judicial background and qualifications. I was unable to obtain a copy of this interview.

*Superior Court: Colville Is the Democrats' More Experienced Choice*, Pittsburgh Post-Gazette, April 27, 2015. Copy supplied.

Chris Potter, *Pennsylvania Superior Court Candidates Chasing Seat Formerly*

*Held by a Parent*, Pittsburgh Post-Gazette, April 26, 2015. Copy supplied.

March 17, 2015: Press conference and press release wherein I pledged to neither solicit nor accept campaign donations for my 2015 Superior Court campaign. Media statement, press release, and representative press coverage are supplied.

Charles Thompson, *Wecht, Dougherty Win Nod*, Patriot News, February 22, 2015. Copy supplied.

*Northeast PA Voters' Guide*, Times-Shamrock Communications, 2015. Available at:  
<https://web.archive.org/web/20151031234345/http://c3.thevoterguide.org/v/tsn15/build.do>.

Adam Brandolph, *Online Docket Is Open Concern*, Pittsburgh Tribune-Review, December 26, 2014. Copy supplied.

Bob Bauder, *Police, City Battle over Residency Law*, Pittsburgh Tribune-Review, June 30, 2014. Copy supplied.

Mike Wereschagin, *Democrats Back Wecht for Superior Court*, Pittsburgh Tribune-Review, February 6, 2011. Copy supplied.

PoliticsPA, *Colville Concedes*, February 5, 2011. Video is available at <https://www.youtube.com/watch?v=65I4BOgzT4Y>.

John L. Micek, *Diminished Democrats Meet in Hershey*, The Morning Call, February 5, 2011. Copy supplied.

PAProgressive, *Judge Robert C. [sic] Colville Interview*, February 4, 2011. Video is available at <https://www.youtube.com/watch?v=LC4m0UHW6J0>.

Leo Strupczewski, *As Judicial Races Take Shape, Few Women Candidates*, Legal Intelligencer, February 1, 2011. Copy supplied (reprinted in multiple outlets).

Drew Hardman, *ACBA Brings Law to Local Schools with "Lawyers and Judges in the Classroom"*, Lawyers Journal, May 21, 2010. Copy supplied.

Paula Reed Ward, *Recount Set for Superior Court Race*, Pittsburgh Post-Gazette, November 14, 2009. Copy supplied.

Paula Reed Ward, *Statewide Recount for Superior Court Seat Still Possible*, Pittsburgh Post-Gazette, November 11, 2009. Copy supplied.

Peter Jackson, *Pennsylvania Court Candidate Mulls Costly Election Recount*, Associated Press, November 11, 2009. Copy supplied (reprinted in multiple

outlets).

Paula Reed Ward, *Recount Could Be Needed in Superior Court Race: Candidates for Fourth Seat Split by Just 0.2 Percent*, Pittsburgh Post-Gazette, November 5, 2009. Copy supplied.

Peter Jackson, *Tight Pennsylvania Superior Court Race May Spawn Recount*, Associated Press, November 4, 2009. Copy supplied (reprinted in multiple outlets).

*Nonpartisan Voters Guide*, League of Women Voters of Pennsylvania – Citizen Education Fund, November 3, 2009. Copy supplied.

*Full Biography for Robert J. Colville, Candidate for Judge; Pennsylvania Superior Court*, Smart Voter Guide (SmartVoter.org), October 30, 2009. Copy supplied.

*Judge of the Superior Court*, New Pittsburgh Courier, October 28, 2009 – November 3, 2009. Copy supplied.

Interview, *PCN TV*, originally aired October 28, 2009. In relation to my 2009 Superior Court candidacy, I gave an interview addressing my personal and judicial background and qualifications. I was unable to obtain a copy of this interview.

*Pennsylvania Superior Court*, Patriot News (Harrisburg, Pennsylvania), October 23, 2009. Copy supplied.

*You Decide; Election 2009*, The Morning Call, October 21, 2009. Copy supplied.

*Superior Court Hopefuls Address Questions Posed by The Legal*, Legal Intelligencer, October 12, 2009. Copy supplied.

PAProgressive, *Judge Robert Colville*, August 29, 2009. Video is available at <https://www.youtube.com/watch?v=G1CVmvU2SHg#t=51>.

*Candidates for Justice and Judge*, Centre Daily Times, May 9, 2009. Copy supplied.

Amaris Elliott-Engel, *Six Democrats Stump for Superior Court; Party-backed and Independent Candidates Vie for Nominations to Run for Three Seats*, Pennsylvania Law Weekly, April 20, 2009. Copy supplied.

Amaris Elliott-Engel, *Appellate Endorsements Roll In*, Pennsylvania Law Weekly, February 9, 2009. Copy supplied (reprinted in multiple outlets).

*Robert J. Colville* (Questionnaire), Philly.com, date unknown. Copy supplied.

*Asbestos Case Management*, in *2006 Annual Report*, Allegheny County Court of Common Pleas, 2006. Copy supplied.

Barbara White Stack, *A Little Lie Tears a Girl from Her Dad*, Pittsburgh Post-Gazette, December 22, 2002. Copy supplied.

Gretchen McKay, *Districts Allowed to Recover Cost of Bomb Threats*, Pittsburgh Post-Gazette, June 17, 2001. Copy supplied.

W. Thomas McGough, Jr., *Report: County Cohort, Courts, and Torts*, Lawyers Journal, December 3, 1999. Copy supplied.

Jan Ackerman, *Democratic Candidates Dominate*, Pittsburgh Post-Gazette, November 3, 1999. Copy supplied.

Jan Ackerman, *Bar Association Calls Colville Signs Misleading*, Pittsburgh Post-Gazette, October 30, 1999. Copy supplied.

*Statewide: Judicial Retentions (Questionnaire)*, Pittsburgh Post-Gazette, October 26, 1999. Copy supplied.

Jan Ackerman, *Ten Vying for Six County Judgeships; Bar Association Gives Highest Rating to Six*, Pittsburgh Post-Gazette, October 3, 1999. Copy supplied.

Jan Ackerman, *The Longest Wait: Hopefuls Paced Into the Wee Hours for Results*, Pittsburgh Post-Gazette, May 20, 1999. Copy supplied.

*Judicial Races: Statewide*, Pittsburgh Post-Gazette, May 11, 1999. Copy supplied.

Ann Belser, *81 Said to Eye Six County Judgeships*, Pittsburgh Post-Gazette, December 14, 1998. Copy supplied.

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

I was elected to a ten-year term on the Court of Common Pleas, Fifth Judicial District (Allegheny County) in November 1999, and sworn into office in January 2000. I was retained for a second ten-year term in 2009. The Court of Common Pleas is a court of general jurisdiction. I have served by assignment of the Pennsylvania Supreme Court in three divisions: Juvenile, Adult Family, and Civil.

In August 2012, I was appointed by unanimous order of the Pennsylvania Supreme Court to the Court of Judicial Discipline of Pennsylvania. The Court of Judicial Discipline is a

constitutionally mandated, independent, state-wide court responsible for trying jurists charged by the Pennsylvania State Judicial Conduct Board with violations of the Canons of Judicial Conduct. My tenure on the Court of Judicial Discipline expired in August 2016.

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

In January of 2017, I was designated supervisor of the Complex and Commercial Litigation Center of the Civil Division of Allegheny County. In that capacity, I oversee and manage, at any one time, approximately 80-120 active, large, and complex cases that are either explicitly commercial in nature or otherwise “will likely require the involvement of more than one judge and the expenditure of a substantial amount of judicial resources, and will benefit significantly from case management,” including specifically all class action suits filed in the County. In January of 2017, I was designated Special Motions Judge. In that capacity, I decide all discovery, and a variety of other specially designated, motions filed in Allegheny County.

I believe that I have presided over 400 civil trials to final verdict, not including the hundreds, perhaps thousands, of civil case dispositive motions, and thousands of juvenile and family judgments.

- i. Of these, [civil verdicts] approximately what percent were:

jury trials:	30%
bench trials:	70%
civil proceedings:	100%
criminal proceedings:	0%

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

See attached.

- 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).

- 1. Cunning v. Ellwood City Hospital, No. GD12-020914, Allegheny County, May 14, 2015 (trial date), case settled, no opinion issued.

This case involved medical malpractice claims against multiple physicians, physician groups, and hospitals alleging that defendants’ failed to diagnose

plaintiff's punctured bowel over several days. Plaintiff became septic and died. The trial court managed pre-trial, conciliation, and motions in limine. A trial was scheduled for May 14, 2015. Following opening statements, an amicable settlement was reached.

Counsel for plaintiff:

Deborah S. Maliver  
Biancheria & Maliver PC  
401 Wood Street, Suite 1600  
Pittsburgh, PA 15222  
412-394-1001

Counsel for defendants:

Terry C. Cavanaugh (for defendants Ellwood City Hospital and Outreach Care Group)  
Marshall Dennehey  
U.S. Steel Tower, Suite 2900  
600 Grant Street  
Pittsburgh, PA 15219  
412-803-3477

Francis J. Klemensic (for defendant Brighton Radiology)  
Knox McLaughlin Gornall & Sennett, PC  
120 West Tenth Street  
Erie, PA 16501  
814-459-2800

Paul K. Vey (for defendant Avetta)  
Pietragallo Gordon Alfano Bosick & Raspanti, LLP  
One Oxford Centre, 38th Floor  
Pittsburgh, PA 15219  
412-263-2000

Paula A. Koczan (for defendant Malloy)  
Weber Gallagher Simpson Stapleton Fires & Newby, LLP  
Two Gateway Center, Suite 1450  
Pittsburgh, PA 15222  
412-281-4541

John A. Bass (for defendant Rosenbloom)  
Grogan Graffam, PC  
Four Gateway Center, 12th Floor  
Pittsburgh, PA 15222  
412-553-6371

Richard J. Federowicz (for defendants UPMC Mercy Hospital, Rao, Carlin, Muigai)  
Dickie McCamey & Chilcote, PC  
Two PPG Place, Suite 400  
Pittsburgh, PA 15222  
412-281-7272

2. Kander v. Agha, UPMC, No. GD 13-007761, Allegheny County, April 9, 2015 (jury verdict), no appeal taken, no opinion issued.

This case involved medical malpractice claims based upon allegations of the defendant physician's failure to adequately screen for liver cancer in light of prior radiological findings. Plaintiff developed cancer and died. Following trial, the jury returned a verdict for plaintiff in April 2015 in the amount of \$5,700,000. No appeal was taken.

Counsel for plaintiff:

Harry S. Cohen  
Harry S. Cohen & Associates  
Two Chatham Center, Suite 985  
112 Washington Place  
Pittsburgh, PA 15219  
412-281-3000

Counsel for defendant:

George P. Kachulis  
Dickie McCamey & Chilcote, PC  
Two PPG Place, Suite 400  
Pittsburgh, PA 15222  
412-392-5267

3. Cole v. Celko, M.D., No. GD 10-002966, Allegheny County, January 22, 2014 (jury verdict); no appeal taken, no opinion issued.

This case involved medical malpractice allegations related to the defendant's alleged failure to monitor the plaintiff's respiratory condition following a bronchoscopy. Plaintiff asserted that the failure to utilize a pulse oximeter on plaintiff's finger during recovery would have substantially increased the likelihood of plaintiff's survival. The jury rendered a verdict on January 22, 2014, for plaintiff in the amount of \$800,000. No appeal was taken.

Counsel for plaintiff:

John D. Perkosky  
Ogg Murphy & Perkosky, PC  
Riverview Place, Suite 400  
245 Fort Pitt Boulevard  
Pittsburgh, PA 15222  
412-471-8500

Counsel for defendant:

Daniel P. Carroll  
Davies McFarland & Carroll, LLC  
One Gateway Center, Tenth Floor  
Pittsburgh, PA 15222  
412-281-0737

4. Yenchi v. Ameriprise Financial, Inc., No. GD 01-006610, Allegheny County, January 21, 2014 (jury verdict), February 14, 2014 trial court memorandum opinion; June 12, 2014 trial court memorandum opinion. Appeal pending, no appellate court opinion to date. Decisions supplied.

This case involved allegations of fraudulent misrepresentation respecting the sale of life insurance policies to the plaintiffs, an elderly couple, who claimed to have been verbally assured of investment returns on their policy that were not guaranteed in the written terms and conditions of the policy. On January 21, 2014, the jury returned a verdict for defendant. An appeal is currently pending principally challenging the pretrial legal rulings of a colleague who limited the nature of the plaintiff's claims.

Counsel for plaintiff:

Kenneth R. Behrend  
Behrend & Ernsberger, PC  
355 Fifth Avenue, 12th Floor  
Pittsburgh, PA 15222  
412-391-2515

Counsel for defendant:

Kathy Condo  
Babst, Calland, Clements, Zomnir  
Two Gateway Center  
Pittsburgh, PA 15222  
412-288-3038

5. Allegheny Valley Railroad Co. v. The Urban Redevelopment Authority, No. GD 12 -017807, 2013 WL 9627917 (C.P. Allegheny April 24, 2013); 2013 WL

9602309 (C.P. Allegheny September 16, 2013), aff'd, 1111 C.D. 2013, June 27, 2014. Appellate decision supplied.

This case involved a request for an emergency preliminary injunction to stop the respondent, the Urban Redevelopment Authority, from selling its interest in a putatively historic produce house terminal to a private developer to allow for the likely partial destruction of the terminal, and development of a residential apartment complex. Petitioner, the Allegheny Valley Railroad Company, asserted that its predecessor's decades-old sale of the terminal to the Authority required the Authority to perpetually use best efforts to maintain the facility as a rail-oriented produce facility. Petitioner, however, had long ago ceased operating rail service to the facility and the local produce industry had lagged dramatically. In the court's judgment, these changed circumstances negated the need to undertake any further best efforts to support the facility as a rail-oriented produce facility.

Counsel for petitioner:

Jonathan M. Kamin  
Goldberg Kamin & Garvin  
Frick Building, Suite 1806  
437 Grant Street  
Pittsburgh, PA 15219  
412-281-1119

Counsel for respondent:

James G. McLean  
Buchanan Ingersoll & Rooney PC  
One Oxford Centre, 20th Floor  
301 Grant Street  
Pittsburgh, PA 15219  
412-562-8833

6. Babcock & Wilcox, ARCO v American Nuclear Insurers, Nod. GD 99-011498 & GD 99-016227, Allegheny County, September 19, 2011 (jury verdict).

This case involved an alleged breach of contract on a nuclear risks insurance policy that provided coverage for claims asserted in relation to the Apollo/Parks community radiation contamination. The plaintiff/insured settled the contamination claims decades ago without the defendant/insurer's consent. A trial was held to determine whether settlement amount was reasonable. On September 19, 2011, the jury determined that \$80 million dollars plus interest was a fair and reasonable settlement value. Appeals were taken from pretrial rulings of another jurist (see Opinion at 2012 WL 11943702), resulting in a reversal before the Superior Court at 76 A.3d 1 and a re-reversal of the Superior Court decision (affirming the pretrial rulings) by the Supreme Court at 2015 WL 4430352.

Counsel for plaintiff:

Neal R. Brendel  
K&L Gates, LLP  
K&L Gates Center  
210 Sixth Avenue  
Pittsburgh, PA 15222  
412-355-6550

Counsel for defendant:

Jon C. Hogue (for defendant American Nuclear Insurers and Mutual Atomic  
Energy Liability Underwriters)  
Murray, Hogue & Lannis  
Gulf Tower, Suite 3400  
707 Grant Street  
Pittsburgh, PA 15219  
412-263-5228

James A. Dattilo (for defendant Atlantic Richfield)  
Dattilo & Associates, PC  
100 Ross Street, Suite 103  
Pittsburgh, PA 15219  
412-391-6300

Cindy Dunlap Hinkle  
Buchanan Ingersoll & Rooney PC  
One Oxford Centre, 20th Floor  
301 Grant Street  
Pittsburgh, PA 15219  
412-392-1682

Edwin L. Klett (deceased)

7. Scampone v. Grane Healthcare Co., No. GD 05-024806, Allegheny County, June 5, 2007 (original jury verdict); February 8, 2008 (trial court opinion), rev'd, 11 A.3d 967 (Pa. Super. Ct. 2010); aff'd on other grounds, 57 A.3d 582 (Pa. 2012), remanded to unpublished opinion, April 9, 2015. Appeal pending, no appellate court opinion to date. Trial court decisions supplied.

This ongoing case involves a wrongful death claim by the family of a nursing home resident who alleged that, due to inadequate staffing by the nursing home and improper management by the nursing home's parent corporation, plaintiff's decedent became dehydrated and ultimately died. The trial court denied plaintiff's punitive damages claim against the nursing home and dismissed the

direct liability (corporate negligence) claim against the parent corporation.

The jury awarded a compensatory damages verdict for plaintiff. The award was appealed by all parties. The superior court reversed the trial court's decisions denying a punitive damages claim and a direct liability/corporate negligence claim as to the parent corporation. The Pennsylvania Supreme Court affirmed the reversal as to the direct liability of the parent corporation on other grounds, directing that the trial court make a specific finding as to the duty of the parent corporation. On remand, the trial court found no duty. A punitive damages retrial resulted in a verdict for the defense. The trial court's finding of no duty and the defense punitive damage verdict are the subject of a pending appeal.

Counsel for plaintiff:

Peter D. Giglione  
The Massa Law Group  
420 Fort Duquesne Boulevard  
One Gateway Center, Suite 700  
Pittsburgh, PA 15222  
412-338-1800

Counsel for defendant:

John A. Bass  
Grogan Graffam, PC  
Four Gateway Center, Suite 1200  
444 Liberty Avenue  
Pittsburgh, PA 15222  
412-553-6371

8. ISR Solutions Inc. v. Vern's Electric, Inc., No. GD 03-014488, Allegheny County, January 22, 2007 (jury verdict); 2007 WL 5479453 (C.P. Allegheny August 16, 2007), rev'd in part (Super. Ct. May 15, 2008), appeal denied, 600 Pa. 763 (Mar. 17, 2009). Unpublished appellate decision supplied.

This case involved a subcontractor's failure to compensate for work performed in a breach of contract dispute and unworkmanlike construction cross claim. After a jury trial, the jury awarded \$79,154 in damages to the plaintiff, zero damages to the defendant, and awarded attorney's fees to the defendant pursuant to the contract's indemnification clause. The jury verdict for plaintiff and for defendant on its cross claim was molded by the trial court in favor of plaintiff for \$103,000. Both parties appealed, asserting evidentiary errors and improper verdict calculations in light of the jury findings. The superior court reversed the award of attorney's fees and remanded with instructions to determine whether the judgment should be molded to include an award of further damages to plaintiff under state statute. The parties settled the case on remand.

Counsel for plaintiff:

Alan W. Torrance, Jr.  
Dickie, McCamey & Chilcote, PC  
Two PPG Place, Suite 400  
Pittsburgh PA 15222  
412-392-5326

Counsel for defendant:

Joseph Decker  
Babst Calland Clements and Zomnir PC (formerly at Gefsky and Lehman P.C.)  
Two Gateway Center, Sixth Floor  
603 Stanwix Street  
Pittsburgh, PA 15222  
412-394-5400

9. Vogelsberger, v. Owens-Illinois, Inc. (In re: Toxic Substance Cases), No. A.D. 03-000319, 2006 Pa. Dist. & Cnty. Dec. LEXIS 581 (C.P. Allegheny August 17, 2006), rev'd sub nom., Betz v. Pneumo Abex, 998 A.2d 962 (Pa. Super. 2010), rev'd, 44 A.3d 27 (Pa. 2012).

This case involved a complex multi-day Frye (Pennsylvania state court “Daubert”) hearing. Plaintiff’s experts offered the opinion that “each and every” fiber of asbestos played a legally causal role in plaintiff’s development of asbestos related diseases. The trial court held that the plaintiff’s experts’ methodology was not generally accepted in the relevant scientific fields and precluded the proffered testimony. The trial court was originally reversed by the superior court. The Pennsylvania Supreme Court re-reversed, favorably referencing trial court’s analysis. This case represents an example of my work supervising all of the asbestos litigation in Allegheny County (the Greater Pittsburgh metropolitan area) from 2003 to 2014. I created and managed the case management system that governed all cases and conducted all of the day-to-day pre-trial litigation management necessary to guide hundreds of cases, and thousands of claims, toward trial.

Counsel for plaintiffs:

John Kane  
Janice Savinis  
Savinis, D’Amico & Kane  
Gulf Tower, Suite 3626  
707 Grant Street  
Pittsburgh, PA 15219  
412-227-6556

Edwin H. Beachler  
Caroselli, Beachler, McTiernan & Conboy  
PNC Center, Seventh Floor  
20 Stanwix Street  
Pittsburgh, PA 15222  
412-391-9860

Jason Luckasevic  
Goldberg, Persky & White  
1030 Fifth Avenue, Third Floor  
Pittsburgh, PA 15219  
412-471-3980

Lead counsel for defendants:

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10. Ivanac/Tolmer v. Delligatti, No. GD 02-2141, May 18, 2004 (verdict), no appeal taken; no opinion issued.

This case involved a claim of negligent provision of security in a leased residential apartment. Plaintiff asserted that the landlord defendant failed to protect against the landlord's handyman/caretaker's placement of hidden surveillance cameras in apartment bathroom and bedroom vents, resulting in egregious privacy invasion of young female tenants. In May 2004, a \$675,000 jury verdict was rendered for the plaintiffs.

Counsel for plaintiff:

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Counsel for defendants:

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- d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.

1. Martel v. Allegheny County, GD17-010704, Allegheny County, filed March 29, 2018. Appeal pending.

Counsel for plaintiff:

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412-350-1120

Ira Weiss (defendant Pittsburgh Public Schools)  
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412-391-9890

David Montgomery (defendant Allegheny County Board of Property Assessment Appeals and Review)  
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542 Forbes Avenue  
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412-394-7763

2. City of Pittsburgh v. Fraternal Order of Police, No. SA 14-000290, 2014 Pa. Dist. & Cnty. Dec. LEXIS 80 (C.P. Allegheny July 17, 2014).

Counsel for petitioner:

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Counsel for respondent:

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Pittsburgh, PA 15219  
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3. Whiteman v. 84 Lumber Company, No. GD 12-020809, 2013 Pa. Dist. & Cnty. Dec. LEXIS 249 (C.P. Allegheny November 6, 2013).

Counsel for plaintiff:

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4. In re: Nocella, No. 7 JD 2012, 79 A.3d 766 (Ct. of Judicial Discipline June 26, 2013).

Affirmed by Order of the Supreme Court, at No. 35 EAP 2013, October 30, 2014.

Counsel for Judicial Conduct Board:

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Counsel for respondent:

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Solo Practitioner

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610-696-4243

5. St. Nicholas Parish v. Pittsburgh, No. SA12-000040, 2012 Pa. Dist. & Cnty. Dec. LEXIS 343 (C.P. Allegheny July 19, 2012).

Counsel for petitioner:

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6. Marlette v. State Farm Mut. Auto. Ins. Co., GD06-015333, Allegheny County, filed July 6, 2009. Decision supplied.

Originally reversed in part by the superior court, 10 A.3d 347 (Pa. Super. Ct. 2010), but the Pennsylvania Supreme Court reversed the superior court and reinstated the trial court verdict, 57 A.3d 1224 (Pa. 2012).

Counsel for plaintiff:

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7. Vogelsberger, v. Owens-Illinois, Inc. (In re: Toxic Substance Cases), No. A.D. 03-000319, 2006 Pa. Dist. & Cnty. Dec. LEXIS 581 (C.P. Allegheny August 17, 2006).

Originally reversed by superior court, 998 A.2d 962 (Pa. Super. Ct. 2010), but the Pennsylvania Supreme Court reversed the superior court and the trial court decision was affirmed, 44 A.3d 27 (Pa. 2012).

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8. Cook v. Allegheny Housing Rehabilitation Corp., 74 Pa. D&C 4th 144, 2005 WL 3737114 (C.P. Allegheny September 23, 2005).

Counsel for plaintiff:

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9. West Pittsburgh Partnership v. McNeilly, No. GD03-016443, 2003 Pa. Dist. & Cnty. Dec. LEXIS 235 (C.P. Allegheny October 28, 2003), aff'd, 840 A.2d 498 (Comm. Ct. 2004).

Counsel for plaintiff:

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10. In Re: J.T., J.D. NO: 203-00, Allegheny County, filed March 27, 2000  
(History No. 64057-A). Decision supplied.

Appeal quashed at No. 699 WDA 2000.

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Counsel for defendant:

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Pittsburgh, PA 15219  
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- e. Provide a list of all cases in which certiorari was requested or granted.

I do not believe certiorari in the United States Supreme Court has ever been sought in any of my cases.

- 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.

Yenchi v. Ameriprise Express Financial Corp., GD 01-006610, Allegheny County, filed June 12, 2014. Another judge at the trial court level dismissed plaintiff's claims for bad faith, negligent supervision, and breach of fiduciary duty on a motion for summary judgment. Based upon the dismissal of the breach of fiduciary duty claim, this court granted the defendants' motion in limine, which excluded evidence of the suitability of the insurance policy that plaintiffs purchased. On appeal, the Superior Court reversed the dismissal of the breach of

fiduciary claim and the exclusion of the suitability evidence. The Superior Court held that the suitability evidence was also relevant to plaintiffs' fraudulent misrepresentation and unfair trade practices and consumer protection law claims. Defendants appealed to the Supreme Court, which reversed the Superior Court's decision on the breach of fiduciary duty claim, but upheld the remainder of the Superior Court's opinion. Reversed and remanded on appeal at 123 A.3d 1071, 1080-83 (Pa. Super. 2015). Reversed in part at 161 A.3d 811, 823 (Pa. 2017).

Scampone v. Grane Healthcare Co., GD-05-024806, Allegheny County, filed April 9, 2015; August 10, 2015; October 7, 2015; and October 20, 2015. Following remand by the Supreme Court, the trial court conducted argument regarding defendant Grane's Motion for Compulsory Nonsuit with respect to plaintiff's direct corporate liability and vicarious liability claims against Grane. This court entered compulsory nonsuit in favor of Grane with respect to direct corporate negligence on the basis that Grane did not owe a non-delegable duty to the decedent. The court further reentered compulsory nonsuit in favor of Grane with regard to plaintiff's vicarious liability claim, holding that the record did not support the conclusion that Grane's conduct caused the decedent's injuries. This court also conducted a jury trial with respect to plaintiff's claim for punitive damages against defendant Highland, which resulted in a verdict for Highland. The court denied plaintiff's post-trial motion with respect to this claim. The Superior Court held that Grane did owe a duty to the decedent, and further held that plaintiff had introduced sufficient evidence of a causal connection between the decedent's death and the actions of Grane. The Superior Court remanded the case to the trial court to conduct a trial with respect to compensatory damages on plaintiff's claim for vicarious liability against Grane. The Superior Court further remanded to the trial court to conduct a trial on punitive damages for both Grane and Highland, holding that plaintiff submitted sufficient evidence such that a trial was appropriate as to Grane, and that the trial court's evidentiary rulings during the original trial warranted a new trial on this issue as to Highland. The Superior Court affirmed this court's denial of plaintiff's motion for sanctions seeking to strike Highland's affirmative defenses, but remanded for the trial court to determine what lesser sanction is appropriate for Highmark's conduct. The Superior Court further affirmed this Court's denial of plaintiff's motion for recusal, and also affirmed this court's order staying plaintiff's ability to execute on a judgment entered by the court following the original trial. Reversed and remanded on appeal at Scampone v. Grane Healthcare Co., 169 A.3d 600 (Pa. Super. 2017), reargument denied (Oct. 11, 2017), appeal denied, 188 A.3d 387 (Pa. 2018), and appeal denied, 188 A.3d 388 (Pa. 2018).

POPS PCE TT, LP v. R&R Restaurant Group, LLC, GD-15-011052, Allegheny County, filed April 11, 2016. A defendant tenant appealed this court's November 13, 2015 order denying defendant's petition to open judgment entered by confession. The court held, *inter alia*, that the doctrines of *res judicata* and collateral estoppel barred defendant tenant from asserting defenses before this court that were, or should have been, raised before the magistrate judge who

presided over plaintiff landlord's possession action. The Superior Court of Pennsylvania held that, because plaintiff landlord's complaint before the magistrate sought only possession, these doctrines should not have been held to preclude defendant tenant from asserting meritorious defenses in its petition to open confessed judgment with respect to monetary damages before this court, and remanded the case to this court to consider defendant tenant's asserted meritorious defenses. The Superior Court also held that this court erred in finding that defendant tenant had admitted facts in plaintiff landlord's answer and new matter by failing to timely file a response thereto, and deemed the defendant tenant's reply to new matter timely filed. Following briefing and oral argument upon remand, this court ultimately issued a Memorandum and Order of Court on April 6, 2018 denying defendant tenant's motion on the basis that defendant tenant failed to set forth a meritorious defense that warranted opening the judgment. Both the April 11, 2016 and April 6, 2018 opinions are attached hereto. Vacated and remanded on appeal at No. 1944 WDA 2015, 2016 WL 6820524 (Pa. Super. Nov. 18, 2016).

Mazur v. Cuthbert, AR-17-000057, Allegheny County, filed May 11, 2017. The court sustained the defendant's preliminary objections to plaintiff's amended complaint and dismissed plaintiff's complaint with prejudice on the basis that plaintiff's claim for defamation was barred by sovereign immunity, citing Yakowicz v. McDermott, 548 A.2d 1330, 1333 (Pa. Cmwlth. 1988), appeal denied, 565 A.2d 1168 (Pa. 1989). Plaintiff appealed to the Commonwealth Court of Pennsylvania, arguing that defendant's alleged behavior fell outside the scope of her employment, and that defendant was thus not protected by sovereign immunity. The Commonwealth Court affirmed in part and reversed in part, distinguished Yakowicz, and held that defendant would not be entitled to sovereign immunity if plaintiff could establish that defendant knowingly made false statements to third parties in the course of conducting an investigation for her employer. Defendant's employer has a policy against making false statements, and the Commonwealth Court concluded that defendant would take herself out of the scope of her employment if she directly violated this policy.

Affirmed in part and reversed in part on appeal at 186 A.3d 490 (Pa. Commw. Ct. 2018), reargument denied (June 11, 2018); Defendant seeking allowance for appeal to Supreme Court of Pennsylvania at 272 WAL 2018.

Sommers v. UPMC, GD 12-012901, Allegheny County, filed May 12, 2017. The court partially decertified the class as to nurses who had not received retroactive payments from UPMC on the grounds that these nurses lacked commonality and that individual issues would predominate over common issues. Plaintiffs appealed, and the Superior Court held that the court should not have revisited the issue of certification because there were no new evidentiary developments, and that there was no need to distinguish the nurses who were not retroactively paid. Reversed and remanded on appeal at 2018 Pa. Super. 108 (Pa. Super. 2018).

Rupert v. King, GD 12-007664, Allegheny County, filed August 15, 2017. The court granted defendant's motion for summary judgment based upon *Muhammad v. Strassburger, McKenna, Messer, Shilobod & Gutnick*, 587 A.2d 1346 (Pa. 1991), which held that plaintiffs are barred from pursuing legal malpractice suits following settlement absent an allegation of fraud. On appeal, the Superior Court found that the amended fee agreement, the basis for plaintiff's malpractice claim, was not a part of the settlement negotiations, and concluded that *Muhammad* did not apply. Reversed and remanded on appeal at 2018 WL 2474081.

Preferred Contractors Insurance Co., RRG, LLC, v. Sherman, GD 12-020228, Allegheny County, filed August 16, 2017. The court denied the plaintiff's motion for summary judgment, which asserted that Sherman was not entitled to coverage on the grounds that the insurance policy had not been delivered to Sherman and that Sherman had not made any misrepresentations in his application. The court also granted Sherman's motion for summary judgment on the grounds that plaintiff breached its duty to indemnify Sherman in the underlying suit. Finally, the court granted the Brown Agency's motion for summary judgment as to plaintiff's negligence claim on the grounds that the Brown Agency owed no legal duty to plaintiff. On appeal, the Superior Court affirmed the court's grant of the Brown Agency's motion for summary judgment and upheld the trial court's determination that the policy was not effectively "delivered." The Superior Court vacated the court's denial of plaintiff's motion for summary judgment as to coverage concluding that there were genuine issues of material fact as to whether Sherman had made material misrepresentations on his application and as to whether plaintiff's failure to deliver the policy precluded them from excluding coverage. The Superior Court also vacated the court's denial of plaintiff's motion for summary judgment as to breach of duty because plaintiff defended Sherman in the underlying case, and plaintiff was allowed under Montana law to file a declaratory judgment action as to policy exclusions. Affirmed in part and vacated in part on appeal at 2018 Pa. Super. 215 (Pa. Super. 2018).

Hargrove v. Koppers, Inc., GD-05-015942, Allegheny County, filed September 25, 2017. The court granted summary judgment in favor of defendants in seven of fourteen latent disease cases on the basis that either there existed record evidence of a plaintiff's actual, subjective awareness of the possibility, if not likely probability, that plaintiff's occupational exposure contributed to his disease, or that there existed evidence that a plaintiff had information available to him from which he reasonably should have suspected that occupational exposure was a contributing factor in the cause of his disease. The Superior Court *sua sponte* considered the issue, which was not raised before this court or the Superior Court, of whether this court had subject matter jurisdiction over this particular case because plaintiff Clyde Hargrove died prior to the entry of this court's Order (a fact not known to this Court), and nothing in the record indicated that: 1) Hargrove's attorney of record filed a notice of Hargrove's death; 2) any qualified

party filed for letters of administration/testamentary; and/or 3) a personal representative was substituted in Hargrove's place. The Superior Court held that this Court lacked subject matter jurisdiction to enter its order granting summary judgment, vacated this court's order granting summary judgment, and remanded so that this Court could make a determination as to whether this action should be dismissed for want of jurisdiction, or whether a reasonable explanation exists for the failure to: 1) file a notice of death, 2) take out letters of administration, or 3) substitute a personal representative. Vacated and remanded on appeal at 1583 WDA 2017 (a copy of this Opinion is attached hereto).

Weiss v. Rehabilitation and Pain Specialists, No. GD 10-024404, 2013 WL 5976053 (C.P. Allegheny March 19, 2013). Plaintiff appealed from a jury verdict in favor of the defendant physician in this medical malpractice, lack-of-informed-consent case. Plaintiff asserted that the trial court errantly sustained the objection to plaintiff's expert's proffered testimony regarding what a reasonable patient would want to know about the risks and alternatives. The Superior Court agreed, and reversed the trial court in an unpublished opinion. *See* 87 A.3d 382 (Pa. Super. Ct., Sept. 13, 2013).

Keystone Dedicated Logistics v. JGB Enterprises, No. GD08-021389, Allegheny County, filed May 18, 2012. In this breach of contract case, I entered judgment awarding \$70,000 in damages to the plaintiff after a jury trial. Defendant appealed on multiple grounds. The appellate court upheld that sufficient evidence supported the verdict for the plaintiff, but found that the damages award was based upon invoices admitted without proper authentication at trial. The court therefore vacated the judgment and remanded for a new trial. 77 A.3d 1 (Pa. Super. Ct. 2013).

Babcock & Wilcox, ARCO v American Nuclear Insurers, No. GD 99-011498 & GD 99-016227, Allegheny County, September 19, 2011 (jury verdict). This case involved an alleged breach of contract on a nuclear risks insurance policy that provided coverage for claims asserted in relation to the Apollo/Parks community radiation contamination. The plaintiff/insured settled the contamination claims decades ago without the defendant/insurer's consent. I presided over a trial held to determine whether the settlement amount was reasonable. On September 19, 2011, the jury determined that \$80 million dollars plus interest was a fair and reasonable settlement value. Appeals were taken from pretrial rulings of another jurist (see Opinion at 2012 WL 11943702), resulting in a reversal before the Superior Court at 76 A.3d 1 and a re-reversal of the Superior Court decision (affirming the pretrial rulings) by the Supreme Court at 2015 WL 4430352. I issued no written opinion in the matter and none of my trial rulings were the subject of appeal.

Petrina v. Allied Glove Corp., No. GD08-008333, 2011 WL 8792215 (C.P. Allegheny September 2, 2011). In this asbestos action, I granted summary

judgment for the defendant on product identification grounds, after determining that evidence proffered by the plaintiff to defeat the motions (third party interrogatories from cases in other jurisdictions) was inadmissible hearsay. Plaintiff appealed, and the appellate court reversed, holding that the interrogatories were admissible evidence in response to a motion for summary judgment. 46 A.3d 795 (Pa. Super. Ct. 2012).

Venne v. Union Carbide Corp., No. GD03-011247, 2011 WL 8317601 (C.P. Allegheny Mar. 15, 2011) & 2011 WL 8317603 (C.P. Allegheny August 12, 2011). In another asbestos action, I held that interrogatories and other evidence were inadmissible to defeat defendant's motion for summary judgment. The appellate court reversed, citing its previous decision in Petrina v. Allied Glove. Decision supplied.

Marlette v. State Farm Mut. Auto. Ins. Co., No. GD06-015333, Allegheny County, filed July 6, 2009. Decision previously supplied in response to Q13d. This matter constituted the first "Koken" case (insured's direct suit v. UM/UIM insurer) to be tried before a jury in the Commonwealth of Pennsylvania. Following a judgment in favor of the plaintiff, both parties appealed this court's determination that delay damages were available for recovery up to the amount of the available insurance coverage limits. The trial court was initially reversed in part on appeal, 10 A.3d 347 (Pa. Super. Ct. 2010), but the Pennsylvania Supreme Court reversed the superior court and reinstated the trial court verdict, 57 A.3d 1224 (Pa. 2012).

Landis v. AW. Chesterton Co., No. GD08-002317 & Tooev v. AK Steel Corp., No. GD08-005721, 2008 WL 8161402 (C.P. Allegheny July 29, 2008). In these asbestos actions, the trial court denied defendants' motions for summary judgment, which sought dismissal based upon the exclusivity provision of the Pennsylvania Workers' Compensation Act. The trial court concluded that where injury (asbestos-related disease) does not manifest itself within 300-week period prescribed by the statute, the exclusivity provision does not apply. The superior court reversed the trial court, 11 A.3d 1046 (Pa. Super. Ct. 2010), but the Pennsylvania Supreme Court reversed the superior court and reinstated the ruling of the trial court, 81 A.3d 851 (Pa. 2013).

Scampone v. Highland Park Care Center, No. GD 05-24806, Allegheny County, filed February 8, 2008. Decision previously supplied in response to Q13c. The trial court upheld a jury verdict in favor of the plaintiff for the wrongful death of a nursing home resident. Plaintiff appealed, challenging the court's denial of plaintiff's punitive damages claim and dismissal of a claim against the parent corporation. Defendant appealed the trial court's ruling permitting a corporate negligence claim against the nursing home. The superior court reversed in part as to the punitive damage claim and direct corporate negligence liability theory, 11 A.3d 967. The Pennsylvania Supreme Court affirmed the superior court in part, but on other grounds, and remanded to the trial court for further proceedings with instructions to make a specific finding as to the duty of the parent corporation, 57

A.3d 582. Following a punitive damages retrial with a verdict for the defendant, the case is again pending appeal.

ISR Solutions Inc. v. Vern's Electric, Inc., No. GD-03-14488, 2007 WL 5479453 (C.P. Allegheny August 16, 2007). Both parties appealed following a commercial construction contract dispute jury trial, asserting multiple evidentiary errors and improper verdict calculation in light of jury findings. The superior court reversed in part, holding attorney's fees were not required under a contract indemnification provision, and remanded for further proceedings on the judgment valuation issue. Decision previously supplied in response to Q13c. The parties settled on remand.

Vogelsberger, v. Owens-Illinois, Inc. (In re: Toxic Substance Cases), No. A.D. 03-000319, 2006 Pa. Dist. & Cnty. Dec. LEXIS 581 (C.P. Allegheny August 17, 2006). Following the conclusion of an extensive hearing challenging the scientific reliability of plaintiff's expert witnesses' testimony, the court precluded the plaintiff's experts from offering opinion testimony causally attributing the plaintiff's asbestos related disease to exposure to any specific defendant's asbestos containing friction products. The court concluded that the expert's opinion that "each and every exposure to an asbestos product was a proximate cause of a subsequently diagnosed asbestos-related disease" in the absence of plaintiff-specific exposure evidence was not supported by a generally-accepted scientific methodology in the relevant scientific field, as required by precedent. The trial court was initially reversed by the superior court, Betz v. Pneumo Abex, 998 A.2d 962 (Pa. Super. 2010), but the Pennsylvania Supreme Court reversed the ruling of the superior court and affirmed the reasoning of the trial court. 44 A.3d 27 (Pa. 2012).

DeOrio v. Juliano, No. GD03-006316, 2006 WL 5999773 (C.P. Allegheny May 24, 2006). The trial court sustained a jury verdict on behalf of the plaintiff and against the defendants, a drunk driver, the driver's employer, and the tavern that served alcoholic beverages to the driver. The trial court rejected several of defendants' evidentiary arguments and the driver's employer's argument that the employer's act of permitting its employee to utilize his employee credit line in order to purchase drinks for himself and clients was not a sufficiently proximate cause of the plaintiff's injuries to impose liability upon the employer. The superior court reversed in part with respect to the trial court's ruling that the use of the credit card was an adequate use of a "chattel" or "instrumentality" provided by the driver's employer to permit liability against the employer. Appellate decision supplied.

Beckwith Machinery Co. v. Asset Recovery Group, No. GD01-007450, 2005 WL 5006223 (C.P. Allegheny March 16, 2005). The trial concluded that a contractor's payment bond covered major repairs entailing replacement of major components of heavy equipment used in a demolition project, finding such to constitute ordinary repairs in the factual context presented. The superior court reversed in part, finding that the repairs were more in the nature of capital improvements to

the equipment, a contractor would be expected to take the repairs with him on the completion of the work, and the repairs simply could not be classified as ordinary maintenance performed for consumption over the course of the project. 890 A.2d 403 (Pa. Super. Ct. 2005).

In Re: Adoption of S.C and S.C., No. CYF 301 Of 2001, Allegheny County, filed March 4, 2002. The trial court held that the Office of Children, Youth and Families had proven by clear and convincing evidence that grounds for termination of the parental rights of biological parents to dependent children were satisfied. The superior court remanded the case for further proceedings, with instructions to develop a more complete record regarding the evidence supporting each of the statutory factors. Appellate decision supplied.

- 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.

The majority of my opinions are not formally published. Copies of all court opinions are mailed to the parties. The original is docketed, filed, and maintained with the Allegheny County Department of Court Records where they are available for public inspection as part of the court file.

- 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.

Mendicino v. Johnson & Johnson, GD 17-004176, Allegheny County, filed November 8, 2017

The Court granted plaintiff's motion for reconsideration with respect to this Memorandum Opinion on September 4, 2018 based upon the Superior Court of Pennsylvania's decision in Webb-Benjamin, LLC v. Int'l Rug Grp., LLC, 2018 PA Super 187 (June 28, 2018), reargument denied (Aug. 28, 2018). Both the November 8, 2017 Memorandum Opinion and the September 4, 2018 Memorandum Opinion are attached hereto.

Martel v. Allegheny Cnty., GD-17-010704, Allegheny County, filed March 29, 2018  
Appeal Pending.

Rupert v. King, GD 13-020407, Allegheny County, filed June 13, 2018.  
No appeal taken..

Hewitt v. Bd. of Prop. Assessment Appeals & Review, GD-17-012708, Allegheny County, filed August 7, 2018.  
No appeal taken.

Joseph v. The Goodyear Rubber & Tire Co., GD 17-006580, Allegheny County, filed October 24, 2018.

- 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.

None.

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

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

Judicial recusal in Pennsylvania is governed by the Pennsylvania Code of Judicial Conduct, principally Canon 2.11, 2.7 (and former Canon 3C), and decisional law applying the same. I am also aware that the Fifth Judicial District/Allegheny County Court of Common Pleas administratively recuses itself (through administrative order issued by the administrative judge following notice to all members of the court) from any matter directly involving a fellow judge of the district. I have infrequently recused myself, sua sponte, from matters scheduled before me, but I do not maintain records of such incidents and I am unable to recall specific instances. I do not recall ever being presented with a motion from a party to any matter requesting that I recuse myself due to an asserted conflict of interest.

Topka v. Toyota Motor Corp., GD-12-006928, Allegheny County. Plaintiff in this action presented a Motion for Reconsideration and/or Motion to Vacate and Recuse on December 15, 2017. Plaintiff requested that I recuse on the basis of an asserted conflict of interest due to my disclosure, in open court during argument on plaintiff's Motion for

Terminating Sanctions on or about April 7, 2017, of my work for the law firm of Pietragallo Bosick & Gordon, a predecessor firm of Pietragallo Gordon Alfano Bosick & Raspanti, LLP, and specifically my representation of Toyota Motor Corporation, the defendant in this action, during my time as an associate there approximately 20 years ago. I advised counsel that this representation happened many years ago, that my representation was limited in both scope and subject matter, and that it would not impact my decision-making in the present case. Neither party moved for my recusal at that time, but I invited counsel to consult with their clients and to contact my chambers in the event that they intended to move for my recusal. Many months later, I ultimately denied Plaintiff's Motion for Terminating Sanctions on November 27, 2017, which led to the presentation of the aforementioned Motion for Reconsideration and/or Motion to Vacate and Recuse. After consideration of this request and the mandates of the Pennsylvania Judicial Code of Conduct, I denied this Motion because my impartiality in this matter could not be reasonably questioned on the basis of this limited representation in the past. Further, plaintiff's Motion for Recusal was presented in the alternative to a Motion for Reconsideration, i.e. Plaintiff would not seek my recusal if I were to change my holding with respect to plaintiff's Motion for Terminating Sanctions. While not a factor in my decision to deny the Motion for Recusal, as recusal was not warranted in any event, this buttressed my confidence in my impartiality in this matter. This matter was ultimately resolved via settlement.

Yenchi v. Ameriprise Express Financial Corp., GD 01-006610, Allegheny County.

Plaintiffs presented a motion for recusal asserting that, because I made findings of fact and determinations of credibility at the first trial, I should not re-try the case on remand. I denied plaintiff's motion on January 22, 2018, as my prior involvement in this matter did not give rise to a reasonable question respecting my impartiality in the retrial. It is typical in Allegheny County for judges to keep cases on remand, unless a real question of the judge's impartiality is raised. While I did not recuse myself, this matter was transferred to another judge for retrial based upon purely administrative considerations.

**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.

From 2002 to 2003, I was appointed, I believe by Allegheny County Chief Executive James Roddey, to the Allegheny County Mental Health/Department of Human Services, Children's Cabinet. I was an unsuccessful Democratic candidate for the Pennsylvania Superior Court in 2009 (primary and general), 2011 (endorsement only, withdrew without appearing on ballot) and 2015 (primary only).

- 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;

I clerked for Justice Ralph J. Cappy on the Pennsylvania Supreme Court from 1992 to 1994.

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

I never practiced law 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.

1994 – 1999  
Pietragallo, Bosick and Gordon  
One Oxford Centre, 38th Floor  
Grant Street  
Pittsburgh, Pennsylvania 15219  
Associate Attorney

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

I have not served as a mediator or arbitrator.

b. Describe:

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

My legal practice included the full scope of general litigation responsibilities. I prepared for and participated in multiple jury and bench trials, arbitrations, and mediations. I prepared all manner of pleadings, motions, briefs, and correspondence directed to court, opposing counsel, witnesses and clients. Early in my career I represented many clients, both plaintiffs and defendants, in traditional "insurance defense" cases involving modest personal injury or property damage claims. As my career developed, I began to represent clients more regularly focusing principally on strict products liability cases involving serious injury and death.

- 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 clients were principally civil litigants. My trial and appellate practice included litigation of products liability cases (primarily involving automobile, aircraft, and industrial machinery), insurance defense, warranty claims, declaratory judgment actions, real estate disputes, construction claims, fire loss, and contract disputes. I represented both plaintiffs and defendants. My practice included a modest amount of criminal court work.

- 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.

Throughout my private practice legal career, my practice was 100% focused on litigation. I very frequently appeared in court throughout.]

- i. Indicate the percentage of your practice in:

- |                             |     |
|-----------------------------|-----|
| 1. federal courts:          | 10% |
| 2. state courts of record:  | 90% |
| 3. other courts:            | 0%  |
| 4. administrative agencies: | 0%  |

- ii. Indicate the percentage of your practice in:

- |                          |     |
|--------------------------|-----|
| 1. civil proceedings:    | 95% |
| 2. criminal proceedings: | 5%  |

- 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.

As an attorney, I tried dozens of matters before state court arbitration panels. I tried approximately four cases in the Court of Common Pleas as sole counsel. I participated in, perhaps, another six trials as associate counsel.

- i. What percentage of these trials were:
- |              |     |
|--------------|-----|
| 1. jury:     | 40% |
| 2. non-jury: | 60% |

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

I have not appeared before the United States 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:

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

Records of my representation of clients are no longer available to me, and my former firm has confirmed that due to changes in computer systems and the storage system utilized for very old files, their records cannot be reasonably mined for data associated with my representation of former firm clients. Following is the information available from my memory of those few representations for which I have specific recall of cogent facts and contacts.

- State Farm Mutual Auto Ins. Co. v. Universal Underwriters, 701 A.2d 1330 (Pa. 1997)

This case arose out of a settlement of a liability action from injuries in a car accident. The driver responsible for the accident was driving a loaner car while her own vehicle was in a garage for repairs. State Farm, the driver's insurer, sued Universal Underwriters, the garage's insurer, seeking reimbursement for defending and settling the underlying action. The lower courts had granted summary judgment for State Farm. I, along with co-counsel, represented Universal on appeal. The Pennsylvania Supreme Court reversed, holding that the driver was not an insured under Universal's policy.

Judges: Cappy, Flaherty, Newman, Nigro, and Zappala (Pennsylvania Supreme Court)

Co-counsel:

Robert E. Dapper, Jr. (formerly at Pietragallo, Bosick & Gordon)  
Dapper, Baldasare, Benson, Behling & Kane, P.C.  
Four Gateway Center  
444 Liberty Avenue, Tenth Floor  
Pittsburgh, PA 15222  
412-697-4640

Glen A. Ricketti  
Margolis Edelstein  
170 South Independence Mall West, Suite 400E  
Philadelphia, PA 19106  
215-931-5817

Counsel for appellee:

Louis E. Bricklin  
Michael Saltzburg  
Bennett, Bricklin & Saltzburg LLC  
1601 Market Street, 16th Floor  
Philadelphia, PA 19103  
215-665-3400

2. Nalco v. Wendt, No. AR-96-008018 (Ct. Com. Pl. 1997)

I represented the defendants, who were the parents of a girl who died in an apartment fire in this action in the Allegheny County Court of Common Pleas. The apartment building owners sought property damages from the parents as cosigners of the deceased daughter's lease. The matter eventually settled, and the case was dismissed.

Counsel for plaintiff:

Mary E. Bower Sheats  
Frank, Gale, Bails, Murcko & Procrass, PC  
Gulf Tower, Suite 3300  
707 Grant Street  
Pittsburgh, PA 15219  
412-471-5931

Co-counsel:

Mark Gordon  
Pietragallo Gordon Alfano Bosick & Raspanti, LLP  
38th Floor, One Oxford Centre  
Pittsburgh, PA 15219  
412-263-1838

3. Battaglia v. Honeywell, No. GD-93-001034 (Ct. Com. Pl. 1995)

In the fall of 1994, I represented Mr. Molitaris, a furnace repairman and defendant in a multi-day jury trial in which it was alleged that while installing a thermostat on a furnace, my client had dropped a screw into the internal mechanism of the thermostat. The thermostat, manufactured by co-defendant Honeywell, was alleged to have malfunctioned, causing the furnace to overheat, which resulted in the home burning to the ground. Honeywell was sued on a product liability defective design theory. I believe that both defendants were found liable.

Judge: Paul Lutty, Court of Common Pleas, Allegheny County

Counsel for plaintiff:

Alan Baum  
Matis Baum O'Connor  
444 Liberty Avenue, Suite 300  
Pittsburgh, PA 15222  
412-338-4743

Counsel for co-defendant:

Stephen M. Houghton  
Dickie, McCamey & Chilcote, P.C.  
Two PPG Place, Suite 400  
Pittsburgh, PA 15222  
412-281-7272

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 responsibilities for maintaining a full general civil docket, from 2004 to 2014, I served as the Allegheny County Toxic Tort Supervising Judge. In coordination with administrative judges, I created and modified applicable case management orders to modernize the asbestos dockets in Allegheny County. I created a new expedited docket for asbestos cases that has nearly supplanted the existing general docket and serves to resolve important asbestos matters within a seven- to nine-month timeline from placement on the expedited docket to trial. I also created a backlog docket in order to resolve cases pending over three years, thereby resolving thousands of cases – some over nine years old.

In 2012, I was appointed by unanimous order of the Pennsylvania Supreme Court to the Court of Judicial Discipline. The Court of Judicial Discipline is a constitutionally mandated, independent, state-wide court responsible for trying jurists charged by the Pennsylvania State Judicial Conduct Board with violations of the Canons of Judicial Conduct.

In addition to my work on the bench, I served as an original voting member on the Pennsylvania Supreme Court's Juvenile Court Procedural Rules Committee for the first seven years of that Committee's existence. During my tenure, the Juvenile Court Rules Committee developed, from nothing, new rules governing juvenile dependency and juvenile delinquency matters to be applied throughout the Commonwealth's sixty-seven counties. I served for seven years as an officer of the Pennsylvania Conference of State Trial Judges, including one year as its President, from 2009 to 2010. The Conference is the professional association that, among many functions, provides ongoing judicial education to state trial court judges and coordinates efforts of the Administrative Office of Pennsylvania Courts and the Supreme Court in their efforts to maintain competence, professionalism, collegiality, and ethical conduct among the over 400 judges of Pennsylvania's trial courts. In addition to my responsibilities as an officer, I have participated in the preparation and delivery of ongoing judicial education programming through the Conference. I also have served on the Pennsylvania Conference of State Trial Judges Ethics Committee since 2012.

I have never performed lobbying work of any kind.

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.

I have taught Rule of Law from 2004 to the present. I have also taught Constitutional Law (Fall 2015 to Fall 2016) and Understanding the Constitution (Spring 2018, anticipated in Spring 2019). Copies of available syllabi are 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.

None, with the exception of retirement savings and judicial pension benefits.

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

None.

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

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.

My brother is an Assistant United States Attorney for the Western District of Pennsylvania. I would not permit my brother to appear before me. I would decide no matter in which my brother played any role. My brother and I would discuss no matter pending in the District Court of Western Pennsylvania involving the United States Attorney's Office in any respect. If a conflict were to arise, I would consult the Code of Conduct for United States Judges, as well as other

relevant canons, statutory provisions and the published Advisory Opinions issued by the Committee on Codes of Conduct.

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

In resolving any conflict of interest, I would consult the Code of Conduct for United States Judges, as well as other relevant canons, statutory provisions and the published Advisory Opinions issued by the Committee on Codes of Conduct.

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.

As a judge, I am not permitted to perform pro bono legal work; however, I do perform substantial extra-judicial work in a variety of respects in an effort to promote justice (most notably with the Juvenile Court Rules Committee, as an officer of the Pennsylvania Conference of State Trial judges, on the Court of Judicial Discipline, and currently with the State Trial Judges Ethics Committee). For many years as a practicing lawyer, I regularly performed pro bono legal representation of victims of domestic violence in protection from abuse hearings, typically at a rate of four cases per quarter year.

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.

Through media reports, I became aware of vacancies on the United States District Court for the Western District of Pennsylvania following the untimely death of one judge and the decisions of two others to request senior status. I submitted an application and personally presented myself for an interview before a judicial selection committee convened in Pittsburgh, Pennsylvania in the fall of 2013 by Senators Toomey and Casey. That committee's considerations were, to my knowledge, conducted confidentially; accordingly, I do not know if I received its recommendation. In late May 2015, I was contacted by Senator Casey's staff, and I confirmed my continued interest in the position. I met with Senator Casey and staff in Washington D.C. on June 15, 2015 and Senator Toomey and staff in

Washington D.C. on June 25, 2015. On July 30, 2015, President Obama submitted my nomination to the Senate. On December 9, 2015, I appeared before the Senate Judiciary Committee for a hearing. Following that hearing, Senators Grassley, Sessions, Flake, and Tillis submitted Questions for the Record. I provided written responses to those questions within three days. The Senate Judiciary Committee did not hold a vote on my nomination. On January 3, 2017, at the close of the 114th Congress, my nomination expired and was returned to the President pursuant to Senate Rule XXXI paragraph 6 of the Standing Rules of the Senate.

On approximately August 6, 2018, I was contacted by the White House Counsel's Office requesting that I meet with White House Counsel in Washington D.C. I met with members of the White House Counsel's Office on August 22, 2018. On approximately September 10, 2018, I received a telephone call from the White House Counsel's Office informing me that President Trump had authorized the background investigation and vetting process for my potential nomination to proceed. Since that date, I have been in contact with officials from the Office of Legal Policy at the Department of Justice regarding the paperwork required for the new nomination process and for this Committee. On March 5, 2019, President Trump 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.