

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Robert Earl Wier

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

United States District Judge for the Eastern District of Kentucky

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

Office: United States Courthouse
 101 Barr Street, Suite 411
 Lexington, Kentucky 40507

Residence: Versailles, Kentucky

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

1967; Harlan, Kentucky

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, University of Kentucky College of Law; J.D. (high distinction), 1992

1985 – 1989, University of Kentucky; B.A. (high distinction), 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.

2006 – Present
United States District Court
Eastern District of Kentucky

101 Barr Street, Suite 411
Lexington, Kentucky 40507
United States Magistrate Judge

1992 – Present
Gabriel Thomas Compton Irrevocable Trust
275 Heritage Road
Versailles, Kentucky
Trustee

2000 – 2006
D & S, LLC
176 Pasadena Drive, Bldg 1
Lexington, Kentucky
Member (law firm building ownership)

1996 – 2006
Ransdell & Wier, PLLC
(formerly entities Philpot, Ransdell, Roach & Wier, PLLC and Ransdell, Roach & Wier, PLLC)
176 Pasadena Drive, Bldg 1
Lexington, Kentucky
Member/Partner

1993 – 1995
Stoll Keenon & Park, LLP (now Stoll Keenon Ogden PLLC)
300 West Vine Street, Suite 2100
Lexington, Kentucky
Associate

1992 – 1993
Judge Eugene E. Siler, Jr.
United States Court of Appeals for the Sixth Circuit
310 South Main Street, Suite 333
London, Kentucky
Law Clerk

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

I did not serve in the military. I registered for 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.

Valedictorian, University of Kentucky College of Law, 1992

Order of the Coif, University of Kentucky College of Law, 1992

Editor-in-Chief, *Kentucky Law Journal*, University of Kentucky College of Law
Volume 80 (1991 – 1992)

Greenebaum, Doll & McDonald Award, University of Kentucky College of Law, 1990 –
1991, 1991 – 1992

Tommy Bell Scholarship, University of Kentucky College of Law, 1989 – 1990

Phi Beta Kappa, University of Kentucky, 1989

Dantzler-Dantzler Award (Outstanding senior (co-winner) in English), University of
Kentucky, 1989

Departmental Honors in English, University of Kentucky, 1989

Harlan County Community Scholarship, 1985

Kentucky Valedictorian Scholarship, University of Kentucky, 1985

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.

Kentucky Bar Association (1992 – present)

Federal Bar Association, Kentucky Chapter (1993 – present)
Treasurer (2001 – 2003)

Federal Magistrate Judges Association (2006 – present)

Fayette County Bar Association (1993 – 2006)

American Bar Association (1993 – 1996)

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.

Kentucky, 1992

There has been no lapse 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 Sixth Circuit, 1993

United States District Court for the Western District of Kentucky, 1993

United States District Court for the Eastern District of Kentucky, 1993

Supreme Court of Kentucky, 1992

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.

Centenary United Methodist Church, Lexington, Kentucky (1996 – 2006)

Chair, Fellowship Committee (2005 – 2006)

Ministry Support Study Team (2003 – 2005)

Spindletop Country Club (2003 – 2006)

Somerset Christian School, Parent Advisory Board (2009 – 2010)

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

To the best of my knowledge, none of the organizations listed above currently discriminates or formerly discriminated on the basis of race, sex, religion or national origin, either through formal membership requirements or the practical implementation of membership policies.

12. **Published Writings and Public Statements:**

- a. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited, including material published only on the Internet. Supply four (4) copies of all published material to the Committee.

With John Roach, *The Employment-at-Will Doctrine and Exceptions*, Employment Law in Kentucky (3d ed. 2007). Copy supplied.

With John Roach, *The Employment-at-Will Doctrine and Exceptions*, Employment Law in Kentucky (2d ed. 2000). Copy supplied.

With John Roach, *Do Viable Claims Still Exist under the ADA?*, Kentucky Bench & Bar (Mar. 2000). Copy supplied.

With Elbert P. Tuttle, *et al.*, *Tribute to Donald A. Winslow*, 81 Ky. L.J. 285 (1993). Copy supplied.

Note, *Troubled Waters: A Reaction to the Eleventh Circuit's Pollution of CERCLA's Safe Harbor for Lenders*, 79 Ky. L.J. 829 (1991). Copy supplied.

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

None.

- 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.

None.

- 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.

May 2, 2017: Panelist, Legal Writing, Central Kentucky American Inn of Court, University of Kentucky Boone Center, Lexington, Kentucky. Notes supplied.

August 16, 2016: Speaker, Federal Litigation, Greater Lexington Paralegal Association, Fayette Circuit Court, Lexington, Kentucky. Notes supplied.

June 9, 2016: Panelist, "Litigating an Employment Law Claim," University of Kentucky Employment Law Institute, Campbell House, Lexington, Kentucky. Notes supplied.

March 21, 2016: Presenter, Civics Presentation, Mary Todd Elementary School, Lexington, Kentucky. Notes supplied.

May 11, 2016: Panelist, "Emerging Topics in Federal Criminal Practice," Kentucky Bar Association, Louisville, Kentucky. Notes supplied.

March 11, 2016: Speaker, "Adding Americans," Transylvania University, Lexington, Kentucky. Notes supplied.

May 8, 2015: Speaker, "Protecting Rights and Maintaining Boundaries: A Judicial Perspective on the Treatment of Pro Se Litigants," Kentucky History Center, Frankfort, Kentucky. Notes supplied.

April 8, 2015 (also February 27, 2014 and February 7, 2013): Speaker, University of Kentucky College of Law, Lexington, Kentucky. Notes supplied.

June 5, 2014: Panelist, "Litigating an Employment Law Claim," University of Kentucky Employment Law Institute, Four Points Sheraton, Lexington, Kentucky. Notes supplied.

April 25, 2014: Panelist, "Current Issues in Federal Criminal Law," Kentucky Association of Criminal Defense Lawyers, United States Courthouse, London, Kentucky. Notes supplied.

May 14, 2013: Panelist, "Hot Topics in the Practice of Criminal Law in the Eastern District of Kentucky," 2013 Federal Bench and Bar Conference, United States Courthouse, Lexington, Kentucky. Notes supplied.

August 3, 2012: Moderator, "Federal Criminal Defense," Judicial Fellows Program of the Eastern District of Kentucky, United States Courthouse, Lexington, Kentucky. Notes supplied.

May 17, 2012: Panelist, "Litigating an Employment Law Claim," University of Kentucky Employment Law Institute, University of Kentucky College of Law, Lexington, Kentucky. Notes supplied.

November 17, 2011: Speaker, National Honor Society Induction Ceremony, Lexington Christian Academy, Lexington, Kentucky. Notes supplied.

July 8, 2011: Speaker, "Practice before United States Magistrate Judges," Kentucky Council of School Board Attorneys, Marriott, Lexington, Kentucky. Notes supplied.

June 17, 2011: Speaker, "Permission to Speak Freely: New Rule 26 and Its Changes Related to Expert Reports, Identification, and Discovery," Kentucky Bar Convention, Lexington Convention Center, Lexington, Kentucky. Notes supplied.

May 4, 2011: Panelist, "Practicing Civil Cases," Federal Bar Association, Kentucky Chapter, United States Courthouse, Lexington, Kentucky. Notes supplied.

March 16, 2011: Speaker, "Best Practices for CJA Attorney Billing," United States District Court, Eastern District of Kentucky, United States Courthouse, Lexington, Kentucky. Notes supplied.

June 23, 2009: Speaker, "Federal Court Update," Fayette County Bar Association, Fayette County Courthouse, Lexington, Kentucky. Notes supplied.

February 28, 2009: Panelist, "E-Discovery Best Practices," Northern Kentucky University Law Review, Marriott Rivercenter, Covington, Kentucky. Notes supplied.

November 6, 2008 (also September 2007, September 2009, and November 2010): Speaker, Federal Court Update, Kentucky Bar Association, Various Locations. Notes supplied.

May 22, 2008: Speaker, "Federal Criminal Law Update," Federal Bar Association, Kentucky Chapter, United States Courthouse, Lexington, Kentucky. Notes supplied.

December 19, 2006: Speaker, "The Bail Reform Act," Eastern District of Kentucky CJA Panel, United States Courthouse, Lexington, Kentucky. Notes supplied.

October 2, 2006: Speaker, "Remarks at Public Investiture," the United States Courthouse, London, Kentucky. Notes supplied.

September 15, 2004 (also September 2003 and September 2005): Speaker, "Presentation on Practice Formation Issues," University of Kentucky College of Dentistry, Lexington, Kentucky. Notes supplied.

October 2003: Speaker, "Family," Lexington Christian Academy's Fall Banquet, Marriott, Lexington, Kentucky. Notes supplied.

Mid-2003: Speaker, "Forgiveness," Fayette Christian Lawyers Association, Radisson, Lexington, Kentucky. I gave a brief address on the topic of forgiveness from the perspective of a Christian practitioner. I have no notes, transcript, or recording. To my knowledge, the Fayette Christian Lawyers Association no longer exists.

January 2001: Co-Chair, Federal Practice Seminar, Federal Bar Association, Kentucky Chapter, United States Courthouse, Lexington, Kentucky. The seminar focused on new lawyers. I have no notes, transcript, or recording. The Federal Bar Association, Kentucky Chapter does not have an address.

December 6, 1997: Speaker, Kentucky Employment Lawyers Association, Hilton, Erlanger, Kentucky. I provided a talk involving mediation tips and suggestions. I have no notes, transcript, or recording. To my knowledge, the Kentucky Employment Lawyers Association no longer exists.

May 5, 1995: Speaker, Keynote, Harlan County Community Scholarship Banquet, Harlan Baptist Church, Harlan, Kentucky. Notes and press coverage supplied.

I have endeavored to identify each responsive instance, having searched my files, my prior available calendars, and on-line. There is a period from private practice, from 2000 to 2006, when I used an electronic calendar that no longer is available to me. I have done my best to recall speeches from that period, though I do not have a calendar reflective of that period.

- 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.

Carl Keith Greene, *Harlan County Native Robert Wier Installed as E. Kentucky District Court's Magistrate Judge*, The Sentinel Echo, Oct. 6, 2006. Article supplied.

Andy Mead, *et al.*, *Roach Worked with Key Parties, Argued in a Possible Precedent*, Lexington Herald-Leader, Sept. 6, 2005. Article supplied.

Andy Mead, *Roach Says He Might Step Aside in Water Case*, Lexington Herald-Leader, Sept. 9, 2005. Article supplied.

Judicial Experience not a Factor for High Court. Fletcher Says Legal Experience Important for His Appointee, Lexington Herald-Leader, May 10, 2005. Article supplied.

Case Raises Questions About Lawyers Financing Judicial Campaigns, Assoc. Press, Aug. 23, 2004. Article supplied.

Ryan Alessi, *Judge is Accused of Mixing Law and Politics*, Lexington Herald-Leader, Aug. 22, 2004. Article supplied.

Former Manager Wins \$1.17 Million in Bias Case, Assoc. Press, Jan. 15, 1999. Article supplied.

John Cheves, *Award Against Strip Club \$1.17 Million*, Lexington Herald-Leader, Jan. 14, 1999. Article supplied.

Inn Runs Afoul of Ordinance, Assoc. Press, Jan. 12, 1999. Article supplied.

John Cheves, *Suit Says UK Had Bias Against Ex-LCC Chief*, Lexington Herald-Leader, Apr. 9, 1998. Article supplied.

Cheryl Truman, *History and Science Buffs, Athletes Among 600 Governor's Scholars*, Lexington Herald-Leader, Apr. 11, 1984. Article 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.

Section 636 of Title 28, along with specific federal statutes, governs the jurisdiction of the United States Magistrate Judge position, as implemented by the federal rules, local rule, other federal statutes, and the referral practices of the District Judges. In the Eastern District of Kentucky, I generally handle full pre-trial management in civil and criminal cases on the Central Division docket. This includes regular dispositive matter referrals in both civil and criminal cases. I have a full civil consent docket. Further, I oversee most pre-charge activity involving the Court (warrants, pen/trap applications, SCA applications, etc.), manage the Grand Jury, and carry a host of miscellaneous duties (petty offense and Class A misdemeanor adjudication, referral of state and federal habeas / Section 2255 matters, extradition, international prisoner transfer, *pro se*, naturalization, civil mediation, etc.).

I have served as a United States Magistrate Judge since September 1, 2006. The United States District Court for the Eastern District of Kentucky appointed me to the position following a merit selection process, as established in 28 U.S.C. § 631. My first eight-year term expired in 2014, and after another merit selection process regarding reappointment, the Court unanimously reappointed me for a second term.

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

If this question seeks the total number of cases, regardless of variety, I have handled to judgment, the answer exceeds 400 (to include all misdemeanor case dispositions and civil consent cases). A Magistrate Judge does not have felony trial or dispositional authority, so matters tried to a verdict would include misdemeanor trials and civil jury trials. Most cases, both on the criminal and civil side, result in a judgment or otherwise conclude without a trial.

As for matters actually tried to judgment, I have presided over four jury trials and five bench trials. I have selected the jury in other civil cases and in five felony cases; I have taken the verdict or presided over jury deliberations in three additional felony cases.

- i. Of these, approximately what percent were:

jury trials:	50%
bench trials:	50%
civil proceedings:	50%
criminal proceedings:	50%

My docket encompasses a full range of civil and criminal cases within the authority of a United States Magistrate Judge, as defined by 28 U.S.C. § 636. The trial percentage assignment relates to full trials actually occurring. The docket, by local rule and practice, involves extensive civil and criminal referrals. The 50/50 allocation is on paper; the actual temporal allocation depends on the particular litigation workload at a point in time.

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

See attached list of cases.

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

Cases of significance (with focus on cases resulting in trial or judgment)

1. *United States v. Basic*, No. 5:11-MJ-05002-REW, 2012 WL 3067466 (E.D. Ky. July 27, 2012).

The case involved an extradition request by Bosnia and Herzegovina against Azra Basic, a United States citizen, for alleged war crimes committed in BiH in or around 1992. I handled the entire extradition proceeding, the first of its kind in this District. Ultimately, after multiple lengthy hearings and briefing rounds, I certified extraditability of Basic under applicable standards. The record involved several hundred pages of translated BiH official materials. The case presented a series of complicated international law and treaty exposition elements. The case now is complete in terms of judicial process. Chief Judge Caldwell agreed with the propriety of my decision, *Basic v. Steck*, No. 5:12-CV-274-KKC, 2015 WL 4164901 (E.D. Ky. Aug. 12, 2015), the Sixth Circuit affirmed, *Basic v. Steck*, 819 F.3d 897 (6th Cir. 2016), and the United States Supreme Court denied a petition for a writ of certiorari, *Basic v. Steck*, 137 S. Ct. 196 (2016).

Counsel for Petitioner:

Patrick F. Nash
Nash Marshall, PLLC
129 West Short Street
Lexington, KY 40507
859-254-3232

Counsel for Respondent:

James E. Arehart (retired)
U.S. Attorney's Office, Eastern District of Kentucky
260 West Vine Street
Suite 300
Lexington, KY 40507-1612
859-233-2661

Terry Schubert
United States Department of Justice
Office of International Affairs
950 Pennsylvania Avenue NW
Washington, DC 20530-0001

2. *Martin v. Johnson*, No. 5:15-CV-234-REW, 2016 WL 6699138 (E.D. Ky. Nov. 14, 2016)

After I denied Defendant Dennis Johnson, a police officer, qualified immunity in an earlier decision, *see* 2016 WL 617843 (E.D. Ky. Feb. 16, 2016), this

case proceeded to a jury trial and verdict. The jury found for Defendant Johnson. Plaintiff Martin then filed a post-judgment motion for judgment as a matter of law. I denied the motion, concluding that a reasonable jury, on the trial record, had a legally sufficient basis to find for Johnson. Martin did not appeal.

Counsel for Plaintiff:

William L. Davis
Law Office of William L. Davis
108 Pasadena Drive, Suite 200
Lexington, KY 40503
859-260-1997

Kevin Reed Palley
329 West 5th Street
Lexington, KY 40508-3708
859-268-1110

Counsel for Defendant:

Perry R. Arnold
Kentucky State Police Legal Office
919 Versailles Road
Frankfort, KY 40601
502-782-4261

3. *EEOC v. Wal-Mart Stores, Inc.*, No. 6:01-CV-339-KKC

When I began in 2006, this case, an enormous (thousands of claimants) civil pattern and practice gender discrimination case against Wal-Mart related to the London, Kentucky, distribution center, already was five-plus years old. With a full pretrial management referral from the District Judge, I instituted discovery and pretrial practices and protocols to move the case toward resolution. For a lengthy period, this involved a dedicated monthly management hearing. I issued dozens of civil discovery orders addressing depositions, discovery scope, experts, and privilege. The docket entries in the civil case ultimately exceeded 700, and the parties resolved the case by agreement in 2010.

Counsel for Plaintiffs:

Aimee Lynn McFerren
EEOC - Louisville Area Office
600 Martin Luther King, Jr. Place, Suite 268
Louisville, KY 40202-2285
502-582-6308

Nancy Dean Edmonds

Equal Employment Opportunity Commission
101 West Ohio Street, Suite 1900
Indianapolis, IN 46204-4203
317-226-7229

Counsel for Defendant:

Kathryn A. Quesenberry
Dinsmore & Shohl, LLP
101 South Fifth Street, Suite 2500
Louisville, KY 40202
502-581-8025

4. *Automated Cutting Technologies, Inc. v. BJS North America E, Inc.*, No. 5:10-CV-208-REW, 2012 WL 2872823 (E.D. Ky. July 12, 2012).

I denied-in-part summary judgment and conducted a four-day jury trial in this contract-based civil consent case, which raised novel questions under Kentucky's version of the UCC. Neither party appealed the case verdict.

Counsel for Plaintiff:

Thomas Walcutt Miller
Miller, Griffin & Marks, P.S.C.
Security Trust Building
271 West Short Street, Suite 600
Lexington, KY 40507-1292
859-255-6676

Counsel for Defendant:

Broderick L. Young
Arnett, Draper & Hagood
Suite 2300, First Tennessee Plaza
P.O. Box 300
Knoxville, TN 37901-0300
865-546-7000

Kevin G. Henry
Sturgill, Turner, Barker & Moloney PLLC
333 West Vine Street, Suite 1400
Lexington, KY 40507
859-255-8581

5. *United States v. \$64,495.00 in U.S. Currency*, No. 5:13-CV-265-REW, 2014 WL 5432119 (E.D. Ky. Oct. 27, 2014).

In this civil consent case, an *in rem* forfeiture action, I denied the United States summary judgment, and the case progressed to a jury trial and verdict. Neither side filed post-judgment motions or appealed the case outcome.

Counsel for Plaintiff:

David Y. Olinger, Jr.
U.S. Attorney's Office, Eastern District of Kentucky
260 West Vine Street, Suite 300
Lexington, KY 40507-1612
859-685-4896

Counsel for Defendant:

Bryan E. Bennett
Bennett Law Office, PSC
1410 Versailles Road
Lexington, KY 40504
859-254-0123

6. *Ball Corp. v. Durham*, No. 5:12-CV-201-REW, 2014 WL 349312 (E.D. Ky. Jan. 31, 2014).

I conducted a bench trial in this civil consent case, which centered on identification, between two competing spousal claimants, of the proper beneficiary under an ERISA-governed pension plan. No party appealed my findings of fact or conclusions of law.

Counsel for Plaintiffs:

Andrew Bret Millar
Dinsmore & Shohl LLP
250 West Main Street, Suite 1400
Lexington, KY 40507
859-425-1000

Counsel for Claimants:

Zachary D. Smith
Mark E. Godbey and Associates
708 Walnut Street, Suite 600
Cincinnati, OH 45202
513-241-6650

James Thomas Hodges
810 Sycamore Street, Suite 211
Cincinnati, OH 45202
513-421-8454

7. *United States v. Patel*, No. 5:13-CR-162-KKC-REW.

This was a complicated, multi-party case centered on alleged human trafficking/illegal employment at a local Subway franchise. In addition to complicated issues regarding discovery and liability, the case also required management of multiple material witnesses (witnesses material to the case but also potentially victims and also potentially culpable as to other crimes, necessitating careful oversight of counsel and release issues). Eventually, the case resulted in guilty pleas on distinct charges by both Defendants and release of all material witnesses.

Counsel for Defendants:

Robert Michael Murphy
Law Office of R. Michael Murphy, PLLC
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859-333-8422

Jarrold James Beck
Law Office of R. Michael Murphy, PLLC
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8. *United States v. Dadanovic*, No. 6:09-CR-63-ART.

This was a complicated, multi-party international drug trafficking case. The pre-trial management required significant court involvement in processing discovery, addressing suppression, handling pre-trial motions, accounting for language issues, and overseeing counsel and 6th Amendment matters. A lengthy trial by the District Judge resulted in convictions for all Defendants.

Counsel for Defendant Emir Dadanovic:

W. Currie Milliken
Milliken Law Firm
1039 College Street, 1st Floor
P.O. Box 1640
Bowling Green, KY 42102-1640
270-843-0800

Counsel for Defendant Kemal Dugalic:

William Gary Crabtree
120 East Fourth Street
London, KY 40741
606-878-8888

Counsel for Defendant Omer Dugalic:

David S. Hoskins
Hoskins, Hill & Hill, PLLC
400 S. Main Street
P.O. Box 1185
Corbin, KY 40702-1185
606-528-7181

Counsel for Defendant Donta Hamilton:

James Hibbard
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London, KY 40741
606-864-8755
jhibbardatty@windstream.net

Counsel for Defendant Jerdin Ovidio Yanes:

Elizabeth Snow Hughes
Green Chesnut & Hughes PLLC
Chase Tower
201 East Main Street, Suite 800
Lexington, KY 40507
859-475-1471

Counsel for Defendant Hatil Batlak:

Willis G. Coffey
Coffey & Ford, P.S.C.
P.O. Box 247
Mt. Vernon, KY 40456
606-256-4405

Counsel for Defendant Dzevad Avdic:

B. Alan Simpson
908 State Street
P.O. Box 3480
Bowling Green, KY 42102
270-782-3929

Counsel for Defendant Mladen Bjelograovic:

Michael Dean
Dean Law Offices
P.O. Box 218
Irvine, KY 40336
606-723-4000

Counsel for Defendant Shane Page:

William M. Butler, Jr.
500 West Jefferson Street, Suite 1520
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502-582-2020

Counsel for United States:

William Samuel Dotson
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601 Meyers Baker Road, Suite 200
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606-330-4827

9. *First Tech. Capital, Inc. v. JPMorgan Chase Bank, N.A.*, 53 F. Supp. 3d 972 (E.D. Ky. 2014).

I granted summary judgment to First Technology Capital in this hard-fought commercial civil consent case, which raised issues under Kentucky law of contract formation, misrepresentation/fraud, and unjust enrichment. JPMorgan Chase did not appeal my ruling.

Counsel for Plaintiff/Counterclaim Defendant:

Andrew M. Stephens
107 Church Street, Suite 200
Lexington, KY 40507

859-233-2232

Michael Joseph Gartland
DelCotto Law Group PLLC
200 North Upper Street
Lexington, KY 40507
859-231-5800

Counsel for Defendant/Counterclaim Plaintiff:

David B. Tachau
Tachau Meek PLC
3600 National City Tower
101 South Fifth Street
Louisville, KY 40202-3120
502-238-9900

10. Capital budgeting management: *United States v. Eugene Slone*, 6:12-CR-28-ART; *United States v. Jimmy Bengé*, 6:12-CR-59-ART, *United States v. Vernon Renus Delph*, 6:12-CR-59-ART, *United States v. Gerald Lee Sizemore*, 6:12-CR-59-ART.

Judges Thapar and Van Tatenhove tasked me with managing the capital case budgeting in each of these federal death penalty eligible cases. The matters were largely distinct, but I formulated a model process for budget assessment and approval, working closely with the Sixth Circuit budgeting counsel during the budget approval steps. I conducted numerous *ex parte* conferences to assess requests and tried to create a streamlined mechanism for fair consideration of defense proposals and processing of vouchers. This included an interim billing protocol, which I created and implemented. Hearings or *ex parte* proceedings in the cases included budget justification, expert review, screening of particular requests, and guarding against retention-based conflicts of interest.

Counsel for Defendant Eugene Slone:

Brandon J. Storm
107 North Main Street
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606-877-6655

Candace C. Crouse
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David P. Baugh

2025 East Main Street, Suite 114
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David J. Guarnieri
McBrayer, McGinnis, Leslie & Kirkland, PLLC
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Martin S. Pinales
Pinales, Stachler, Young, Burrell & Crouse Co., LPA
455 Delta Avenue, Suite 105
Cincinnati, OH 45226
513-252-2750

Counsel for Defendant Jimmy Benge:

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P.O. Box 561
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Ned Pillersdorf
Pillersdorf, DeRossett & Lane
124 West Court Street
Prestonsburg, KY 41653
606-886-6090

Robert E. Norfleet
Robert E. Norfleet Law Office
313 West Mount Vernon Street
Somerset, KY 42501
606-679-1550

Counsel for Defendant Gerald Lee Sizemore:

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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.

Opinions of significance (primarily nonconstitutional, *see also* Question 13.h) in addition to those reflected in Question 13.c:

1. *Bisantz v. Stephens Thoroughbreds, LLC*, No. 5:13-CV-348-REW, 2015 WL 574594 (E.D. Ky. Feb. 11, 2015), *aff'd*, 620 F. App'x 535 (6th Cir. 2015).

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Counsel for Defendant:
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2. *Romine v. Saint Joseph Health Sys.*, No. 5:11-CV-282-REW, 2012 WL 5930629 (E.D. Ky. Nov. 27, 2012), *aff'd*, 541 F. App'x 614 (6th Cir. 2013).

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3. *Acuity Brands Lighting, Inc. v. Bickley*, No. 5:13-CV-366-DLB-REW, 2015 WL 10551946 (E.D. Ky. Nov. 30, 2015).

Counsel for Plaintiff:

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4. *EiA Properties, LLC v. Fenwick Equestrian, LLC*, No. 5:14-CV-328-REW, 2015 WL 5698540 (E.D. Ky. Sept. 28, 2015).

Counsel for Plaintiff:

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5. *United States v. Denham*, 663 F. Supp. 2d 561 (E.D. Ky. 2009).

Counsel for Defendant:
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606-330-4831

6. *United States v. Girod*, 159 F. Supp. 3d 773 (E.D. Ky. 2015).

Counsel for Defendant:
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Counsel for United States:
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7. *In re Application of the United States for an Order Authorizing Disclosure of Cell Site Location Information*, No. 6:08-6038M-REW, 2009 WL 8231744 (E.D. Ky. Apr. 17, 2009).

Counsel for United States:

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Counsel appointed to represent contrary interest:

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8. *United States v. Redmond*, Recommended Disposition, No. 6:07-CR-24-DCR-REW (E.D. Ky. June 25, 2007), ECF No. 96, *adopted*, 2007 WL 1999997 (E.D. Ky. July 5, 2007).

Counsel for Defendant:

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Counsel for United States:

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9. *United States v. Woodall*, No. 5:10-CR-121-KSF-REW-3, 2013 WL 1412342 (E.D. Ky. Mar. 25, 2013).

Counsel for Defendant:

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Counsel for United States:

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Lexington, Kentucky 40507-1612
(859) 685-4841

10. *Lindon v. Kakavand*, No. 5:13-CV-26-DCR-REW, 2014 WL 12648464 (E.D. Ky. Apr. 29, 2014).

Counsel for Plaintiff:

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502-426-3430

Counsel for Defendant:

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502-540-2300

Stephen J. Mattingly
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101 South Fifth Street, Suite 2500
Louisville, KY 40202
502-540-2300

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

Foley v. White, No. 6:00-CV-552-DCR-REW, 2012 WL 6965070 (E.D. Ky. Nov. 15, 2012), *adopted*, 2013 WL 375185 (E.D. Ky. Jan. 30, 2013), *amended*, 2013 WL 990828 (E.D. Ky. Mar. 12, 2013), *cert. denied*, 135 S. Ct. 951 (2015), *aff'd*, 835 F.3d 561 (6th Cir. 2016).

United States v. Arnold, No. 6:04-CR-31-DCR, 2008 WL 4951597 (E.D. Ky. Oct. 20, 2008), *adopted in part*, 2008 WL 4951791 (E.D. Ky. Nov. 18, 2008), *aff'd*, Order (6th Cir. Jan. 7, 2011), ECF No. 254, *cert. denied*, 131 S. Ct. 3079 (2011).

United States v. Clark, No. 6:06-CR-47-DCR-REW (E.D. Ky. Apr. 16, 2008), *adopted*, 2008 WL 2622890 (E.D. Ky. July 1, 2008), *aff'd*, Order (6th Cir. Dec. 21, 2011), ECF No. 284, *cert. denied*, 133 S. Ct. 677 (2012).

Walker v. Carter County, Ky., Order, No. 0:09-CV-25-DLB (E.D. Ky. Aug. 18, 2009), ECF No. 59, *cert. denied*, 130 S. Ct. 805 (2009).

United States v. Taylor, No. 6:09-CR-43-ART, 2010 WL 3190739 (E.D. Ky. July 26, 2010), *adopted*, 2010 WL 3190740 (Aug. 11, 2010), *aff'd*, Order (6th Cir. May 17, 2013), ECF No. 205, *cert. denied*, 134 S. Ct. 340 (2013).

United States v. Hamilton, E.D. Ky., 6:09-CR-63-ART, *aff'd*, 489 F. App'x 10 (6th Cir. 2012), *cert. denied*, 133 S. Ct. 669 (2012).

United States v. Rowe, Recommended Disposition, No. 5:10-CR-19-KKC-REW (E.D. Ky. Jan. 30, 2013), ECF No. 86, *adopted*, 2013 WL 3213079 (E.D. Ky. June 24, 2013), *aff'd*, Order (6th Cir. Apr. 14, 2015), ECF No. 99, *cert. denied*, 136 S. Ct. 521 (2015).

Lawson v. Motley, Recommended Disposition, No. 7:10-CV-09-HRW-REW (E.D. Ky. Sept. 6, 2012), ECF No. 42, *adopted*, Order (E.D. Ky. Sept. 20, 2012), ECF No. 44, *aff'd*, Order (6th Cir. Apr. 2, 2013), ECF No. 47, *cert. denied*, 133 S. Ct. 2778 (2013).

United States v. Jones, E.D. Ky., 5:10-CR-78-JMH, *aff'd*, 489 F. App'x 57 (6th Cir. 2012), *cert. denied*, 133 S. Ct. 554 (2012).

United States v. Basic, No. 5:11-MJ-05002-REW, 2012 WL 3067466 (E.D. Ky. July 27, 2012), *aff'd sub. nom.*, *Basic v. Steck*, No. 5:12-CV-274-KKC, 2015 WL 4164901 (E.D. Ky. Aug. 12, 2015), *aff'd*, 819 F.3d 897 (6th Cir. 2016), *cert. denied*, 137 S. Ct. 196 (2016).

Brewster v. Brown, Recommended Disposition, No. 0:13-CV-74-JMH-REW (E.D. Ky. Dec. 31, 2013), ECF No. 13, *adopted*, 2014 WL 585370 (E.D. Ky. Feb. 13, 2014), *aff'd*, Order (6th Cir. May 11, 2016), ECF No. 24, *cert. denied sub. nom.*, *Brewster v. Hart*, 137 S. Ct. 306 (2016).

United States v. Brummett, Recommended Disposition, No. 5:13-CR-135-DCR-REW (E.D. Ky. May 2, 2014), ECF No. 45, *adopted*, 2014 WL 2118265 (E.D. Ky. May 21, 2014), *aff'd*, Order (6th Cir. Dec. 4, 2015), ECF No. 80, *cert. denied*, 136 S. Ct. 1687 (2016).

United States v. Roberts, Recommended Disposition, No. 6:11-CR-50-GFVT-REW (E.D. Ky. Oct. 14, 2015), ECF No. 94, *adopted*, 2016 WL 1717073 (E.D. Ky. Apr. 28, 2016), *aff'd*, Order (6th Cir. Jan. 24, 2017), ECF No. 104, *cert. denied*, Order (U.S. June 5, 2017), ECF No. 106.

It is quite possible that there have been other petitions, for example, by Section 2255 movants or Section 2254 petitioners, not captured in the list referenced above. I have searched various ways for that information, which is not something

readily or centrally tracked. I am unaware of a grant of certiorari in any case I have handled.

- 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.
1. *United States v. Lopez*, Recommended Disposition, No. 6:06-CR-120-DCR (E.D. Ky. Dec. 7, 2006), ECF No. 24, *adopted*, 2006 WL 3827468 (E.D. Ky. Dec. 27, 2006), *rev'd*, 567 F.3d 755 (6th Cir. 2009). I recommended denial of a motion to suppress and the District Judge agreed. Based on the intervening issuance of *Arizona v. Gant*, 129 S. Ct. 1710 (2009), the Sixth Circuit reversed. Unpublished opinions supplied.
 2. *United States v. Hodson*, Recommended Disposition, No. 6:06-CR-117-DCR (E.D. Ky. Dec. 13, 2006), ECF No. 24, *adopted*, 2006 WL 3845032 (E.D. Ky. Dec. 27, 2006), *rev'd*, 543 F.3d 286 (6th Cir. 2008). I recommended denial of a motion to suppress. Although I found the warrant not supported by probable cause, I also deemed *Leon* to spare the search. The District Judge agreed, but the Sixth Circuit reversed. The decision appears at *United States v. Hodson*, 543 F.3d 286 (6th Cir. 2008). Unpublished opinion supplied.
 3. *United States v. Jones*, Recommended Disposition, No. 6:04-CR-70-DCR (E.D. Ky. Nov. 19, 2009), ECF No. 39, *adopted*, 2010 WL 55930 (E.D. Ky. Jan. 4, 2010), *rev'd*, 689 F.3d 621 (6th Cir. 2012). I recommended dismissal of a § 2255 motion based on timeliness. The District Judge agreed, adding other alternative dismissal bases. On appeal, the United States waived the timeliness defense, and the Sixth Circuit reinstated the motion. Unpublished opinion supplied.
 4. *EEOC v. Nestle Prepared Foods*, Recommended Disposition, No. 5:11-MC-358-JMH (E.D. Ky. Apr. 26, 2012), ECF No. 17, *rejected-in-part*, 2012 WL 1888130 (E.D. Ky. May 23, 2012). I determined that an administrative subpoena issued by the EEOC should be enforced against Nestle Prepared Foods. The District Judge agreed in part but rejected enforcement. Unpublished opinions supplied.
 5. *United States v. Poor*, Recommended Disposition, No. 5:11-CR-114-KKC (E.D. Ky. Mar. 12, 2012), ECF No. 76, *adopted*, 2012 WL 1153324 (E.D. Ky. Apr. 5, 2012). I recommended grant of a motion to suppress where I found no probable cause and the United States had made no good faith argument or showing in the motion briefing or during the substantive hearing. On objection, and after full development of the good faith argument, the District Judge adopted my decision but permitted part of the evidence under *Leon*.

Unpublished opinion supplied.

6. *United States v. Maxwell*, Recommended Disposition, No. 2:09-CR-33-DCR (E.D. Ky. Apr. 3, 2013), ECF No. 264, *adopted*, 948 F.Supp.2d 749 (E.D. Ky. 2013), *rev'd*, 617 F. App'x 470 (6th Cir. 2015). I recommended denial of relief (though grant of a certificate of appealability) as to a complex § 2255 motion. The District Judge agreed, but the Sixth Circuit (where the United States reversed its prior position on the merits) determined that the motion should be granted on the merits. Unpublished opinion supplied.
7. *United States v. Back*, Recommended Disposition, No. 7:12-CR-03-ART (E.D. Ky. May 26, 2016), ECF No. 349, *adopted*, 2016 WL 4204052 (E.D. Ky. Aug. 8, 2016). I recommended denial of a § 2255 that centered on implied waiver of the right to counsel, though noting factual and conceptual areas of concern. Judge Thapar agreed with my analysis, noted the concerns, and “out of an abundance of caution,” determined to resentence Defendant. Unpublished opinion supplied.
8. *United States v. Potter*, Recommended Disposition, No. 7:03-CR-21-DCR, 2016 WL 6143239 (E.D. Ky. Sept. 9, 2016), ECF No. 88, *rejected*, 2016 WL 6134533 (E.D. Ky. Oct. 20, 2016). I recommended granting § 2255 relief on a complicated Armed Career Criminal Act sentencing issue. This was based largely on the Government’s concession that resentencing should occur (and on comments by the Sixth Circuit in granting Movant leave to file the motion at issue). The District Judge rejected resentencing. That ruling is now on appeal. Unpublished opinion supplied.
9. *Manns v. Beckstrom*, Recommended Disposition, No. 7:13-CV-83-WOB-REW (E.D. Ky. June 16, 2015), ECF No. 21, *adopted* Order (E.D. Ky. Sept. 9, 2015), ECF No. 26, *aff'd*, ___ F. App'x ___, 2017 WL 2493124 (6th Cir. June 9, 2017) (per curiam); *but see id.* (White, J., dissenting) (expressing “no quarrel with the logic of the majority’s position” but perceiving a “problem with the district court’s and the majority’s reasoning”). Unpublished opinions supplied.
10. *United States v. Ginter*, Recommended Disposition, No. 5:13-CR-151-DCR-REW (E.D. Ky. Jan. 6, 2016), ECF No. 113, *adopted* 2016 WL 347663 (E.D. Ky. Jan. 28, 2016), *rev'd*, Order (6th Cir. June 12, 2017), ECF No. 125. I recommended denying § 2255 relief; Judge Reeves agreed. The Sixth Circuit reversed and remanded for resentencing based on illumination from the intervening *Mathis* decision and the Government’s concession, only at the Circuit, “that *Mathis* applies on collateral review and that Ginter no longer qualifies as an armed career criminal.” Unpublished opinions supplied.

I am identified on the Eastern District of Kentucky CM/ECF as having been the assigned judge in over 4,500 cases. I’ve issued around 450 dispositive orders—

either a Recommended Disposition to a District Judge (in criminal, habeas, or civil cases) or dispositive rulings in civil consent cases. I've issued many thousands of other orders—substantive, administrative, or ministerial—across the full docket. There have been other rare instances through the years where an objection and *de novo* review (e.g., on a new hearing, supplemented record, or new arguments presented by way of objection) have resulted in a District Judge varying or modifying a ruling I have issued. This periodically happens in the context of detention/bail appeals, suppression rulings, or other *de novo* review contexts. A District Judge may also occasionally or otherwise modify a schedule or briefing instructions I've issued. I do not have a system to track such scenarios, which are very infrequent.

- 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.

I do not actively designate my decisions as published or unpublished. Westlaw chooses some opinions for formal publication, *i.e.*, with a reporter citation, and / or otherwise for inclusion in its databases. All my opinions / decisions appear in the docket the same way, and all appear on the public Case Management / Electronic Case Filing System. Westlaw's databases contain most dispositive rulings, but other orders may appear only in the Court's public docket. I do not intentionally designate any decision as an unpublished opinion.

- 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.

1. *United States v. Wood*, No. 3:15-CR-14-GFVT-REW, 2016 WL 8131240 (E.D. Ky. Oct. 3, 2016) and 2016 WL 8131221 (E.D. Ky. Oct. 17, 2016) (granting defendant's motion for return of proceeds of condominium sale in order to pay counsel based on Supreme Court's rulings in *Kaley* and *Luis*).
2. *United States v. Conley*, No. 3:13-CR-28-GFVT-REW (E.D. Ky. Feb. 16, 2017) (recommending denial of defendant's motion challenging conviction based on the intervening *McDonnell v. United States*, 136 S. Ct. 2355 (2016)). Opinion supplied.
3. *United States v. Campbell*, 224 F. Supp. 3d 549 (E.D. Ky. 2016) (recommending granting defendant's 28 U.S.C. § 2255 motion, which raised (at core) the issue of Kentucky assault third's qualification as a career offender predicate offense), *adopted*, 2017 WL 1196650 (E.D. Ky. Mar. 30, 2017).
4. *United States v. Ware*, No. 2:14-CR-40-DLB-REW, 2016 WL 8793508 (E.D. Ky. Feb. 18, 2016) (recommending denial of Defendants' 28 U.S.C. § 2255 motions (except as to one subsidiary issue regarding one defendant), which

raised the issue of the legality of searches that occurred at Cincinnati / Northern Kentucky Airport), *adopted*, Order (E.D. Ky. Mar. 24, 2016), ECF No. 135.

5. *United States v. Barker*, No. 5:14-CR-32-DCR-REW, 2014 WL 2561989 (E.D. Ky. June 2, 2014) (recommending denial of Defendant's motion to suppress, which raised nexus and informant reliability arguments), *adopted*, 2014 WL 2742793 (E.D. Ky. June 6, 2014), *aff'd*, 611 F. App'x 346 (6th Cir. 2015) (summarily affirming "for the reasons set forth in the magistrate judge's recommended disposition").
6. *United States v. Clay*, No. 3:13-CR-15-GFVT-REW (E.D. Ky. Dec. 31, 2013) (recommending denial of Defendant's motion to suppress based on the conclusion that Defendant's then-girlfriend had apparent authority to consent to a search of the apartment and that the warrant was valid), *adopted*, 1 F. Supp. 3d 688 (E.D. Ky. 2014), *aff'd*, 630 F. App'x 377 (6th Cir. 2015), *cert. denied*, 136 S. Ct. 1394 (2016).
7. *United States v. Lostutter*, No. 5:16-CR-62-DCR-REW, 2016 WL 8761771 (E.D. Ky. Oct. 24, 2016) (recommending denial of Defendant's motion to suppress, which raised warrant particularity and *Miranda* arguments), *adopted*, Order (E.D. Ky. Nov. 16, 2016), ECF No. 67.
8. *United States v. Landor*, No. 6:09-CR-14-GFVT-REW (E.D. Ky. Nov. 17, 2009) (recommending granting Defendant's motion to suppress based on a *Miranda* violation and the psychotherapist-patient privilege), *adopted*, 699 F. Supp. 2d 913 (E.D. Ky. 2009).
9. *United States v. Kinison*, No. 5:12-CR-57-JBC-REW, 2012 WL 4433296 (E.D. Ky. Sept. 24, 2012) (denying Defendant's motion for release from custody after Judge Coffman granted a motion to suppress, from which the United States took an interlocutory appeal).
10. *United States v. Patel*, Statement of Reasons for Release, Nos. 5:13-MJ-5316 & -5317-REW (E.D. Ky. Dec. 4, 2013) (denying the Government's motion for pretrial detention in these non-presumption cases, which raised interesting and relatively novel immigration and removal issues), ECF No. 14. Opinion supplied.
- i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.

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

14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed

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

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

As a federal magistrate judge, I have sought to comply with 28 U.S.C. § 455, disqualifying myself in specific circumstances commanded by the statute and in any case where my impartiality might reasonably be questioned. I screen every case and also rely on an automatic conflict-recognition program built into the ECF system. I recused *sua sponte* in the following cases:

Ball v. Stalnaker, No. 7:05-CV-263-GFVT (recusing based on Section 455(a) and Section 455(b), belief that impartiality might reasonably be questioned due to personal knowledge or personal bias as to a party or knowledge of disputed evidentiary facts).

Cox v. City of Irvine, Ky., No. 5:09-CV-05-JBC (recusing based on Section 455(a) and Section 455(b), belief that impartiality might reasonably be questioned due to personal knowledge or personal bias as to a party or knowledge of disputed evidentiary facts).

United States v. Turek, No. 5:11-CR-29-JBC (recusing based on Section 455(a) and Section 455(b), belief that impartiality might reasonably be questioned due to personal knowledge or personal bias as to a party or knowledge of disputed evidentiary facts).

Dublin Eye Assocs., P.C. v. Mass. Mut. Life Ins. Co., No. 5:11-CV-128-JBC (recusing based on Section 455(a) and Section 455(b), belief that impartiality might reasonably be questioned due to personal knowledge or personal bias as to a party).

Jones v. Regency Care of Mt. Sterling, LLC, No. 5:13-CV-57-KKC (recusing

based on former law firm acting as counsel of record).

Smith v. Univar USA, Inc., No. 5:12-CV-134-ART (recusing based on Section 455(a) and Section 455(b), belief that impartiality might reasonably be questioned due to personal knowledge or personal bias as to a party or knowledge of disputed evidentiary facts).

The Mall at Lexington Green, LLC v. Bayer Properties, LLC, No. 5:14-CV-127-KKC (recusing based on former law firm acting as counsel of record).

New York Life Ins. Co. v. Terry, No. 5:15-CV-353-REW (now HAI) (recusing based on Section 455(a) and Section 455(b), belief that impartiality might reasonably be questioned due to personal knowledge or personal bias as to a party).

I recall only two cases where a party asked me to recuse:

Smith v. Parks, No. 5:14-CV-260-KKC. Plaintiff, *pro se*, moved to recuse me based on perceived prejudice from prior rulings in the case. DE #59. The District Judge denied the motion. DE #87.

United States v. Ware, No. 3:13-CR-26-GFVT. Certain motions in this case remain pending for the District Judge's consideration. After my role concluded, Ware, *pro se*, made objections to my recommended disposition on his § 2255 motion, making a confusing *nunc pro tunc* recusal argument based on the manner in which I analyzed the filings and written arguments. Judge Van Tatenhove recently overruled those objections and did not order my recusal.

15. Public Office, Political Activities and Affiliations:

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

I have not held public office. I have had no unsuccessful candidacies for public office or unsuccessful nominations for appointed office.

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

Treasurer, Tim Philpot for Fayette Circuit Court Judge (2003)

Treasurer, Tim Philpot for Fayette Family Court Judge (2004)

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

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

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

From 1992 to 1993, I served as a law clerk to the Honorable Eugene E. Siler, Jr., Circuit Judge of the United States Court of Appeals for the Sixth Circuit.

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

I have not practiced 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.

1993 – 1995

Stoll, Keenon & Park, LLP (later Stoll Keenon Ogden, PLLC).
300 West Vine Street, Suite 2100
Lexington, KY 40507
Associate

1996 – 2006

Ransdell & Wier, PLLC
(formerly entities Philpot, Ransdell, Roach & Wier, PLLC and Ransdell, Roach & Wier, PLLC)
176 Pasadena Drive, Bldg 1
Lexington, Kentucky
Member/Partner

- 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 did not act as a mediator during private practice. I have mediated over 300 cases as a United States Magistrate Judge. The ten most significant matters that I have mediated or arbitrated are:

McKinney v. Lexington-Fayette Urban County Government, 5:12-CV-360-KKC (Oct. 4, 2016) (successful mediation in case involving death of detainee and resulting constitutional claims).

Jones v. Perry County Fiscal Court, 6:15-CV-50-DCR (June 14, 2016) (successful mediation of alleged political retaliation claim, which included agreement for return to employment).

Woods v. PNC Bank, 0:14-CV-84-HRW (Oct. 27, 2015) (successful mediation of property destruction claim involving discarding of safety deposit box contents and questions over value and existence of contents).

Anestis v. United States, 5:11-CV-28-DLB (Dec. 22, 2014) (successful mediation of Federal Tort Claims Act case arising from suicide of veteran).

Magic Hat IP, LLC v. West Sixth Brewing Company, LLC, 5:13-CV-136-DCR (June 5, 2013) (successful mediation of trademark dispute).

Budsgunshop.com, LLC v. Security Safe Outlet, Inc., 5:10-CV-390-KSF (Apr. 30, 2013 and May 7, 2013) (successful mediation of unfair competition and other business tort claims).

Constable v. Treviicos-Soletanche Joint Venture for Wolf Creek Dam, 1:11-CV-164-TBR/1:11-CV-186-TBR (W.D. Ky.) (Feb. 12, 2013) (successful mediation of multi-claimant Fair Labor Standards Act case; mediated on request, though out of district case).

Mosier v. Kentucky, 5:08-CV-184-KSF (July 14, 2010) (successful mediation of Americans with Disabilities Act case involving access to and accommodation by Kentucky Court of Justice for hearing impaired lawyer).

Asher v. Unarco Material Handling, Inc., 6:06-CV-548-ART (Oct. 21, 2008) (successful mediation of dozens of claims involving personal injury claimed from warehouse exposure to carbon monoxide).

Merrill v. Arch Coal Co., 6:99-CV-492-GFVT (Oct. 24, 2006) (successful mediation of wrongful death case).

b. Describe:

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

I had three distinct practice phases between 1992 (licensure) and 2006

(commencement of judgeship): a one year appellate clerkship with Judge Siler; 2.5 years as an associate at Stoll, Keenon & Park, LLP; and nearly 10 years of practice in my own firm. Each of those phases contributed significantly to my base of experience as an attorney.

The clerkship focused heavily on research and writing. Because Judge Siler had just been elevated to the Sixth Circuit, and because a replacement district judge had not yet been appointed, there remained a fair amount of district work as part of the clerkship. The majority of appellate work involved federal criminal appeals, with a high additional percentage of civil employment and ERISA cases.

At Stoll, Keenon, I worked as an associate in the commercial litigation group. I did typical associate functions: research, writing, discovery, and motion practice. In 2.5 years, I do not remember any actual trials occurring within commercial litigation at the firm, so I did not get actual trial experience. I did participate in every phase of pre-trial litigation in several federal and state court commercial (mineral, banking, equine) and employment disputes. I also had a lesser but still significant role in some commercial transactions.

I left Stoll, Keenon and started my own firm (with two law-school classmates) in January of 1996. We basically purchased the existing practice of an established attorney. The practice, at inception, primarily centered on employment law, though we added and expanded into commercial disputes, general civil practice, and business formation/advice. At the end of my practice, I had a general civil trial and appellate practice, with a number of business and institutional clients but also a significant number of individual clients.

In the ten years of practice at my firm, I personally tried 9 jury trials as lead counsel (5) or second chair (4). I also tried a bench trial (second chair). I individually conducted at least 5 full administrative trials, including administrative disciplinary hearings, zoning trials, and a state benefit eligibility hearing. I conducted innumerable state hearings as to unemployment benefits (both claimant and employer). I pursued or defended injunctive relief on several occasions. All told, as lead counsel, I litigated to conclusion at least 60 cases in state and federal court. This would include jury verdicts, appellate judgments, summary judgments, and settlements. I litigated over 15 complete appeals in either the state or federal system, 10 of which I individually handled.

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

At Stoll, Keenon I worked for existing clients of the firm. These included

Mapco, Bank One, Keeneland Association, The Jockey Club, and Link Belt.

In my firm, I had a diverse, varied civil practice. Through the years, I sought and maintained a blend of individual and business clients. I represented many individuals on employment claims or in other types of disputes. I also had a significant business and commercial practice. At the conclusion of my practice, I was local counsel (on employment cases) for General Cable Corporation, GSI Commerce Solutions, Inc., and Green Tokai Co., Ltd. I also regularly represented Lexington companies W. Rogers Company and Nesbitt Engineering, Inc., and Kentucky manufacturer Gateway Manufacturing Company, Inc.

- 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.

I frequently appeared in court because at all times I was actively involved in a variety of civil litigation types, all of which required court appearances.

- i. Indicate the percentage of your practice in:

1. federal courts:	20%
2. state courts of record:	70%
3. other courts:	0%
4. administrative agencies:	10%

- ii. Indicate the percentage of your practice in:

1. civil proceedings:	100%
2. criminal proceedings:	0%

- 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.

Nine total jury trials (5 first chair; 4 second chair). One bench trial. At least five full administrative trials (zoning, discipline, benefits). Fifteen completed appeals in the state or federal system. I would estimate that 30 other cases ended in some type of final adjudication.

- i. What percentage of these trials were:

1. jury:	40%
2. non-jury:	60% (including administrative trials)

- 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 never appeared before the Supreme Court of the United States.

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

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

1. *Rogers v. Lexington-Fayette Urban County Government*, 175 S.W.3d 569 (Ky. 2006).

I represented individual taxpayers challenging the attempt by the LFUCG to conduct a 2005 referendum addressing condemnation of Kentucky-American Water Company. I fully participated in the state injunction hearing, the Court of Appeals briefing, and the Supreme Court briefing. Ultimately, the Supreme Court blocked the attempted election from proceeding in 2005. The taxpayer's standing, as presented by my clients, was the basis for irreparable harm that led to the injunction. The injunction was heard by Fayette Circuit Court Judge Thomas Clark. The intermediary appeal was heard by Kentucky Court of Appeals Judges William E. McAnulty, Paul W. Rosenblum, and Wilfrid Schroder. The Kentucky Supreme Court decision was written by Chief Justice Joseph E. Lambert.

Counsel for Defendant:

Hon. Mary Ann Delaney
Lexington-Fayette Urban County Government
200 East Main Street, 11th Floor
Lexington, KY 40507-1310
859-258-3500

Hon. David Jeffrey Barberie
Lexington-Fayette Urban County Government
200 East Main Street
Lexington, KY 40507-1310

859-258-3500

Hon. William R. Garmer
Garmer & Prather PLLC
141 North Broadway
Lexington, KY 40507
859-254-9351

Jane E. Graham
Henry Watz Raine & Marino PLLC
401 West Main Street, Suite 314
Lexington, KY 40507
859-253-1320

Hon. Edwin Foster Ockerman, Jr.
835 Glendover Road
Lexington, KY 40502
859-268-8102

Counsel for Co-Plaintiff Kentucky American Water Co.:

Hon. William M. Lear, Jr.
Stoll Keenon Ogden PLLC
300 West Vine Street, Suite 2100
Lexington, KY 40507-1801
859-231-3011

2. *Oakley v. Flor-Shin, Inc.*, 964 S.W.2d 438 (Ky. App. 1998).

I represented Plaintiff in what became the first case to recognize a cause of action for negligent hiring in Kentucky. Defendant had knowingly permitted an employee with a history of violent, sexual assault to be assigned to work a night shift sequestered alone with a young female employee. The employee sexually, and feloniously, assaulted the female, whom I represented. Ultimately, following remand, a jury returned a substantial verdict for Plaintiff, including a punitive damage award. The case was heard by Woodford Circuit Court Judge Robert Overstreet. The appeal was heard by Kentucky Court of Appeals Judges Daniel T. Guidugli, Rick A. Johnson, and Wilfrid Albert Schroder.

Counsel for Defendant:

Hon. Ronald L. Green
Green Chesnut & Hughes PLLC
201 East Main Street, Suite 1250
Lexington, KY 40507
859-475-1471

Counsel for Plaintiff:

Hon. John C. Roach
Ransdell Roach & Royse PLLC
176 Pasadena Drive, Building 1
Lexington, KY 40503
859-276-6262

3. *Gateway Manufacturing, Inc. v. Mt. Sterling Board of Adjustment*, No. 2000-CA-1832-MR (Ky. Ct. App. Nov. 9, 2001).

I was counsel for a light manufacturer in Mt. Sterling, Kentucky, that sought permission to modify its plant to install equipment regarding a particular product line. The local zoning board denied the request (after multiple hearings). I appealed to the Circuit Court and then to the Kentucky Court of Appeals, ultimately prevailing. The challenge to the zoning board's denial was heard by Montgomery Circuit Court Judge William Mains. The appeal from the Circuit Court was heard by Kentucky Court of Appeals Judges Julia K. Tackett, Paul D. Gudgel, and R.W. Dyche.

Counsel for Mt. Sterling Board of Adjustment:

Hon. Dana Cox Nickles (formerly Berliner)
400 Conway Street
Frankfort, Kentucky 40601-6207

Hon. Michael A. Nickles
414 Conway Street
Frankfort, Kentucky 40601
502-564-2470

4. *Buntin v. Breathitt County Board of Education*, 134 F.3d 796 (6th Cir. 1998).

I represented a female school board employee paid less than her male predecessor for the same position, in violation of the Equal Pay Act. The appeal reversed the District Court's Rule 50 disposition. After remand, the case settled. The case was heard by United States District Judge Joseph M. Hood. The appeal was heard by United States Circuit Judges Gilbert S. Merritt, Karen Nelson Moore, and Myron H. Bright.

Counsel for Defendant:

Hon. Maryellen B. Mynear
State of Kentucky, Office of the Attorney General
700 Capitol Avenue, Suite 118
Frankfort, KY 40601-3449
502-696-5389

Hon. Lawrence E. Forgy

L. Forgy & Associates, PLLC
83 C. Michael Davenport
Frankfort, KY 40604
502-227-3155

Hon. David A. Skidmore, Jr.
Frost Brown Todd LLC
301 East Fourth Street, Suite 3300
Cincinnati, OH 45202
513-651-6185

5. *Dilco Development Co. v. Race Fork Coal Corp.*, 7:93-CV-193-JMH-PEP, filed: May 14, 1993.

I was the primary associate in this case, which involved defense of a coal company against a large group of claimants under an ancient land patent allegedly granting superior ownership to the claimants and a right to damages for decades of mining activity. The case ultimately ended in a settlement. My roles included significant pre-trial discovery management, *Daubert* motion drafting, and summary judgment briefing. The case was heard and decided by United States District Judge Joseph M. Hood.

Counsel for Plaintiff:

Hon. John H. Burrus
Retired – formerly with Landrum & Shouse, LLP
154 Flyway Drive
Kiawah Island, SC 29455

Counsel for Defendant:

Hon. Charles E. Shivel, Jr.
Retired – formerly with Stoll Keenan Ogden PLLC
PO Box 1197
Big Timber, MT 59011

Hon. Diane M. Carlton
550 Arcadia Park
Lexington, KY 40503
859-494-0280

Hon. Kendall S. Barrett
Alliance Coal LLC
1146 Monarch Street
Lexington, KY 40513
859-224-7230

6. *Humco, Inc. v. Noble*, 31 S.W.3d 916 (Ky. 2000).

I co-wrote an amicus brief, on behalf of the Kentucky Academy of Trial Attorneys, seeking clarification of professional rules regarding contact of former employees of a defendant/employer. The Kentucky Supreme Court agreed with the position of the brief. The Kentucky Supreme Court opinion was written by Justice Joseph E. Lambert.

Amicus Co-Counsel:

Hon. John C. Roach
Ransdell Roach & Royse PLLC
176 Pasadena Drive, Building 1
Lexington, KY 40503
859-276-6262

Counsel for Humco, Inc.:

Hon. Jeffrey J. Kuebler
100 Woodburn Hall Drive
Versailles, KY 40383
859-454-2934

Counsel for Mary Coleman (real party-in-interest):

Hon. Albert F. Grash, Jr.
Rose Grash Camenisch Mains PLLC
326 South Broadway
Lexington, KY 40508
859-721-2100

Hon. Theodore E. Cowen
791 Elizabeth Drive
Florence, KY 41042-9643
859-552-9089

7. *Morrow v. Brown, Todd & Heyburn*, 957 S.W.2d 722 (Ky. 1997).

I co-wrote a brief seeking clarification of the work-product doctrine, particularly application of the at-issue exception, under Kentucky law. The Court agreed with the position of the brief. The Kentucky Supreme Court opinion was written by Justice John W. Graves.

Opposing Counsel:

Hon. Glen S. Bagby
Dinsmore & Shohl LLP
250 West Main Street, Suite 1400
Lexington, KY 40507
859-244-7105

Hon. J. Robert Lyons, Jr.
Dinsmore & Shohl LLP
250 West Main Street, Suite 1400
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859-244-7109

Co-Counsel:

Hon. Timothy Neil Philpot
Fayette Family Court Judge
120 North Limestone
Lexington, KY 40507
859-246-2703

Hon. John C. Roach
Ransdell Roach & Royse PLLC
176 Pasadena Drive, Building 1
Lexington, KY 40503
859-276-6262

8. *Oaks v. 3M Company*, 453 F.3d 781 (6th Cir. 2006).

I represented a 3M employee on a breach of contract and statutory wage claim against the employer. The case involved successful appeal of the district court's adverse summary judgment. The matter settled after appeal. The Sixth Circuit decision was written by Judge Myron H. Bright.

Counsel for Defendant:

Hon. Debra H. Dawahare
Wyatt Tarrant & Combs LLP
250 West Main Street, Suite 1600
Lexington, KY 40507
859-288-7617

Hon. George J. Miller
Wyatt Tarrant & Combs LLP
250 West Main Street, Suite 1600
Lexington, KY 40507
859-288-7640

9. *Vest v. Corrections Corporation of America*, No. 7:04-CV-311-DLB, 2005 WL 3542537 (E.D. Ky. Dec. 23, 2005).

I represented a prison guard badly injured in an automobile accident on the way home from work. The case concerned whether the Kentucky worker's comp bar applied to the injury and, if not, whether the employer was liable.

The case resolved by agreement pre-trial. Case heard and decided by United States District Judge David L. Bunning.

Counsel for Defendant:

Hon. G. Edward Henry, II
Henry Watz Raine & Marino, PLLC
401 West Main Street, Suite 314
Lexington, KY 40507
859-253-1320

Hon. Kara Read Marino
Henry Watz Raine & Marino, PLLC
401 West Main Street, Suite 314
Lexington, KY 40507
859-253-1320

Hon. Jane E. Graham
Henry Watz Raine & Marino, PLLC
401 West Main Street, Suite 314
Lexington, KY 40507
859-253-1320

Counsel for Plaintiff:

Hon. W. Keith Ransdell
Ransdell Roach & Royse PLLC
176 Pasadena Drive, Building 1
Lexington, KY 40503
859-276-6262

10. *Bennett v. Caise*, 5:99-CV-426-HRW (opinion granting summary judgment dated April 2, 2001).

I represented an individual defendant accused of Fair Housing Act violations. The District Court granted a motion to dismiss, and the matter ended with voluntary dismissal of the appeal. Case heard and decided by United States District Judge Henry R. Wilhoit, Jr.

Counsel for Plaintiff:

Hon. Kevin James Kijewski
United States Department of Justice
950 Pennsylvania Avenue Northwest
Washington, DC 20530
202-307-0663

Hon. Teresa Isaac

1750 Bryan Station Road
Lexington, KY 40505
859-245-5933

Counsel for Defendant:
Hon. Ronald L. Green
Green Chesnut & Hughes PLLC
201 East Main Street, Suite 1250
Lexington, KY 40507
859-475-1471

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 the matters described above, I have been actively involved in general court administration and governance roles as a United States Magistrate Judge. For example, I was a principal drafter on the revised Criminal Justice Act Plan for the District (2007) and have been the Magistrate Judge member of the CJA Committee since its inception (2007). I have selected and managed court administration of the Central Division grand jury since 2010. I also drafted the District model for Magistrate Judge processing of felony guilty pleas, drafted the District model for Magistrate Judge processing of Rule 32.1 supervised release hearings, initiated District use of the federal e-Tip system for remote interpreting services, and drafted the Court's current electronic device policy for the District's courthouses.

I have never acted or registered as a lobbyist.

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 not taught a designated course.

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.

I have no deferred income or future 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.

I have no commitments or agreements to do so, and no other plans for outside activities.

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

See attached Financial Disclosure Report .

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

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

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

If confirmed, I will recuse in any pertinent litigation in which I have ever played a disqualifying role. As a United States Magistrate Judge, I have recused from cases litigated by my former law firm. I anticipate likely continuing to do so. Lastly, I will evaluate any other real or potential conflict, or relationship that could give rise to an appearance of conflict, on a case-by-case basis and determine appropriate action, including recusal where necessary, in each case.

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

If confirmed, I will carefully review and address any real or potential conflicts by reference to 28 U.S.C. § 455, Canon 3 of the Code of Conduct for United States Judges, and any and all other laws, rules, and practices governing such circumstances.

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.

In practice, I frequently donated legal services to persons unable to pay. This often included persons encountered at church or through my children’s school. I occasionally received pro bono appointments from the Courts in Fayette County. Additionally, on several business matters, I voluntarily represented the University of Kentucky Wesley Foundation, a non-profit student organization operated by the United Methodist Church.

As a judge, I have tried to say yes when asked to volunteer as a speaker, teacher, or otherwise to participate in matters pertinent to justice or the judiciary.

In non-legal matters, I was a youth soccer and basketball coach for over 10 years, led a men’s Bible study group for many years, and have been a volunteer children’s tutor at a Lexington literacy center. I also served as a volunteer judge to elementary school academic team meets over several years.

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.

At various points over the years, I have expressed my interest in a district judgeship to the offices of Senator McConnell, then-Senator Bunning, and later Senator Paul. This occurred first in late 2006 (for a position ultimately filled in 2007) and then in 2013 and late 2016, for open positions. I have had interviews or contact with staff for the Senators at various times through the years.

On December 21, 2016, I interviewed in Louisville with Senator McConnell’s Counsel and State Director. Then, on January 14, 2017, again in Louisville, I interviewed with Senator McConnell. I later met with Senator Paul’s State Director on January 27, 2017. Since February 17, 2017, I have been in contact with officials from the White House Counsel’s Office. On February 23, 2017, I interviewed with attorneys from the White House Counsel’s Office and the Office of Legal Policy at the Department of Justice in Washington, DC. On August 3, 2017, the President submitted my nomination to the Senate.

- b. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any currently pending or specific case, legal issue or question

in a manner that could reasonably be interpreted as seeking any express or implied assurances concerning your position on such case, issue, or question? If so, explain fully.

No.

**FINANCIAL DISCLOSURE REPORT
NOMINATION FILING**

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

1. Person Reporting (last name, first, middle initial) Wier, Robert E.	2. Court or Organization Eastern District of Kentucky	3. Date of Report 08/08/2017
4. Title (Article III judges indicate active or senior status; magistrate judges indicate full- or part-time) full-time U.S. Magistrate Judge	5a. Report Type (check appropriate type) ☒ Nomination Date 08/03/2017 ☐ Initial ☐ Annual ☐ Final 5b. ☐ Amended Report	6. Reporting Period 1/1/2016 to 08/01/2017
7. Chambers or Office Address 417 U.S. Courthouse 101 Barr St. Lexington KY 40507		
IMPORTANT NOTES: The instructions accompanying this form must be followed. Complete all parts, checking the NONE box for each part where you have no reportable information.		

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

☐ NONE (No reportable positions.)

<u>POSITION</u>	<u>NAME OF ORGANIZATION/ENTITY</u>
1. Trustee	Trust #2 (See Part VIII).
2.	
3.	
4.	
5.	

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

☒ NONE (No reportable agreements.)

<u>DATE</u>	<u>PARTIES AND TERMS</u>
1.	
2.	
3.	

FINANCIAL DISCLOSURE REPORT

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Name of Person Reporting

Wier, Robert E.

Date of Report

08/08/2017

III. NON-INVESTMENT INCOME. *(Reporting individual and spouse; see pp. 17-24 of filing instructions.)***A. Filer's Non-Investment Income**☒ NONE *(No reportable non-investment income.)*

<u>DATE</u>	<u>SOURCE AND TYPE</u>	<u>INCOME</u> (yours, not spouse's)
1.		
2.		
3.		
4.		

B. Spouse's Non-Investment Income - *If you were married during any portion of the reporting year, complete this section.**(Dollar amount not required except for honoraria.)*☐ NONE *(No reportable non-investment income.)*

<u>DATE</u>	<u>SOURCE AND TYPE</u>
1. 2016-17	Lexington Christian Academy -- wages
2.	
3.	
4.	

IV. REIMBURSEMENTS -- *transportation, lodging, food, entertainment.**(Includes those to spouse and dependent children; see pp. 25-27 of filing instructions.)*☐ NONE *(No reportable reimbursements.)*

<u>SOURCE</u>	<u>DATES</u>	<u>LOCATION</u>	<u>PURPOSE</u>	<u>ITEMS PAID OR PROVIDED</u>
1. Exempt				
2.				
3.				
4.				
5.				

FINANCIAL DISCLOSURE REPORT

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Name of Person Reporting

Wier, Robert E.

Date of Report

08/08/2017

V. GIFTS. *(Includes those to spouse and dependent children; see pp. 28-31 of filing instructions.)*☐ NONE *(No reportable gifts.)*

	<u>SOURCE</u>	<u>DESCRIPTION</u>	<u>VALUE</u>
1.	Exempt		
2.			
3.			
4.			
5.			

VI. LIABILITIES. *(Includes those of spouse and dependent children; see pp. 32-33 of filing instructions.)*☐ NONE *(No reportable liabilities.)*

	<u>CREDITOR</u>	<u>DESCRIPTION</u>	<u>VALUE CODE</u>
1.	Bank of America	credit card	K
2.	Capital One	credit card	J
3.			
4.			
5.			

FINANCIAL DISCLOSURE REPORT

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Name of Person Reporting

Wier, Robert E.

Date of Report

08/08/2017

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

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

A. Description of Assets (including trust assets) Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
1. University of Kentucky Federal Credit Union; acct (Y)									
2. Trust #2									
3. ---ML Basic Value A	A	Dividend	J	T					
4. ---ML Bal. Cap. FD A	A	Dividend	J	T					
5. ---ML Health Sciences Opps	A	Dividend	J	T					
6.									
7.									
8.									
9.									
10.									
11.									
12.									
13.									
14.									
15.									
16.									
17.									

1. Income Gain Codes: (See Columns B1 and D4)	A = \$1,000 or less F = \$50,001 - \$100,000 J = \$15,000 or less N = \$250,001 - \$500,000 P3 = \$25,000,001 - \$50,000,000	B = \$1,001 - \$2,500 G = \$100,001 - \$1,000,000 K = \$15,001 - \$50,000 O = \$500,001 - \$1,000,000 R = Cost (Real Estate Only) V = Other	C = \$2,501 - \$5,000 H1 = \$1,000,001 - \$5,000,000 L = \$50,001 - \$100,000 P1 = \$1,000,001 - \$5,000,000 P4 = More than \$50,000,000 S = Assessment W = Estimated	D = \$5,001 - \$15,000 H2 = More than \$5,000,000 M = \$100,001 - \$250,000 P2 = \$5,000,001 - \$25,000,000 T = Cash Market	E = \$15,001 - \$50,000
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FINANCIAL DISCLOSURE REPORT

Page 5 of 6

Name of Person Reporting

Wier, Robert E.

Date of Report

08/08/2017

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

As to Part I, this is reported as Trust #2. A previously disclosed Trust #1 ended as reported in prior disclosures.

(Y) Account below reportable threshold during period.

FINANCIAL DISCLOSURE REPORT

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Name of Person Reporting

Wier, Robert E.

Date of Report

08/08/2017

IX. CERTIFICATION.

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

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

Signature: s/ Robert E. Wier

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

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

FINANCIAL STATEMENT

NET WORTH

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

ASSETS				LIABILITIES			
Cash on hand and in banks		4	000	Notes payable to banks-secured (auto)		12	600
U.S. Government securities				Notes payable to banks-unsecured			
Listed securities				Notes payable to relatives			
Unlisted securities				Notes payable to others			
Accounts and notes receivable:				Accounts and bills due			
Due from relatives and friends				Unpaid income tax			
Due from others				Other unpaid income and interest			
Doubtful				Real estate mortgages payable -- see schedule		245	000
Real estate owned -- see schedule		320	000	Chattel mortgages and other liens payable			
Real estate mortgages receivable				Other debts-itemize:			
Autos and other personal property		42	500	Credit cards and/or installment accounts		34	000
Cash value-life insurance				Thrift Savings Plan Loan		14	400
Other assets itemize:							
Thrift Savings Plan		308	000				
Household Items		125	000				
				Total liabilities		306	000
				Net Worth		493	500
Total Assets		799	500	Total liabilities and net worth		799	500
CONTINGENT LIABILITIES				GENERAL INFORMATION			
As endorser, comaker or guarantor		17	000	Are any assets pledged? (Add schedule)			No.
On leases or contracts				Are you defendant in any suits or legal actions?			No.
Legal Claims				Have you ever taken bankruptcy?			No.
Provision for Federal Income Tax							
Other special debt							

FINANCIAL STATEMENT

NET WORTH SCHEDULES

Real Estate Owned

Personal Residence

\$ 320,000

Total Real Estate Owned

\$ 320,000

Real Estate Mortgages Payable

Personal Residence – Mortgage

\$ 203,000

Personal Home Equity Line of Credit

19,700

Home Renovation Loan

22,300

Total Real Estate Mortgages Payable

\$ 245,000

AFFIDAVIT

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

Feb 29, 2017

(DATE)

RW

(NAME)

Laura Capezzuto 581362

(NOTARY)

6/16/21

