

January 6, 2014

The Honorable Patrick J. Leahy
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

I have reviewed my response to the Senate Questionnaire that I submitted on November 7, 2013, to the Senate Judiciary Committee, in connection with my nomination to serve as a United States Circuit Judge for the United States Court of Appeals for the Eleventh Circuit. Incorporating the additional information set forth below, I certify that the information contained in both the November 7, 2013, response and in this letter, is, to the best of my knowledge, true and accurate.

Question 13.a.

I have presided over another criminal trial that resulted in a verdict. In addition, I have presided over another civil trial that was settled mid-trial.

Question 13.b.

I have attached a list of opinions responsive to this question and issued since November 7, 2013.

Question 13.e.

Certiorari was requested and granted but later denied as improvidently granted in *Mulhall v. Unite Here Local 355*, Case No. 08-CIV-61766-RSR (S.D. Fla. Jan. 24, 2011), *reversed and remanded*, Case No. 11-10594, 667 F.3d 1211 (11th Cir. Jan. 18, 2012), *cert. granted*, ___ U.S. ___, 133 S. Ct. 2849 (June 24, 2013), *cert. dismissed as improvidently granted*, Case No. 12-99, ___ U.S. ___, ___ S. Ct. ___ 2013 WL 6410851 (Dec. 10, 2013). This case is not listed in response to Question 13.f. because the decision on appeal was issued by the judge presiding over the case before the matter was transferred to me.

Certiorari was requested but denied in *Marshall v. United States*, Case No. 10-CIV-20482-RSR (S.D. Fla. Aug. 14, 2012), *aff'd*, Case No. 12-13841, 514 F. App'x 936 (11th Cir. 2013), *cert. denied*, Case No. 12-9879, ___ U.S. ___, 133 S. Ct. 2749 (May 28, 2013). This denial of certiorari should have been included in my original response to the Senate Questionnaire for Judicial Nominees submitted on November 7, 2013. I regret that it was not. I was not aware of the denial at the time.

Question 14.

I have recused myself sua sponte in three cases since filing my November 7, 2013, response to the Senate Questionnaire for Judicial Nominees. First, in *Hamilton v. Suntrust Mortgage, Inc.*, Case No. 13-CIV-60749, the plaintiffs were represented by, among others, two attorneys who had supported my nominations to be a district judge and a circuit judge, one attorney who had served as my reference when I applied to become a magistrate judge, and one attorney whose daughter is my neighbor and whose granddaughter is friends with my daughter. Second, in *Wrubleski v. Blay*, Case No. 13-CIV-62403, the defendants included, among others, a courtroom deputy who has assisted me from time to time, another district judge in the same courthouse, the magistrate judge with whom I am paired, and the deputy United States Marshal who supervises operations at my courthouse. Finally, in *United States v. Handfield*, Case No. 13-CR-20840, counsel included a lawyer who had offered to support my nomination to serve as a circuit judge. In all three cases, I recused myself to avoid an appearance of impropriety.

Question 19.

With the approval of the Chief Judge of the Eleventh Circuit, in the spring of 2014, I am scheduled to teach an upper-level legal writing class on federal motions, such as motions to remand, discovery motions, and motions for preliminary injunction, at the University of Miami School of Law. This is the same course that I taught during the spring of 2012. I have attached a copy of the Spring 2014 syllabus for the class.

I am also forwarding an updated Net Worth Statement and Financial Disclosure Report, as requested by the Senate Questionnaire for Judicial Nominees. I thank the Committee for its consideration of my nomination.

Sincerely,

A handwritten signature in black ink that reads "Robin S. Rosenbaum". The signature is fluid and cursive, with the first name "Robin" and last name "Rosenbaum" clearly legible.

Robin S. Rosenbaum

copies: The Honorable Charles Grassley
 Ranking Member
 Committee on the Judiciary
 United States Senate
 Washington, DC 20510

Question 13.b.

Nelson v. N. Broward Med. Ctr., 2013 WL 6842034 (S.D. Fla. Dec. 27, 2013)

Rojas v. Garda CL Se., Inc., ___ F.R.D. ___, 2013 WL 6834657 (S.D. Fla. Dec. 23, 2013)

Fuller v. Edward B. Stimpson Co., Inc., 2013 WL 6836554 (S.D. Fla. Dec. 23, 2013)

Guarantee Ins. Co. v. Brand Mgmt. Serv., Inc., 2013 WL 6728177 (S.D. Fla. Dec. 20, 2013)

Guarantee Ins. Co. v. Brand Mgmt. Serv., Inc., 2013 WL 6768641 (S.D. Fla. Dec. 20, 2013)

N.C. ex rel. Boston v. Alonso, 2013 WL 6564217 (S.D. Fla. Dec. 13, 2013)

Alumni Cruises, LLC v. Carnival Corp., ___ F. Supp. 2d ___, 2013 WL 6511737 (S.D. Fla. Dec. 12, 2013)

United States v. Williams, 2013 WL 6328488 (S.D. Fla. Dec. 5, 2013)

Gubanova v. Miami Beach Owner, LLC, 2013 WL 6229142 (S.D. Fla. Dec. 2, 2013)

Makozy v. Crawford, 2013 WL 6162823 (S.D. Fla. Nov. 25, 2013)

Cosac Found., Inc. v. City of Pembroke Pines, 2013 WL 6170619 (S.D. Fla. Nov. 21, 2013)

Kluge v. Smukler Servs., Inc., 2013 WL 6169214 (S.D. Fla. Nov. 20, 2013)

Tajalli v. Wal-Mart Stores, Inc., 2013 WL 6081632 (S.D. Fla. Nov. 19, 2013)

Touzin v. Patriarca, 2013 WL 6051062 (S.D. Fla. Nov. 14, 2013)

Hudson v. City of Riviera Beach, ___ F. Supp. 2d ___, 2013 WL 6017282 (S.D. Fla. Nov. 13, 2013)

Finn v. Kent Sec. Servs., Inc., ___ F. Supp. 2d ___, 2013 WL 5954388 (S.D. Fla. Nov. 6, 2013)

BAC Fin. Servs., Inc. v. Multinational Life Ins. Co., 2013 WL 5929428 (S.D. Fla. Nov. 5, 2013)

Adidas AG v. 2013jeremyscottxadidas.com, 2013 U.S. Dist. LEXIS 171628 (S.D. Fla. Dec. 5, 2013)

Tiffany (NJ), LLC, v. Gu Jianfang, 2013 U.S. Dist. LEXIS 134857 (S.D. Fla. Sept. 20, 2013)

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Robin Stacie Rosenbaum
Robin Rothschild (Rothschild is my husband's last name)

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

United States Circuit Judge for the Eleventh Circuit

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
 299 East Broward Boulevard
 Fort Lauderdale, Florida 33301

Residence: Boca Raton, Florida

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

1966; Chapel Hill, North Carolina

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.

1988 – 1991, University of Miami School of Law; J.D. (*magna cum laude*), 1991

1984 – 1988, Cornell University; B.A., 1988

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.

2012 – present

United States District Court for the Southern District of Florida
299 East Broward Boulevard
Fort Lauderdale, Florida 33301
United States District Judge

2007 – 2012

United States District Court for the Southern District of Florida
299 East Broward Boulevard
Fort Lauderdale, Florida 33301
United States Magistrate Judge

2009 – present

University of Miami School of Law
1311 Miller Drive
Coral Gables, Florida 33146
Adjunct Professor

1998 – 2007

United States Attorney's Office for the Southern District of Florida
500 East Broward Boulevard, Suite 700
Fort Lauderdale, Florida 33394
Assistant United States Attorney (1998 – 2007)
Chief, Economic Crimes Section, Fort Lauderdale (2002 – 2007)

1998

The Honorable Stanley Marcus, United States Circuit Judge
Eleventh Circuit Court of Appeals
99 Northeast Fourth Street, Room 1262
Miami, Florida 33132
Law Clerk

1996 – 1997

Holland & Knight LLP
515 East Las Olas Boulevard, Suite 1200
Fort Lauderdale, Florida 33301
Associate

1995 – 1996

Office of the Independent Counsel
Independent Counsel Dan Pearson's Investigation of Former United States Secretary of
Commerce Ronald H. Brown and Nolanda Hill
The office is no longer in existence.
Staff Counsel

1991 – 1995
United States Department of Justice
Civil Division, Federal Programs Branch
20 Massachusetts Avenue, NW
Washington, DC 20001
Trial Attorney

Summer 1990
Wiley, Rein & Fielding (now known as Wiley Rein LLP)
1776 K Street, NW
Washington, DC 20006
Summer Associate

1988 – 1990
Dr. Jerry H. Rosenbaum
3037 East Commercial Boulevard
Fort Lauderdale, Florida 33308
Typist

Summer 1989, Summer 1988
Camp Three Pines
Dr. Johnson's Camps
(No longer in existence)
Assistant Director

Other Affiliations (uncompensated):

2002 – 2007
Federal Bar Association, Broward County Chapter
c/o Kimberly Gilmour
4179 Southwest 64th Avenue, Suite 101
Davie, Florida 33314
Board of Directors (2002 – 2007)
President (2006 – 2007)
President-Elect (2005 – 2006)
Vice President (2004 – 2005)

2002 – 2003, 2006 – 2007
University of Miami School of Law, Law Alumni Association
1311 Miller Drive
Coral Gables, Florida 33146
Board of Directors

7. **Military Service and Draft Status:** Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number (if different from social

security number) and type of discharge received, and whether you have registered for selective service.

I have never served in the military. I was not required to register for selective service.

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

The American Law Institute, elected to membership (2013)

ORT American Jurisprudence Award (2010)

AV rating as an attorney, Martindale Hubbell

Top Government Lawyer, *South Florida Legal Guide* (2005, 2006)

FBI White Collar Sustained Prosecutorial Excellence Award (Firefighter's Hat Award) (2002)

Various plaques, letters of commendation, and other forms of recognition from several federal agencies in appreciation of efforts in furtherance of cases investigated by those agencies (FBI, Secret Service, Department of Homeland Security Inspector General's Office, Internal Revenue Service Criminal Investigation, Securities and Exchange Commission) (1999 – 2007)

United States Department of Justice Special Achievement Awards (1993, 1994)

Pine Crest Preparatory School Arete Alumni Service Honor Society (1990)

University of Miami School of Law

Order of the Coif

Order of the Barrister

Iron Arrow Honor Society ("Highest Honor Attained")

Roger Sorino Award to the Outstanding Graduating Law Student

Phi Alpha Delta Outstanding Scholar Award

University of Miami School of Law Advanced Moot Court Competition

Winner

Best Oral Advocate Award

Best Brief Award

Bar and Gavel Service Honor Society

Omicron Delta Kappa Service Honor Society

Member, *University of Miami Law Review*

Dean's List

Scholarship for serving as the Student Bar Association President (1990 – 1991)

Scholarship for serving as the Student Bar Association Treasurer (1989 – 1990)

Cornell University

Quill and Dagger Service Honor Society

Dean's List

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.

American Bar Association
Broward County Bar Association
Federal Bar Association, Broward County Chapter
 President (2006 – 2007)
 President-Elect (2005 – 2006)
 Vice President (2004 – 2005)
 Board of Directors (2002 – 2007)
United States District Court for the Southern District of Florida
 Bench and Bar Conference Committee (2008 – present)
 Committee on the Fort Lauderdale Federal Courthouse (2009 – present)

10. **Bar and Court Admission:**

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

Florida, 1991

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 Eleventh Circuit, 1997

United States District Court for the Southern District of Florida, 1997

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.

The American Law Institute (2013 – present)

President's Council of Cornell Women (2013 – present)

Hispanic National Bar Association (2011 – present)

Cornell Alumni Admissions Ambassadors Network (2004 – present)

Iron Arrow Honor Society, University of Miami (1990 – present)

Mentors, Inc. (Washington, DC) (1992 – 1995)

Pine Crest Preparatory School Arete Alumni Service Honor Society (1990 - present)
 Quill and Dagger Service Honor Society (1988 – present)
 University of Miami School of Law Moot Court Board Alumni Board (2011)
 University of Miami School of Law Alumni Association (2002 – 2003, 2006 – 2007)
 Board of Directors

- 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.

Before I was inducted in 1990, the University of Miami's Iron Arrow Honor Society limited membership to men. Iron Arrow has admitted women since 1985.

Membership in the Cornell University President's Council of Cornell Women is limited to women. Former Cornell University President Frank H.T. Rhodes established the group for the purpose of "advanc[ing] the involvement and leadership of women students, faculty, staff and alumnae within Cornell University and its many constituent communities, and to advise the President [of Cornell] on issues related to women." As a new member, I intend to propose that men who meet all of the membership criteria and who are interested in promoting the mission of the group be considered for membership.

To the best of my knowledge, none of the other organizations listed above currently discriminates or previously 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.

None.

- 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.

In 2010, I signed the Sedona Conference's Cooperation Proclamation. Copy supplied.

On November 14, 1996, the Independent Counsel issued his Final Report on the investigation of Ronald H. Brown. I was staff counsel on the investigation and prepared the first draft of the report, which was edited and finalized by Judge Pearson, the Independent Counsel. 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 February 29, 2012, I testified at the Senate Judiciary Committee hearing regarding my nomination to serve as a United States district judge. A recording of my remarks is available through the "Webcast" link found at <http://www.judiciary.senate.gov/hearings/hearing.cfm?id=8b30fa475a5089d793576cd9470685dc>.

On July 25, 2011, I gave remarks before the Florida Federal Judicial Nominating Commission. I have no notes, transcript or recording of my presentation.

On July 14, 2009, I gave remarks before the Florida Federal Judicial Nominating Commission. I have no notes, transcript or recording of my presentation.

- 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.

The list that follows represents my best efforts, through searches of my records, calendars, and Internet databases, to identify speeches and remarks that I have given. There may be, however, other speeches or remarks that I have been unable to recall or identify. Often, when I engage in public speaking, I do so without outlines or prepared remarks.

August 23, 2013: Panel member on judges' top-ten "pet peeves." I have no notes, transcript, or recording. The sponsor of the event was the American Board of Trial Advocates, Fort Lauderdale Chapter, William R. Clayton (president of chapter), Greenberg Traurig, P.A., 401 East Las Olas Boulevard, Suite 2000, Fort Lauderdale, Florida 33301.

April 25, 2013: Speaker, Dade County Bar Association luncheon. My best recollection is that I spoke about my likes and pet peeves as a judge. I have no notes, transcript, or recording. The event sponsor was the Dade County Bar Association, 123 Northwest First Avenue, Suite 214, Miami, Florida 33128.

March 28, 2013: Panel member for event organized for Women's History Month. I spoke about being a woman in the legal field. I have no notes, transcript, or recording. The sponsor of the event was United States Attorney's Office for the Southern District of Florida, 99 Northeast Fourth Street, Miami, Florida 33132.

March 15, 2013: Naturalization Ceremony at United States Courthouse, Fort Lauderdale, Florida. I presided over the proceedings. A copy of my notes is supplied.

March 8, 2013: Panel member, ethics panel. The panel was organized by the South Florida Chapter of the Federal Bar Association. I have no notes, transcript, or recording. My contact was Anni Martinez, United States Attorney's Office, 99 Northeast Fourth Street, Miami, Florida 33132.

March 1, 2013: Panel member, Palm Beach Bench and Bar Conference. I spoke on a criminal-law panel. I have no notes, transcript, or recording. The event sponsor was the Palm Beach County Bar Association, 1507 Belvedere Road, West Palm Beach, Florida 33406.

February 19, 2013: Panel Member, University of Miami School of Law Judicial Clerkship Season Panel Discussion. I spoke about clerking in the federal courts. I have no notes, transcript, or recording. The event sponsor was the University of Miami School of Law Career Development Office, University of Miami School of Law, Suite A112, 1311 Miller Drive, Coral Gables, Florida 33146.

December 13, 2012: My formal investiture as a United States District Judge. A recording of the event and a copy of my notes is supplied.

November 15, 2012: Naturalization Ceremony at United States Citizenship and Immigration Services Oakland Park Field Office, Oakland Park, Florida. I presided over the proceedings. A copy of my notes is supplied.

October 12, 2012: Panel member, American Inns of Court luncheon. I believe that I spoke about complex litigation. I have no notes, transcript, or recording.

The sponsor of the seminar was *The Daily Business Review*, One Southeast Third Avenue, Suite 900, Miami, Florida 33131.

September 15, 2012: Panel member, Florida National Employment Lawyers Association Conference, St. Petersburg, Florida. I believe that I spoke about issues in employment law. I have no notes, transcript, or recording. The sponsor of the event was the Florida National Employment Lawyers Association, Arthur Schofield (then president of the group), Arthur T. Schofield, P.A., Via Jardin, 330 Clematis Street, Suite 207, West Palm Beach, Florida 33401.

May 24, 2012: Speaker, Pine Crest Preparatory School, Boca Raton, Florida (question-and-answer session about being a lawyer and a judge). I have no notes, transcript, or recording. The sponsor of the event was Pine Crest School, 2700 Saint Andrews Boulevard, Boca Raton, Florida 33434

May 11, 2012: Speaker, Career Day at North Fork Elementary School (question-and-answer session about being a lawyer and a judge). I have no notes, transcript, or recording. I spoke at the school as a part of my involvement in the Florida Bar's Justice Teaching program. The sponsor of the event was North Fork Elementary School, 101 Northwest Fifteenth Avenue, Fort Lauderdale, Florida 33301.

April 27, 2012: Speaker, panel on health-care fraud, Federal Bench and Bar Conference. I have no notes, transcript, or recording. The sponsor of the conference was the United States District Court for the Southern District of Florida, 400 North Miami Avenue, Miami, Florida 33128.

April 11, 2012: Speaker, Florida Association of Women Lawyers luncheon. I spoke about being a woman in the legal field. I have no notes, transcript, or recording. My contact for this event was Adrienne Rabinowitz, United States Attorney's Office, 500 South Australian Avenue, Suite 400, West Palm Beach, Florida 33401.

February 17, 2012: Naturalization Ceremony at United States Courthouse, Fort Lauderdale, Florida. I presided over the proceedings. A copy of my notes is supplied.

November 18, 2011: Naturalization Ceremony at United States Citizenship and Immigration Services Oakland Park Field Office, Oakland Park, Florida. I presided over the proceedings. A copy of my notes is supplied.

August 19, 2011: Naturalization Ceremony at United States Courthouse, Fort Lauderdale, Florida. I presided over the proceedings. A copy of my notes is supplied.

August 9, 2011: Panel member, Judges' Panel at the United States District Court for the Southern District of Florida's Clerk's Office Retreat. I do not recall about what I spoke. I have no notes, transcript or recording. The event was organized by Clerk of Court Steve Larimore, 400 North Miami Avenue, Miami, Florida 33128.

July 28, 2011: Panel member, panel about consumer finance issues. I have no notes, transcript, or recording. The conference was sponsored by the American Conference Institute, 45 West 25th Street, Eleventh Floor, New York, New York 10010.

June 16, 2011: Speaker, University of Miami School of Law James Weldon Johnson Summer Institute (discussion and question-and-answer session about my career path and the responsibilities of a federal magistrate judge). I have no notes, transcript, or recording. The sponsor of the event was the University of Miami School of Law, 1311 Miller Drive, Coral Gables, Florida 33146.

June 3, 2011: Speaker, Career Day at North Fork Elementary School (question-and-answer session about being a lawyer and a judge). I have no notes, transcript, or recording. I spoke at the school as a part of my involvement in the Florida Bar's Justice Teaching program. The sponsor of the event was North Fork Elementary School, 101 Northwest Fifteenth Avenue, Fort Lauderdale, Florida 33301.

June 2, 2011: Panel Member, The Role of Clients in the Courtroom. A copy of my notes is supplied.

May 20, 2011: Panel member, seminar entitled "Emerging Issues in Discovery," Palm Beach County Bar Association and Federal Bar Association Palm Beach Chapter. I provided attendees with a hand-out of my notes. A copy of the hand-out and an audio recording of the presentation are supplied.

April 14, 2011: Panel member, seminar on electronic discovery. I have no notes, transcript, or recording. The panel was sponsored by the American Bar Association, 321 North Clark Street, Chicago, Illinois 60654.

October 21, 2010: Award recipient, ORT America Jurisprudence Awards Reception. A copy of my acceptance speech is supplied.

October 15, 2010: Naturalization Ceremony at United States Courthouse, Fort Lauderdale, Florida. I presided over the proceedings. A copy of my notes is supplied.

October 1, 2010: Panel member, seminar on trial practice. I have no notes, transcript, or recording. The sponsor of the seminar was *The Daily Business Review*, One Southeast Third Avenue, Suite 900, Miami, Florida 33131.

August 16, 2010: Speaker, Nova Southeastern University Law Center Professionalism Day. I believe that I spoke about being a lawyer. I have no notes, transcript, or recording. The sponsor of the event was Nova Southeastern University Law Center, 3305 College Avenue, Fort Lauderdale - Davie, Florida 33314.

June 14, 2010: Speaker, University of Miami School of Law James Weldon Johnson Summer Institute (discussion and question-and-answer session about my career path and the responsibilities of a federal magistrate judge). I have no notes, transcript, or recording. The sponsor of the event was the University of Miami School of Law, 1311 Miller Drive, Coral Gables, Florida 33146.

May 6, 2010: Speaker, Florida Association of Women Lawyers (discussion and question-and-answer session about my career path and the responsibilities of a federal magistrate judge). I have no notes, transcript, or recording. The sponsor of the event was the West Palm Beach Chapter of the Florida Association of Women Lawyers, which does not have a physical address.

April 30, 2010: Panel member, complex litigation panel. I have no notes, transcript, or recording. The sponsor was the United States District Court for the Southern District of Florida, 400 North Miami Avenue, Miami, Florida 33128.

January 8, 2010: Sun-vitational High School Debate Tournament. I spoke about the power of oral argument and the responsibility to use it wisely. I have no notes, recording, or transcript. The event was sponsored by the University School Debate Team, 3375 Southwest 75th Avenue, Sonken Building, Fort Lauderdale, Florida 33314.

October 23, 2009: Speaker, event for lawyers newly sworn in to practice in the Southern District of Florida (discussion of some of the rules and practices unique to federal court practice). I have no notes, transcript, or recording. The event sponsor was the Federal Bar Association, which can be contacted through the current president, Kimberly Gilmour, 4179 Southwest 64th Avenue, Suite 101, Davie, Florida 33314.

September 23, 2009: Panel member, panel about electronic discovery. I have no notes, transcript, or recording. The conference was sponsored by the American Conference Institute, 45 West 25th Street, Eleventh Floor, New York, New York 10010.

August 27, 2009: Speaker, luncheon (I believe that I spoke about *Brown v. Board of Education*). I have no notes, recording, or transcript, but press coverage is supplied. The event sponsor was the Federal Bar Association, which can be contacted through the current president, Kimberly Gilmour, 4179 Southwest 64th Avenue, Suite 101, Davie, Florida 33314.

June 1, 2009: Speaker, North Fork Elementary School (discussion about the five freedoms guaranteed by the First Amendment). I have no notes, transcript, or recording. I spoke at the school as a part of my involvement in the Florida Bar's Justice Teaching program. The School is located at 101 Northwest Fifteenth Avenue, Fort Lauderdale, Florida 33301.

October 10, 2008: Panelist, Southern District of Florida Orientation conference, Federal Bar Association Broward County Chapter. I do not recall the subject about which I spoke. I have no notes, transcript or recording, but press coverage is supplied. The Federal Bar Association can be contacted through the current president, Kimberly Gilmour, 4179 Southwest 64th Avenue, Suite 101, Davie, Florida 33314.

July 29, 2008: Speaker, brown-bag luncheon (question-and-answer session about my practices and procedures as a magistrate judge and the transition from practicing attorney to the bench). I have no notes, transcript, or recording. The event sponsor was the Federal Bar Association, which can be contacted through the current president, Kimberly Gilmour, 4179 Southwest 64th Avenue, Suite 101, Davie, Florida 33314.

February 27, 2008: Speaker, luncheon (speech and question-and-answer session about the role of a magistrate judge and the transition from practicing attorney to the bench). I have no notes, transcript, or recording. The event sponsor was the Federal Bar Association, which can be contacted through the current president, Kimberly Gilmour, 4179 Southwest 64th Avenue, Suite 101, Davie, Florida 33314.

December 7, 2007: My formal investiture as a United States Magistrate Judge. A copy of my remarks is supplied.

April 8, 2005: Panel member on panel entitled, "Internal Investigations: The Roles of In-House Counsel and Outside Counsel," Daily Business Review. Video recording supplied.

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

Responses to a Florida Bar questionnaire about courtroom practices (May 14, 2009; updated August 20, 2011). Copies supplied.

Catherine Wilson, *Doctor Recovering from Botulism Poisoning Faces Fraud Charges*, Associated Press, Mar. 1, 2005. Copy supplied.

John Fakler, *\$4.4 Million Awarded at Jonson Restitution Hearing*, South Florida Business Journal, Apr. 30, 2004. Copy supplied.

Ellen van Wageningen, *Scammer Sentenced to 20 Years*, Windsor Star, Jan. 23, 2004 (re-printed in multiple outlets). Copy supplied.

John Fakler, *Former Link Broker Strikes Deal with SEC*, South Florida Business Journal, Sept. 27, 2002. Copy supplied.

John Fakler, *Lack of Defense Lawyer Delays Johnson Trial*, South Florida Business Journal, Apr. 19, 2002. Copy supplied.

John Fakler, *Pony Express Shares Gallop Downward*, South Florida Business Journal, Mar. 1, 2002. Copy supplied.

Dani Davies, *Man Faces Charges of Bilking Investors*, Palm Beach Post, Feb. 24, 2002. Copy supplied.

On one occasion probably in about 2000 or 2001, I stood in as the spokesperson for the United States Attorney's Office during a press conference on a case regarding Mark Thurman. I have done my best to locate any statements or interviews of that conference that may exist in electronic databases but have been unable to find any.

Jon Burstein, *Woman Pleads Guilty in Phony Check Scheme*, South Florida Sun-Sentinel, Oct. 13, 1999. Copy supplied.

Class of 1988 Notes, *Cornell Magazine*, January/February 1999. Copy supplied.

Michael Sniffen, *Justice Department to Take Over Remainder of Brown Investigation*, Associated Press, Apr. 19, 1996. Copy supplied.

Lourdes Fernandez, *'Professor' Brennan Gives UM Students Unique Legal Insight*, Miami Herald, Feb. 15, 1991. Copy supplied.

Lourdes Fernandez, *Retired Justice Brennan to Teach Law Course at UM*, Miami Herald, Jan. 19, 1991. Copy supplied.

Revised Campus Code Changes Will Go to Trustees on Dec. 5, Cornell Chronicle, Nov. 21, 1985. Copy supplied.

In either my junior or senior year of college at Cornell University, I gave an interview to the Cornell public relations newspaper regarding my service as the student-elected member of the Cornell Board of Trustees. I have been unable to locate a copy of the article.

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.

United States District Judge, United States District Court for the Southern District of Florida, from June 27, 2012, to the present. I was nominated for the position by President Barack Obama and confirmed by the Senate. The jurisdiction of the United States District Court is general in nature and extends to all federal criminal cases and all civil cases in which federal subject-matter jurisdiction exists.

United States Magistrate Judge, United States District Court for the Southern District of Florida, from September 4, 2007, to the June 26, 2012. I was appointed by the district judges of the United States District Court for the Southern District of Florida. As a federal magistrate judge in the Southern District of Florida, I presided over civil jury and bench trials where the parties consented to magistrate-judge jurisdiction, I conducted evidentiary hearings that district judges referred to me, I held hearings and ruled on non-dispositive civil and criminal motions, and I held hearings on and made reports and recommendations regarding dispositive civil and criminal motions. In addition, I handled criminal duty, including issuing criminal complaints, search warrants, and arrest warrants and presiding over criminal duty court.

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

I have presided over twenty cases that have gone to verdict or judgment. I presided over a bench trial in a twenty-first case, but after the trial ended and before I issued my findings of fact and conclusions of law, the parties settled the case.

- i. Of these, approximately what percent were:

jury trials:	85%
bench trials:	15%
civil proceedings:	55%
criminal proceedings:	45%

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

Please see attached list of opinions, which lists opinions in reverse chronological order.

- 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).

The cases below are presented in reverse chronological order of the dates of trial.

1. *Democratic Republic of the Congo v. Air Capital Grp., LLC*, Case No. 12-20607-CIV-ROSENBAUM (S.D. Fla.)

This case involved claims by the Democratic Republic of the Congo that the defendants had fraudulently induced the Democratic Republic of the Congo to enter into a contract for the refurbishment of an airplane owned by the country and that the defendants had thereafter breached the contract and defrauded the Democratic Republic of the Congo. The defendants counterclaimed, alleging that the Democratic Republic of the Congo had breached the contract by failing to make required payments for services rendered by the defendants under the contract. Trial in this case lasted for thirteen days. The jury found that the defendants had not fraudulently induced the Democratic Republic of the Congo to enter into a contract but that the defendants had breached the contract and had engaged in some fraud against the Democratic Republic of the Congo. In all, the jury awarded the Democratic Republic of the Congo approximately \$2.2 million. As for the counterclaim, the jury concluded that the Democratic Republic of the Congo had not breached the contract. Trial began July 2, 2013, and finished August 1, 2013. Citations of significant opinions that I filed in this case include the following: *Democratic Republic of the Congo v. Air Capital Grp., LLC*, 2013 WL 3223686 (S.D. Fla. June 24, 2013); *Democratic Republic of the Congo v. Air Capital Grp., LLC*, 2013 WL 3223688 (S.D. Fla. June 24, 2013); *Democratic Republic of the Congo v. Air Capital Grp., LLC*, 2013 WL 2285542 (S.D. Fla. May 23, 2013).

Plaintiff Democratic Republic of the Congo

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Jermaine Lee
Hernandez Lee
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Defendants

Jay Gayoso
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Bobbi L. Meloro
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2. *United States v. Brown*, Case No. 11-60285-CR-ROSENBAUM (S.D. Fla.)

This case involved a series of attempted armored-car robberies, culminating in an armored-car robbery where the armored-car driver was shot and killed by one of the perpetrators. Although the Government charged six defendants, one (Madison) was not death-penalty eligible, so I tried his case separately while the Government determined whether it wished to pursue the death penalty against the remaining five defendants. Madison's trial started on July 31, 2012, and ended on August 13, 2012. Madison was found guilty of conspiracy to commit Hobbs Act robbery, one count of attempted Hobbs Act robbery, and one count of use of a firearm during and in relation to a crime of violence. After the Government declined to seek the death penalty against the remaining five defendants, I tried the case against them. That trial started May 24, 2013, and ended July 15, 2013. One defendant (Simmons) was acquitted; one defendant (Williams) was convicted of conspiracy to commit Hobbs Act robbery, one count of attempted Hobbs Act robbery, one count of possession of a firearm in furtherance of a crime of violence, and one count of being a felon in possession of a firearm; and the other three defendants (Brown, Johnson, and Davis) were found guilty of conspiracy to commit Hobbs Act robbery. The jury hung on the remaining counts. Citations of significant opinions that I filed in this case include the following: *United States v. Davis*, 2013 WL 2156659 (S.D. Fla. May 17, 2013); *United States v. Madison*, 2012 WL 3095357 (S.D. Fla. July 30, 2012).

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Defendant Johnson

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Defendant Davis

Martin L. Roth
Martin L. Roth, P.A.
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Defendant Williams

Marc David Seitles
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Ashley Litwin
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305-403-8210

Defendant Simmons

David Jonathon Joffe
David J. Joffe
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Defendant Madison

Randee J. Golder
Randee J. Golder, P.A.
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3. *United States v. Handy*, Case No. 12-20771-CR-ROSENBAUM (S.D. Fla.)

In this criminal case, the plaintiff was charged with identity theft and access-device fraud relating to fraudulent tax returns that she had allegedly participated in filing. Trial began on April 10, 2013, and ended on April 12, 2013. The jury convicted the plaintiff of all counts in the indictment. The following is a citation of a significant opinion in this case: *United States v. Handy*, 2013 WL 163426 (S.D. Fla. Jan. 15, 2013).

Plaintiff United States

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305-961-9066

Defendant Handy

Shlomi Presser
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954-764-1080

4. *Campbell v. Pirelli Tire, LLC*, Case No. 12-21153-CIV-ROSENBAUM (S.D. Fla.)

In this product-liability case, Plaintiffs D. Campbell and J. Campbell sued Defendant Pirelli Tire, LLC, for an alleged defect in Pirelli's motorcycle tire. While riding on their motorcycle, the Campbells experienced a tire blow-out and endured substantial injuries as a result. Trial in this matter started on April 3, 2013, and ended on April 10, 2013. The jury returned a verdict for Pirelli. I did not issue any significant written opinions in this case.

Plaintiffs D. and J. Campbell

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407-872-6222

Martin J. Jaffe
Morgan & Morgan, P.A.
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Defendants Pirelli Tire, LLC, and Pirelli Tire North America, Inc.

Peter Q. Ezzell
Law Office of Peter Ezzell, A.P.C.
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Lee Teichner
Eleni Sevasti Kastrenakes
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5. *United States v. Barbary*, Case No. 12-60011-CR-ROSENBAUM (S.D. Fla.)

In this criminal case, nine defendants were charged with crimes arising out of their alleged involvement in a drug-trafficking ring from 2000 until 2012.

Ultimately, four defendants pled guilty, and five went to trial. The trial began on October 23, 2012, and ended on November 14, 2012. All defendants who went to trial were convicted of at least one drug-trafficking conspiracy. Although I issued a number of opinions in this case, none of them were case-dispositive.

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Defendant Barbary

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Defendant Barnes

Daryl Elliott Wilcox
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Defendant Willie J. Hartfield

Lance Armstrong
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Defendant Holt, Jr.

Jonathan S. Friedman
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Defendant Lewis

Humberto Rolando Dominguez
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Defendant Carswell

Philip Robert Horowitz
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Defendant Jackson

Bruce Harris Fleisher
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Defendant Jasper-Barbary

Scott Alan Srebnick
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Defendant Lespinasse

Jack Ross Blumenfeld
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Coral Gables, Florida 33132
305-670-3311

6. *United States v. Thompson*, Case No. 12-20106-CR-ROSENBAUM (S.D. Fla.)

In this criminal case, twin brothers were charged with trafficking oxycodone. The alleged drug-trafficking operation involved both South Florida and Boston, Massachusetts. Trial began August 22, 2012, and ended September 5, 2012. The jury hung, and when the case was retried before another judge (due to scheduling

conflicts), the defendants were convicted. Although I issued written opinions in this case, I did not issue any case-dispositive ones.

Plaintiff United States

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Defendant S. Thompson

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Coral Gables, Florida 33146
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Defendant M. Thompson

Douglas L. Williams
3191 Coral Way, Penthouse 200
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305-443-3911

7. *Shipco Transp., Inc. v. Abba Shipping Lines, Inc.*, Case No. 11-22055-CIV-ROSENBAUM (S.D. Fla.)

This case involved a dispute over the shipping of certain cargo from Nashville, Tennessee, to Tin Can Island, Nigeria. When the shipment arrived in Nigeria, the Nigerian government refused to allow it to be unloaded because no appropriate license had been obtained. Therefore, the shipment had to be returned to the United States. The parties disputed whether the shipping company or the shipper should pay for the freight charges associated with the ill-fated shipment. The bench trial was held on July 25, 2012, and August 17, 2012. I entered judgment for the plaintiff shipping company. The Findings of Fact and Conclusions of Law may be found at the following citation: *Shipco Transp., Inc. v. Abba Shipping Lines, Inc.*, 2012 WL 6725875 (S.D. Fla. Dec. 27, 2012).

Plaintiff Shipco Transport, Inc.

Thomas Vincent Halley
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200 Crandon Boulevard Suite 332

Key Biscayne, Florida 33149
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Defendant Ullico Casualty Company

Daniel DeSouza
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8. *Lawson v. Plantation Gen. Hosp., L.P.*, Case No. 08-61826-CIV-ROSENBAUM (S.D. Fla.)

I presided over a jury trial in this employment discrimination case brought by a former hospital employee against the hospital that terminated her employment. The plaintiff, an executive secretary formerly employed by the defendant hospital, alleged discrimination based on her race, age, disability, national origin, and gender under Title VII of the Civil Rights Act of 1964, the Americans With Disabilities Act of 1990, and the Age Discrimination in Employment Act. The defendant hospital argued that it had ended the plaintiff's employment as the result of a reduction in force that resulted in the layoff of numerous employees. Trial began on May 13, 2010, and ended on May 20, 2010. The jury returned a verdict for the hospital. The order on the motion for summary judgment may be found at the following citation: *Lawson v. Plantation Gen. Hosp., L.P.*, 2010 WL 1258058 (S.D. Fla. Mar. 30, 2010).

Plaintiff Lawson

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Marcia L. Elliott
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Defendant Plantation General Hospital Limited Partnership

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Allison Oasis Kahn
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9. *SEC v. Huff*, Case No. 08-60315-CIV-ROSENBAUM (S.D. Fla.), *aff'd*, 455 F. App'x 882 (11th Cir. 2012)

This matter involved a United States Securities and Exchange Commission enforcement action against a defendant (Huff) and three relief defendants. The defendant was alleged to have used his companies to drain a publicly-traded company of approximately \$130 million. I held a bench trial that began on February 16, 2010, and ended on February 25, 2010. Subsequently, I entered judgment for the SEC and against Huff and two of the three relief defendants and judgment for one of the three relief defendants and against the SEC. Under the judgment, Huff was required to disgorge approximately \$10 million and was barred from serving as an officer and director of a publicly traded company. The Amended Findings of Fact and Conclusions of Law may be found at the following citation: *SEC v. Huff*, 758 F. Supp. 2d 1288 (S.D. Fla. 2010) (Amended Findings of Fact and Conclusions of Law), *aff'd*, 455 F. App'x 882 (11th Cir. 2012).

Plaintiff SEC

Christopher E. Martin
Linda S. Schmidt
Securities & Exchange Commission
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Defendant Huff and Relief Defendants

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William H. Mooney
Lynch Cox Gilman & Goodman, PSC
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10. *Peters v. Peake*, Case No. 08-81162-CIV-ROSENBAUM (S.D. Fla.)

I presided over a jury trial in this case brought by a doctor against the Veterans Administration. The plaintiff, who worked as a physician in the Veterans Administration hospital, alleged that after she complained about a sexually hostile work environment, the Veterans Administration retaliated against her by placing her in an administrative position. The Veterans Administration denied that it had done so and instead argued that it had transferred her to another position to compensate for the fact that three other physicians had been called to active duty, and the plaintiff had requested the hours that they worked. Upon transferring to the new position, however, the Veterans Administration contended that the plaintiff had acted in an unprofessional manner and had failed to attend work shifts without excuse. Trial began on December 7, 2009, and ended on December 11, 2009. The jury returned a verdict for the Veterans Administration. The order on the motion for summary judgment may be found at the following citation: *Peters v. Peake*, 2009 WL 5214997 (S.D. Fla. Dec. 30, 2009).

Plaintiff Peters

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West Palm Beach, Florida 33401
561-655-4211

Defendant Secretary of Veterans Affairs Peake

Steven R. Petri
United States Attorney's Office, Southern District of Florida
500 East Broward Boulevard, Seventh Floor
Fort Lauderdale, Florida 33301
954-356-7255

- 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. *Giglio Sub S.N.C. v. Carnival Corp.*, 2012 WL 4477504 (S.D. Fla. Sept. 26, 2012), *aff'd*, 2013 WL 3595708 (11th Cir. July 16, 2013)

Plaintiff Giglio Sub S.N.C.

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Defendant Carnival Corp.

Alvin F. Lindsay
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Trevor R. Jefferies
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John D. Kimball
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212-885-5259

2. *Credit Bureau Servs., Inc. v. Experian Info. Solutions, Inc.*, 2012 WL 6102068 (S.D. Fla. Dec. 7, 2012)

Plaintiff Credit Bureau Services, Inc.

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Defendant Experian Information Solutions, Inc.

Mitchell Berger
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Helaina Bardunias
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312-558-5600

3. *Chrystall v. Serden Techs.*, 913 F. Supp. 2d 1341 (S.D. Fla. 2012)

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Defendant Persysent Technology Corporation

Lawrence Hugh Kunin
Morris Manning & Martin
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Defendant Avitis SAS

Robert W. Bivins
Kelly D. Haywood
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4. *LaTele Television C.A. v. Telemundo Comm'ns Grp., LLC*, 2013 WL 1296314 (S.D. Fla. Mar. 27, 2013)

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5. *United States v. Madison*, 2012 WL 3095357 (S.D. Fla. July 30, 2012)

Plaintiff United States

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Mark Dispoto, Southern District of Florida
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Fort Lauderdale, Florida 33301
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Jason Linder (original pretrial counsel)
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Defendant Madison

Randee J. Golder
Randee J. Golder, P.A.
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561-504-4398

6. *Frank Haith Enters., Inc. v. Bank of America, N.A.*, Case No. 13-MC-21611-ROSENBAUM (S.D. Fla. May 9, 2013) (copy provided)

Plaintiffs

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Michael L. Buckner Law Firm, P.A.
1000 West McNab Road
Pompano Beach, Florida 33069
954-941-1844

Defendants

None had yet appeared at the time of the order

7. *United States v. Perraud*, 672 F. Supp. 2d 1328 (S.D. Fla. 2009)

Plaintiff United States of America

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Defendant Raffanello

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Richard Alan Sharpstein
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305-371-2600

Defendant Perraud

Edward Robert Shohat
Shohat, Loewy & Shohat
800 Brickell Avenue, Penthouse Two
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305-358-7000

8. *Christ Covenant Church v. Town of Sw. Ranches*, 2008 WL 2686860 (S.D. Fla. June 29, 2008)

Plaintiff Christ Covenant Church

Leon Fresco
United States Senate Judiciary Committee
305 Hart Senate Office Building
Washington, DC 20510
202-224-5606

Defendant Town of Southwest Ranches

Daniel Wallach
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954-987-7550

9. *Jones v. Jeld-Wen, Inc.*, 250 F.R.D. 554 (S.D. Fla. 2008)

Plaintiffs Jones, et al.

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Randy Rosenblum
Todd Omar Malone
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Defendant Nebula Glasslam International, Inc.

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Defendant Reichhold, Inc.

Amy Lane Hurwitz
Benjamin Reid
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Christina M. Schwing
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50 North Laura Street, Suite 3900
Jacksonville, Florida 32202
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10. *Bettis v. Toys R Us*, Case No. 06-80334-CIV-ZLOCH/Rosenbaum (S.D. Fla.)
Paul v. D & B Tile of Hialeah, Inc., Case No. 09-60259-CIV-ZLOCH/Rosenbaum
(S.D. Fla.)
Gossard v. JP Morgan Chase & Co., Case No. 08-60565-CIV-ZLOCH/
Rosenbaum (S.D. Fla.)
Sabatier v. Suntrust Bank, Case No. 06-20418-CIV-ZLOCH/Rosenbaum
(S.D. Fla.)

The citation for my report and recommendation, as adopted by the district court, is as follows: *Bettis v. Toys R Us*, 646 F. Supp. 2d 1273 (S.D. Fla. 2009). Other opinions that I wrote in this matter include the following: *Bettis v. Toys R Us*, 2009 WL 1812439 (S.D. Fla. June 23, 2009); *Bettis v. Toys R Us*, 2009 WL 1758731 (S.D. Fla. June 22, 2009).

Plaintiffs

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Defendant Toys R Us

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Pedro Jaime Torres-Diaz
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Defendant D & B Tile of Hialeah, Inc.

Dan Levine (*Paul v. D & B Tile of Hialeah, Inc.*)
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Robin I. Frank (*Paul v. D & B Tile of Hialeah, Inc.*)
Shapiro Blasi Wasserman & Gora, P.A.
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561-477-7800

Defendant JP Morgan Chase & Co.

Dawn Elizabeth Siler-Nixon (*Gossard v. JP Morgan Chase & Co.*)
Kelly Hagan Chanfrau
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101 East Kennedy Boulevard, Suite 900
Tampa, Florida 33602
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Defendant SunTrust Bank

Jeffrey Elliot Mandel (*Sabatier v. SunTrust Bank*)
Fisher & Phillips, LLP
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Orlando, Florida 32801
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Amicus United States of America

Anthony Erickson-Pogorzelski
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Wendy A. Jacobus
United States Attorney's Office, Southern District of Florida
99 Northeast Fourth Street
Miami, Florida 33132
305-961-9301

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

I am aware of no cases in which I ruled where certiorari was requested or granted.

- f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If

any of the opinions listed were not officially reported, provide copies of the opinions.

Creative Hospitality Ventures, Inc. v. U.S. Liability Ins. Co., 655 F. Supp. 2d 1316 (S.D. Fla. 2009), *rev'd in part*, 444 F. App'x 370 (11th Cir. 2011). In applying Florida law's canon of contract construction interpreting any ambiguous provisions against the drafter, I concluded in a report and recommendation that, under Florida law, insurance-policy language covering "[o]ral or written publication, in any manner" provided protection for an insured vendor who allegedly violated the Fair and Accurate Credit Transactions Act when it provided a customer with a credit card receipt that revealed more than five digits of that customer's credit card, even though no broader distribution of the information occurred. After I issued my decision, the Florida Supreme Court construed the term "publication" in a separate case as pertaining to only communication of information disseminated to the public. Ultimately, the district judge did not adopt the part of my report and recommendation that addressed the meaning of "publication" and later concluded that the insured vendor's conduct was not covered under the policy language because no "publication" had occurred. On appeal, the Eleventh Circuit agreed with the district court, in light of the Florida Supreme Court's ruling.

Grider v. Cook, Case No. 12-61429-CR-ROSENBAUM (S.D. Fla. Nov. 29, 2012), *aff'd in part, vacated and remanded in part*, 2013 WL 2981792 (11th Cir. June 17, 2013). In this case under 42 U.S.C. § 1983, I adopted the magistrate judge's report and recommendation recommending that the matter be dismissed for failure to state a cognizable claim. Although the Eleventh Circuit agreed that the case was properly dismissed, it noted that I should have provided the plaintiff with an opportunity to try to remedy the deficiencies by amending the complaint. Accordingly, the court remanded the matter with instructions to provide the plaintiff with the chance to amend his complaint.

- 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.

In nearly all cases, I have issued unpublished opinions. I have submitted fewer than ten opinions for publication. Nevertheless, a number of my opinions have been published by Westlaw and LEXIS, even though I have not submitted them for publication. I have listed all opinions published by Westlaw and LEXIS in response to Section b of this question. Besides these opinions, I have issued numerous opinions that do not appear on Westlaw or LEXIS. They are stored on the Court's CM/ECF electronic filing system under each case number in which they are docketed.

- 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.

Cosac Foundation, Inc. v. City of Pembroke Pines, 2013 WL 5345817 (S.D. Fla. Sept. 21, 2013)

Bennett v. United States, 2013 WL 3821625 (S.D. Fla. July 23, 2013)

United States v. Handy, 2013 WL 163426 (S.D. Fla. Jan. 15, 2013)

United States v. Madison, 2012 WL 3095357 (S.D. Fla. July 30, 2012)

United States v. Wilson, 2010 WL 2991561 (S.D. Fla. July 27, 2010)

SEC v. Huff, 664 F. Supp. 2d 1288 (S.D. Fla. 2009)

Christ Covenant Church v. Town of S.W. Ranches, 2008 WL 2686860 (S.D. Fla. June 29, 2008)

The Set Enters., Inc. v. City of Hallandale Beach, Case No. 09-61405-CIV-ZLOCH (S.D. Fla. June 22, 2010) (opinion supplied)

The Set Enters., Inc. v. City of Hallandale Beach, Case No. 09-61405-CIV-ZLOCH (S.D. Fla. Dec. 30, 2010) (opinion supplied)

The Nat'l Youth Rights Ass'n of S.E. Fla., Inc. v. City of W. Palm Beach, Case No. 09-80944-CIV-ZLOCH (S.D. Fla. Feb. 5, 2010) (opinion supplied)

Dendy v. McNeil, Case No. 09-60025-CIV-COHN (S.D. Fla. July 20, 2009) (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 any federal courts 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.

All of my recusals have been *sua sponte*, and I do not believe that I have ever been asked to recuse myself. The judges on our court can give the Clerk's Office a list of individuals and entities in whose case we would recuse. I have provided such a list to the Clerk's Office, which provides automated conflict/recusal checks by email to ensure that no cases are missed. Thus, in any case where I have submitted the name of an attorney or party for whom I would recuse myself, I receive notification by email from the Clerk's Office that that case involves a lawyer or a party with whom I might have a conflict. I then make a decision regarding whether I need to recuse myself. As a general matter, I recuse in cases where an objective, disinterested, and fully informed lay observer would entertain a significant doubt about my impartiality. *See* 28 U.S.C. §§ 145, 455.

I have recused *sua sponte* from the following cases:

- (1) Cases involving the University of Miami, where I teach as an adjunct professor:

Edmond v. Univ. of Miami, Case No. 09-60946-CIV-ZLOCH (S.D. Fla.)
- (2) United States Attorney's Office cases that I worked on, discussed with management in my role as a supervisor, or supervised while at the Office; for cases within one year of my resignation from the Office, those where an Assistant United States Attorney was a defendant and I knew or had worked with that attorney while at the Office; and civil cases involving some of the same parties who were targets or subjects of criminal investigations that I worked on, discussed with management in my role as a supervisor, or supervised while at the Office:

United States v. LeClercq, Case No. 07-80050-CR-MARRA (S.D. Fla.)

Affatati v. United States, Case No. 10-60030-CIV-ZLOCH (S.D. Fla.)

Faller v. McAdams, Case No. 07-80652-CIV-RYSKAMP (S.D. Fla.)

CFTC v. Valko, Case No. 06-60001-CIV-DIMITROULEAS (S.D. Fla.)

Isler v. Adelusola, Case No. 08-60257-CIV-SELTZER (S.D. Fla.)

- (3) Cases where I had a strong, personal relationship with an attorney; someone related to me or my husband, or an individual with whom I had a strong, personal relationship, was a party or an important witness; or a party was the parent of one of my children's close friends. For the most part, the individuals in whose cases I recuse for any of the reasons in this category appear on a list that I have provided to the Clerk's Office for use with the CM/ECF conflict check system:

Dorvil v. Republic Servs. of Fla., L.P., Case No. 07-60395-CIV-DIMITROULEAS (S.D. Fla.)

Orthopedic Ctr. of S. Fla., P.A. v. Stryker Corp., Case No. 08-60742-CIV-DIMITROULEAS (S.D. Fla.)

Goodwin v. Allstate Prop. & Cas. Ins. Co., Case No. 08-61474-CIV-DIMITROULEAS (S.D. Fla.)

SEC v. 3001 AD, LLC, Case No. 09-81453-CIV-ZLOCH (S.D. Fla.)

Smith v. Ruden, McClosky, Smith, Schuster & Russel, P.A., Case No. 10-80059-CIV-HURLEY (S.D. Fla.)

Swords v. Aetna Life Ins. Co., Case No. 10-80371-CIV-ZLOCH (S.D. Fla.)

Aspex Eyewear, Inc. v. Laczay, Case No. 09-61468-CIV-ZLOCH (S.D. Fla.)

Eugene M. Cummings, P.C. v. Nissim Corp., Case No. 10-81140-CIV-RYSKAMP (S.D. Fla.)

Soper v. Am. Traffic Solutions, Inc., Case No. 10-61950-CIV-ZLOCH (S.D. Fla.)

Choice v. Denny's, Inc., Case No. 10-61723-CIV-ZLOCH (S.D. Fla.)

Swords v. Aetna Life Ins. Co., Case No. 10-81113-CIV-ZLOCH (S.D. Fla.)

Ruderman v. Washington Nat'l Ins. Corp., Case No. 08-23401-CIV-COHN (S.D. Fla.)

AutoNation, Inc. v. Lampros, Case No. 11-62748-CIV-ZLOCH (S.D. Fla.)

Key v. Lanman & Kemp-Barclay & Co., 12-61309-CIV-WILLIAMS (S.D. Fla.)

Manfred v. Bennett Law, Case No. 12-61548-CIV-SEITZ (S.D. Fla.)

Correa v. Chipotle Mexican Grill, Inc., Case No. 13-60984-CIV-SCOLA (S.D. Fla.)

- (4) Cases where a member of the Judicial Nominating Commission was an attorney in the matter at a time when I was applying for or was nominated for a district-judge vacancy and cases where I had discussed my district-judge application with an attorney in the case and I believed that that attorney actively supported my application for district judge, and cases filed within a year of a discussion I had had with an attorney who I believed actively supported my application for district judge:

Automated HealthCare Solutions, LLC v. Paduda, Case No. 10-61739-CIV-ZLOCH (S.D. Fla.)

C & C Int'l Computers & Consultants, Inc. v. Dell Mktg., L.P., Case No. 11-60734-CIV-ZLOCH (S.D. Fla.)

Stettin v. Gibraltar Private Bank & Trust Co., Case No. 11-60748-CIV-ZLOCH (S.D. Fla.)

Cooper v. DJSP Enters., Inc., Case No. 10-61261-CIV-ZLOCH (S.D. Fla.)

Libov v. Readix, Case No. 10-61755-CIV-ZLOCH (S.D. Fla.)

Aguilar v. Natbony, Case No. 11-61314-CIV-ZLOCH (S.D. Fla.)

Pembroke Pines Investors, LLC v. AD Pembroke Land Co., LLC, Case No. 11-61611-CIV-ZLOCH (S.D. Fla.)

Buchholz v. B.P.C. Bakery, Inc., Case No. 11-61602-CIV-ZLOCH (S.D. Fla.)

Amerisure Ins. Co. v. Walker, Case No. 11-61480-CIV-COHN (S.D. Fla.)

Stettin v. Thunder Cycle Designs, Inc., 11-62760-CIV-SCOLA (S.D. Fla.)

Michael I. Santucci, P.A. v. Lifelock, Inc., Case No. 12-60304-CIV-SCOLA (S.D. Fla.)

Satinover v. Fla. Dep't of Children and Families, Case No. 12-62544-CIV-COHN (S.D. Fla.)

- (5) Cases where I believed that my impartiality might reasonably be questioned:

Heilbrunn v. Toyota Motor Corp., Case No. 10-80208-CIV-ZLOCH (S.D. Fla.):
The plaintiff in this case was bringing a class action against Toyota for claims relating to alleged sudden acceleration problems of certain Toyota models.

Although the relevant class period slightly post-dated the purchase of my car, at the time of the lawsuit, I owned and daily drove one of the models that allegedly was experiencing the sudden acceleration problems.

USAA Life Ins. Co. v. Vincent, Case No. 08-60467-CIV-DIMITROULEAS (S.D. Fla.): At the time, I had my home, car, and property insurance with the plaintiff. In addition, the insurance company occasionally makes a monetary distribution to policy holders.

Am. Guarantee and Liab. Ins. Co. v. Christopher J. Gertz, P.A., Case No. 09-60946-CIV-ZLOCH (S.D. Fla.): I grew up with and attended middle and high school with a party who was representing himself, as well as with his two sisters, and our families had been friends for more than 35 years.

Chapman v. United States [Cent.] Gov., Case No. 11-61969-CIV-WILLIAMS (S.D. Fla.): At the time that *Chapman* was filed, I was a defendant in another case that Eye, one of the plaintiffs, had previously filed against me and others (*see* Category (6) below).

Ulbrich v. GMAC Mortgage, LLC, Case No. 11-62424-CIV-SCOLA (S.D. Fla.): When my husband decided to apply for employment with a law firm that represented one of the parties, I recused myself.

Fields v. Columbia Hosp. Corp. of S. Broward, Case No. 11-62277-CIV-ZLOCH (S.D. Fla.): When my husband decided to apply for employment with a law firm that represented one of the parties, I recused myself.

J.W. v. Sch. Bd. of Broward Cnty., Case No. 12-60335-CIV-SCOLA: When my husband decided to apply for employment with a law firm that represented one of the parties, I recused myself.

Brett v. White, Case No. 13-60530-CIV-MIDDLEBROOKS: The officer who served regularly as my court-security officer was a defendant in the case.

Eye v. Cohn, Case No. 11-61584-CIV-MOORE (S.D. Fla.): This case was assigned to me as the magistrate judge, and I recused because I am a defendant in the case. The plaintiff is a defendant who appeared before me in magistrate court on a criminal indictment against her. The United States Department of Justice represented me on the basis that all alleged acts were undertaken within the scope of my duties as a United States magistrate judge. The case was dismissed with prejudice on November 7, 2011.

- (6) Cases where I or an immediate family member had a financial interest in a party:

Intel Corp. v. EcoinTEL Treasury, Case No. 06-61352-CIV-DIMITROULEAS (S.D. Fla.)

Spectrum Select, L.P. v. Tremont Grp. Holdings, Inc., Case No. 12-80962-CIV-MIDDLEBROOKS (S.D. Fla.)

- (7) Cases in which one of the attorneys had been one of the two attorneys in a case on which I had done significant work while in private practice, and where my client had sought sanctions and had obtained a substantial judgment for those sanctions against those attorneys, and the matter was still on appeal:

Bryant v. Big T. East Coast, Case No. 06-61458-CIV-DIMITROULEAS (S.D. Fla.)

Fairclough v. Am. Express Travel Related Servs. Co., Inc., Case No. 08-61395-CIV-DIMITROULEAS (S.D. Fla.)

Calixte v. Motorola, Inc., Case No. 09-61607-CIV-ZLOCH (S.D. Fla.)

Testai v. Navix Imagining, Inc., Case No. 09-61997-CIV-ZLOCH (S.D. Fla.)

Bourne v. Sch. Bd. of Broward Cnty., Case No. 10-60942-CIV-ZLOCH (S.D. Fla.)

Johnson v. Publix Super Markets, Inc., Case No. 10-61100-CIV-ZLOCH (S.D. Fla.)

O'Brien v. Suncutter's Inc., Case No. 10-61534-CIV-ZLOCH (S.D. Fla.)

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 held no public office other than judicial office. I have not had any unsuccessful candidacies for elective office or unsuccessful nominations for appointed office.

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

I have never held office in or rendered services to any political party or election committee. I have never held a position or played a role in a political campaign.

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 January to October 1998, I served as a law clerk to the Honorable Stanley Marcus on the United States Circuit Court for the Eleventh Circuit.

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

I have 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.

1991 – 1995
United States Department of Justice
Civil Division, Federal Programs Branch
20 Massachusetts Avenue, NW
Washington, DC 20001
Trial Attorney

1995 – 1996
Office of the Independent Counsel
Independent Counsel Dan Pearson's Investigation of Former United States Secretary of Commerce Ronald H. Brown and Nolanda Hill
The office is no longer in existence.
Staff Counsel

1996 – 1997
Holland & Knight LLP
515 East Las Olas Boulevard, Suite 1200
Fort Lauderdale, Florida 33301
Associate

1998 – 2007
United States Attorney's Office for the Southern District of Florida
500 East Broward Boulevard, Suite 700

Fort Lauderdale, Florida 33394
Assistant United States Attorney (1998 – 2007)
Chief, Economic Crimes Section, Fort Lauderdale (2002 – 2007)

- 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 an arbitrator in alternative dispute resolution proceedings.

b. Describe:

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

I have spent nearly all of my twenty-two years as an attorney practicing almost exclusively in federal court. From 1991 to 1995, I served as a Trial Attorney at the Department of Justice. My practice was civil in nature, and I defended the constitutionality of numerous and varied federal statutes and the policies and procedures of the agencies that administered those statutes.

From 1995 to the beginning of 1996, I served as staff counsel to the Independent Counsel's Office on the investigation of former United States Secretary of Commerce Ronald Brown. This was a criminal investigation. As staff counsel, I participated in the criminal investigation and provided legal guidance to the other team members when they requested it.

In my capacity as an associate in private practice with Holland & Knight LLP, from 1996 to 1997, I engaged exclusively in civil practice. My cases had subject matters ranging from a simple replevin issue to contractual issues to a case involving charges of false and fraudulent advertising. While at Holland & Knight LLP, I also worked on several matters involving federal employment law.

At the United States Attorney's Office from 1998 to 2007, I served as a criminal prosecutor and specialized in matters involving complex frauds, becoming the chief of the Economic Crimes Section for the Central Division (Fort Lauderdale). As the chief, at various times, I supervised between eight and ten other Assistant United States Attorneys. Additionally, I continued to perform the functions of every other Assistant United States Attorney in the Economic Crimes Section, handling my own full caseload. As an Assistant United States Attorney, I investigated, developed, indicted, litigated, and tried criminal cases involving allegations of all types of economic crimes, such as securities fraud, bank

fraud, identity theft, tax fraud, telemarketing fraud, health care fraud, Internet fraud, computer crimes, and general mail and wire fraud. In this capacity, I practiced before the grand jury, prepared and filed numerous legal memoranda in support of the positions of the United States, argued various motions before the district court, and tried several cases.

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

As a Trial Attorney at the Department of Justice, my client was the United States. I specialized in federal motions practice, often involving matters of constitutional and administrative law.

As a member of the Independent Counsel's Office, my client was the United States.

My clients at Holland & Knight LLP included individuals, small companies, and large companies. I specialized in employment law.

As an Assistant United States Attorney, my client was the United States. I specialized in prosecuting complex economic crimes.

- 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.

At the Civil Division of the Department of Justice, 100% of my practice involved federal litigation. I regularly argued motions in federal district courts, conducted two trials in federal district courts and one in a federal administrative court, and handled three appeals in federal circuit courts.

Before we could determine whether charges should be brought, the Independent Counsel's investigation of former United States Secretary Ronald Brown came to a premature end with the tragic death of Secretary Brown. Thus, other than grand jury work, which is noted in the public report of the Independent Counsel, I did not have any court appearances during this time.

At Holland & Knight LLP, 100% of my practice involved litigation. While there, I served as associate counsel on a week-long trial in state court. Other than that, my appearances in court during that period were few.

As an Assistant United States Attorney for nine years, 100% of my practice involved litigation. I regularly and frequently appeared in federal district court, handling duty court, grand jury, motions hearings, and trials.

- i. Indicate the percentage of your practice in:
 1. federal courts: 94.9%
 2. state courts of record: 5%
 3. other courts:
 4. administrative agencies: 0.1%
- ii. Indicate the percentage of your practice in:
 1. civil proceedings: 40%
 2. criminal proceedings: 60%
- 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.

To the best of my recollection, I have tried at least fourteen cases to verdict, judgment or final decision. In addition, defendants entered guilty pleas following the beginning of trial and prior to verdict in other cases not included in this number. At the Department of Justice, I participated in two trials as an associate member of a litigation team, handling several of my own witnesses. Additionally, I tried one case as sole counsel. While at Holland & Knight LLP, I acted as associate counsel on a two-attorney team in trying a case to verdict. In my capacity as an Assistant United States Attorney, I tried at least twelve cases, with at least ten of those going to verdict. In all but two of these cases, I served as sole counsel. With respect to these two cases, in a thirty trial-day (over nine weeks) securities fraud trial, I served as lead counsel, and in the other, I served as associate counsel.

- i. What percentage of these trials were:
 1. jury: 80%
 2. non-jury: 20%
- e. Describe your practice, if any, before the Supreme Court of the United States. Supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

I have not practiced 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.

The cases below are listed in chronological order.

1. *Adolph Coors Co. v. Bentsen* (D. Colo. 1992), *aff'd*, 2 F.3d 355 (10th Cir. 1993), *aff'd sub nom. Rubin v. Coors Brewing Co.*, 514 U.S. 476 (1995).

Coors sued the United States Department of the Treasury, Bureau of Alcohol, Tobacco, and Firearms (“ATF”), challenging the constitutionality of provisions of the Federal Alcohol Administration Act that precluded malt beverage producers from making numerical statements of alcohol content on the labels of and in the advertisements for malt beverages. As the junior member of a two-attorney team, I conducted extensive discovery, deposing numerous marketing executives at various malt beverage makers around the country, and finding and working with our expert. At trial, I presented and cross-examined some of the witnesses. The district court upheld the advertisement provision but declared the labeling aspect of the statute to be unconstitutional. Coors did not appeal, but ATF did. In a 9-0 decision (including one opinion concurring in the judgment), the United States Supreme Court affirmed the decision of the Tenth Circuit affirming the decision of the district court. I was not actively involved in the appeals. Trial in this matter lasted for three days, in approximately November 1992, before the Honorable Zita L. Weinshienk.

Co-Counsel: Patricia Russotto Coppolino (retired)

Opposing Counsel: K. Preston Oade
Holme Roberts & Owen LLP
1700 Lincoln Street, Suite 4100
Denver, Colorado 80203
303-866-0453

2. *Barnes v. Breeden*, 911 F. Supp. 1038 (S.D. Tex. 1996), *rev'd sub nom. Barnes v. Levitt*, 118 F.3d 404 (5th Cir. 1997).

Plaintiff Barnes was a staff attorney at the Houston Branch Office of the United States Securities and Exchange Commission (“SEC”). She filed suit against the SEC alleging violations of Title VII and the Equal Pay Act. I was a member of the trial team and presented and cross-examined witnesses at trial. Although the district court (the Honorable Kenneth Hoyt) ruled for the plaintiff following a month-long bench trial, the Fifth Circuit Court of Appeals reversed, granting

summary judgment for the defense and finding that Ms. Barnes had failed to exhaust her administrative remedies by refusing to participate in good faith in the administrative process for resolving her claims. I did not participate in the appeal.

Lead Counsel: Jennifer Ricketts (formerly Jennifer Rivera)
United States Department of Justice
Civil Division, Federal Programs Branch
20 Massachusetts Avenue, NW
Washington, DC 20530
202-514-3671

Co-counsel: Gary Orseck
Robbins, Russell, Englert, Orseck, Untereiner & Sauber
LLP
1801 K Street, NW, Suite 411
Washington, DC 20006
202-775-4504

Patricia Arzuaga
Kaiser Permanente
1396 Piccard Drive
Rockville, Maryland 20850
301-548-5700

Opposing Counsel: Mary L. Sinderson
2200 Post Oak Boulevard, Suite 650
Compass Bank Building
Houston, Texas 77056
713-963-9100

Julius J. Larry, III
(Unknown contact information)

3. *Knobel v. Knobel*, Eleventh Circuit Court in and for Miami-Dade County.

In this case a wife sued her husband regarding administration and ownership of their vocational school, the National School of Technology. The husband counter-claimed. Approximately two weeks before the trial, I was asked to assist the newly-assigned lead attorney in this matter because the previously-assigned lead counsel had a conflict during the trial period and, therefore, could not try the case. During the ensuing two weeks, we simultaneously conducted discovery and prepared for trial. Following a week-long trial in May 1997 before the Honorable David L. Tobin, the jury returned a verdict in favor of our client and awarded him in excess of \$800,000, as I recall.

Co-Counsel: Marty Steinberg
Bilzin Sumberg Baena Price & Axelrod LLP
1560 Brickell Avenue, Floor 23
Miami, Florida 33131
305-350-7310

Opposing Counsel: I cannot recall the name of opposing counsel.

4. *United States v. Garrahan*, Case No. 98-6204-CR-ROETTGER (S.D. Fla.).

Defendant Garrahan obtained building contracts for schools in Broward and Dade Counties after fraudulently procuring bonds making him eligible to receive the contracts. He failed to complete the school buildings and defaulted on the bonds. He was charged with mail and wire fraud and, following an eight-day trial before the Honorable Norman Roettger, the jury returned a verdict of guilty on all counts. Defendant Garrahan was sentenced to just over five years' imprisonment. The judgment was affirmed on appeal. I served as associate counsel in this trial and conducted some of the witness examinations and cross-examinations.

Lead Counsel: Roger Stefin
United States Attorney's Office
Southern District of Florida
500 South Australian Avenue, Suite 400
West Palm Beach, Florida 33401
561-820-8711

Opposing Counsel: Fred Haddad
One Financial Plaza, Suite 2612
Fort Lauderdale, Florida 33394
954-467-6767

5. *United States v. Miller*, Case No. 99-06115-CR-FERGUSON (S.D. Fla. 2000).

Defendant Miller had been convicted of multiple armed robberies. During the execution of an arrest warrant for Mr. Miller for yet another armed robbery, law enforcement found a stolen UZI sub-machine gun, along with a magazine and cartridges for the weapon. We charged Mr. Miller federally with being a convicted felon in possession of a firearm. As sole counsel for the United States, I handled all aspects of the prosecution, including the trial. Following a three-day trial in December 1999 before the Honorable Wilkie D. Ferguson, Jr., the jury returned a guilty verdict on both counts of the indictment. Judge Ferguson sentenced Mr. Miller to fifteen years' imprisonment.

Opposing Counsel: Stuart Adelstein
Adelstein & Matters, P.A.
2929 S.W. Third Avenue, Suite 410

Miami, Florida 33129
305-358-9222

6. *United States v. Thurman*, Case No. 01-6084-CR-FERGUSON (S.D. Fla.), *aff'd*, 54 F. App'x 491 (11th Cir. 2002).

This was one of a trio of cases brought against Defendant Thurman. The other two cases involved tax fraud and mail and wire fraud. The cases had to be brought separately because the subject matter of the violations alleged in each of the indictments was not interrelated. Consequently, in the interests of judicial economy, we proceeded by trying the two smaller cases before the largest of the three matters, which involved a massive Internet affinity fraud scheme. After Mr. Thurman was convicted in the first two cases tried, he pled guilty in the case involving the Internet affinity fraud scheme.

In this particular case, Mr. Thurman was charged with being a convicted felon in possession of firearms. While executing a search warrant that I had obtained in the fraud case, law enforcement found the firearms in a safe in Mr. Thurman's closet. During the course of the investigation, law enforcement discovered evidence that Mr. Thurman had, on occasion, threatened to use one of the firearms to commit suicide, including one incident where he had threatened to do so in a bank. As sole counsel assigned to the matter, I indicted and tried the case, making the opening statement and closing argument, as well as presenting all witnesses. Mr. Thurman was convicted and, as a result of this conviction, as well as the convictions in the two related cases I handled against him, he was sentenced to eight-and-one-half years in prison. This matter was tried over approximately three days in October 2001 before the Honorable Wilkie D. Ferguson.

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7. *United States v. Thurman*, Case No. 01-06040-CR-HURLEY (S.D. Fla.).

This was another in the trio of *Thurman* cases brought by the United States Attorney's Office for the Southern District of Florida. In this particular case, Mr. Thurman was charged with filing false tax returns for himself and six other individuals who sought and, in several cases, received fraudulent tax refunds. As sole counsel, I indicted and tried this case. Following the trial, the jury convicted Mr. Thurman. As noted above, as a result of Mr. Thurman's convictions in this case and the other two cases I prosecuted against him, Mr. Thurman was sentenced to eight-and-one-half years' imprisonment. This matter was tried over approximately seven trial days, I believe in October and November 2001, before the Honorable Daniel T.K. Hurley.

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8. *United States v. Johnson*, Case No. 02-60012-CR-MIDDLEBROOKS (S.D. Fla.), *aff'd in part and rev'd in part*, 440 F.3d 1286 (11th Cir. 2006).

In this securities fraud case, the lead defendant was alleged to have started a package delivery business, solicited approximately \$20 million from investors, and caused the company to implode by systematically draining millions from the company for his own personal use and benefit. I served as lead counsel over thirty days of trial during a nine-week period in 2003 before the Honorable Donald M. Middlebrooks. I presented the opening statement and closing argument, as well as numerous witnesses in this matter. Mr. Johnson was convicted of every count in the indictment. A co-defendant was acquitted. On appeal, the Eleventh Circuit reversed a few of the money-laundering counts against Mr. Johnson, and he was ultimately sentenced on remand to sixteen years' imprisonment.

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9. *United States v. Livdahl*, Case No. 05-60021-CR-COHN (S.D. Fla.) (criminal case); *United States v. Livdahl*, 356 F. Supp. 2d 1289 (S.D. Fla. 2005) (parallel civil case).

I litigated these related civil and criminal cases in tandem. The cases arose out of an incident at a local clinic where a doctor who attempted to create his own form of Botox using improperly diluted full-strength Botulinum Toxin Type A gave botulism to himself and three others to whom he administered his concoction.

Early in the investigation, we discovered that the doctor had apparently developed the idea of creating his own “Botox” when he appeared as a presenter at a seminar sponsored by two of the co-defendants, who owned a business that also created its own form of Botox. I spearheaded the investigation and the criminal litigation team. Shortly after initiating the investigation, I requested the assistance of the Civil Division of the United States Attorney’s Office to help us to file a civil action seeking an injunction against the co-defendants precluding them from continuing to sell their non-FDA-approved fake “Botox” while we conducted the criminal investigation. In order to obtain the injunction, we participated in a lengthy preliminary injunction hearing where, among others, the co-defendants testified. I cross-examined the lead defendant and made closing argument to the court. Upon hearing the evidence in the case, the court entered a preliminary injunction. *See United States v. Livdahl, et al.*, 356 F. Supp. 2d 1289 (S.D. Fla. 2005). Once the preliminary injunction was in place, ensuring that no further fake “Botox” would be sold, we concentrated our efforts on the criminal aspects of the case.

Specifically, in the criminal case, we indicted four defendants, including the two who testified during the hearing on the preliminary injunction. The criminal case was vigorously defended and resulted in extensive motion practice. *See, e.g., United States v. Livdahl*, 459 F. Supp. 2d 1255 (S.D. Fla. 2005). I served as lead counsel throughout the district-court litigation of this matter. Two defendants pled guilty well before the trial. Along with co-counsel, we thoroughly prepared for trial of the other two defendants, but on the eve of trial, we learned that the two remaining defendants wished to enter guilty pleas. The sentencing of the first doctor was hotly contested in an evidentiary hearing and spanned approximately nine hours. Co-counsel and I presented several witnesses, multiple exhibits, and argument before the Court imposed the maximum sentence on the doctor. The co-defendants were sentenced to terms of imprisonment of nine years and approximately six years, respectively. Additionally, as a result of this investigation, the FDA obtained the names of approximately 200 physicians throughout the United States who had purchased the fake “Botox” from the co-defendants. Numerous United States Attorney’s Offices around the country consulted with our trial team and used the indictment I had prepared as a model to conduct prosecutions against those physicians who knowingly used fake “Botox” on their patients without the patients’ knowledge. I handled this matter before the Honorable James I. Cohn and the Honorable Lurana S. Snow in the United States District Court for the Southern District of Florida.

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10. *United States v. Vanmoor*, Case No. 06-60064-CR-COOKE/BROWN (S.D. Fla.).

The defendant in this case was charged with a conspiracy to commit mail and wire fraud. He ran websites offering a purported guaranteed cure for cancer that would work within a six-week period. The websites discouraged customers who purchased the product from continuing their doctor-prescribed treatment courses, such as chemotherapy. During the course of the investigation, we obtained and executed search warrants on multiple locations.

Additionally, I enlisted the assistance of the Civil Division of the United States Attorney's Office to obtain an injunction shutting down the websites while we conducted the criminal investigation. During the course of the investigation, we

obtained multiple search warrants for Mr. Vanmoor's e-mail and other electronic accounts and interviewed the family and friends of victims of Mr. Vanmoor's scheme.

After indicting the lead defendant, I obtained his extradition from the Netherlands, his native country. He arrived back in the United States shortly before I left the United States Attorney's Office to become a United States magistrate judge, and another Assistant United States Attorney tried the case in a two-week trial before the Honorable Jose Gonzalez, resulting in the defendant's conviction (other defendants pled guilty). I served as lead counsel in the matter before leaving the office.

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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.)

While at the United States Department of Justice Civil Division, I handled the matter captioned, *Sarao v. NASA* (D.D.C. 1993). In this case, the plaintiff sued NASA, seeking disclosure of certain photographs of the shuttle debris recovered in the Atlantic Ocean from the *Challenger* accident, pursuant to the Freedom of Information Act. The National Air and Space Administration, which had already released several photographs of the recovered debris, opposed the plaintiff's complaint, concerned about the privacy interests of the astronauts' families. I represented NASA and conducted negotiations with the plaintiff. After ascertaining precisely the types of images for which he was searching, we were able to settle the case in a manner that was acceptable to both parties.

After leaving the Department of Justice, I worked on the Independent Counsel's Investigation of former United States Secretary of Commerce Ronald Brown and Noland Hill. Independent Counsel Dan Pearson was appointed by the Special Division of the United States Court of Appeals for the District of Columbia to conduct an

investigation into certain matters related to former Secretary Brown's finances. The order conferring jurisdiction on Judge Pearson also authorized him to investigate the finances and operations of an associate of Secretary Brown's, Nolanda Hill, and her "organizations." Judge Pearson put together a team consisting of six attorneys to assist him in conducting the investigation. I served in one of two staff-counsel positions. My duties included conducting research and preparing legal memoranda in furtherance of the investigation, as well as participating in the investigation itself. More specifically, I provided the other attorneys on the team with legal opinions concerning issues arising during the investigation. On April 3, 1996, Secretary Brown perished in an airplane crash while on a trade mission to Croatia. As a result, Judge Pearson referred to the Department of Justice the responsibility for continuing the investigation as it pertained to allegations involving Nolanda Hill and others who were not members of the administration. Additionally, Judge Pearson submitted a final report to the Special Division of the United States Court of Appeals for the District of Columbia. The report concluded ultimately, "The unfinished state of the investigation and considerations of fairness preclude our office from drawing conclusions about the allegations regarding possible criminal conduct by the Secretary. . . ." Final Report at 19.

As an Assistant United States Attorney, I occasionally acted as counsel to the United States Attorney's Office. For example, on one occasion I researched a group of federal regulations that appeared to be insufficient to address certain serious dangers that they were meant to prevent. At the request of the United States Attorney, I prepared a memorandum containing suggestions for improvements to the regulations, which was forwarded for consideration to the secretary of the agency in question. On another occasion, I was asked to research and prepare a proposed position memorandum regarding the advisability of the Office's prosecution of a group of cases, in view of the fact that prosecution of the cases (as opposed to dismissal of the federal employees allegedly involved) might conflict with a function of one of the federal agencies. Similarly, when the Office sought to prosecute crimes under relatively new statutes or under new theories of older statutes, I prepared model indictments. In at least two such matters, I drafted either the first or one of the first such indictments in the country.

As the chief of the Economic Crimes Section for the Central Division (Fort Lauderdale) of the United States Attorney's Office for the Southern District of Florida, I supervised between eight and ten other Assistant United States Attorneys. The position involved reviewing and editing indictments and other legal documents for clarity and correctness; consulting with and advising the Assistant United States Attorneys in my section; meeting with representatives of various law enforcement agencies regarding the intake, development, and progress of the respective law enforcement agencies' cases; and consulting with the management of the United States Attorney's Office regarding cases pending in my section. Each year while I served in this position, the Fort Lauderdale office significantly increased the number of indictments returned, as compared with the prior year – particularly within the Economic Crimes Section, even though the number of Assistant United States Attorneys in Fort Lauderdale had decreased.

As a practicing attorney, I was significantly involved in the Broward Chapter of the Federal Bar Association from approximately 2002 to 2007, having served on its board of directors and as the vice president, president-elect, and president. As the president, I presided over the chapter, which presented monthly speaker luncheons, brown-bag luncheons with federal judges, and other events designed to encourage a high level of practice among federal practitioners and to facilitate communications between the federal bar and bench in Broward County. As a judge, I continue to support the activities of the Federal Bar Association, attending nearly all of the Broward Chapter's functions and speaking regularly when asked.

I have not performed lobbying activities on behalf of any client(s) or organization(s).

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 as an adjunct professor at the University of Miami School of Law since 2009. In the fall of 2009 through the spring of 2010, I taught the full-year, first-year course called "Legal Research and Writing." The course sought to teach first-year law students the basics of conducting legal research and preparing legal written work product. Students prepared two drafts each of a case brief, two internal memoranda regarding a case, and an appellate brief. In addition, they presented oral argument on the appellate brief.

Since the summer of 2010, I have taught an upper-level legal writing class. The students learn about the federal court system and motions to dismiss. They prepare two drafts each of a memorandum in support of a motion to dismiss and an opposition to a motion to dismiss. In addition, they present oral argument on the motion to dismiss. On one occasion, during the spring of 2012, I taught an upper-level legal writing class on other federal motions, instead of the writing class on motions to dismiss. The students prepared two drafts of a discovery motion, two drafts of a motion to remand, and one draft of a motion for preliminary injunction.

Copies of the most recent syllabi for all courses described in answer to this question 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.

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 currently serve as an adjunct professor and teach a legal writing course at the University of Miami School of Law, and I have committed to teaching again in the spring of 2014.

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 I am confirmed, I will continue recuse in all cases involving any of my family members. I will also recuse in any cases involving the University of Miami (where I teach), in cases involving Florida International University Law School (where my sister is employed as the director of legal research and writing), in cases involving Miami-Dade County (my brother-in-law is employed as an attorney with the County Attorney's Office), in cases where Holland and Knight LLP participates, in cases involving close friends as parties or witnesses, and, for two years following completion of their clerkships, in cases where my former law clerks are listed as counsel of record and have primary responsibility for litigating the matter. I would also recuse in any cases where a close friend served as counsel.

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

If I am confirmed, I will apply the standards set forth in 28 U.S.C. §§ 144 and 455 to any scenario involving a potential conflict of interest or appearance of partiality.

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 allowed to practice law on behalf of others, so I have not engaged in any pro bono legal work since my confirmation in September of 2007. During most of my legal career, I have also been subject to limitations on my ability to engage in legal activities outside of my job because I have worked in government service for the vast majority of my legal career. Consequently, although I participated briefly in a program where attorneys assist victims of domestic abuse in court, I have mostly chosen to give back to the community in other ways. Among others, I participate in the Florida Bar's Justice Teaching program. The program aims to help educate every elementary, middle, and high school students about basic principles underlying our system of justice and our Constitution. I am paired with North Fork Elementary School.

Likewise, in the past, I have volunteered my time to assist with the Children's Ballet Theatre of Fort Lauderdale. The program allows children to put on a ballet such as *Cinderella*, *Sleeping Beauty*, or *Coppelia* at the Broward Center for the Performing Arts, under the directorship and leadership of dance teachers who volunteer their time for the program. In addition to directing children in the production of a professional-type production, the program aspires to foster an appreciation of dance in the community, particularly among children, by making tickets available at an affordable price and by providing inexpensive or free tickets to certain financially eligible children. My volunteer activities on behalf of the program have included assisting with costuming, addressing marketing materials, and backstage supervision of some of the younger participants during dress rehearsal and the show.

In addition, I volunteer from time to time at my children's school, and year-round, I regularly provide internship opportunities for law-school students in my chambers and speak at Bar and law-school functions when requested.

26. **Selection Process:**

- a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

On August 13, 2013, I spoke to an official from the White House Counsel's Office, who inquired if I would be interested in being considered for a possible vacancy on the Eleventh Circuit. Since that time, I have been in contact with officials from the White House Counsel's Office and from the Office of Legal Policy at the Department of Justice. On September 16, 2013, I interviewed with attorneys from the White House Counsel's Office and the Department of Justice in Washington, DC. On November 7, 2013, 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.

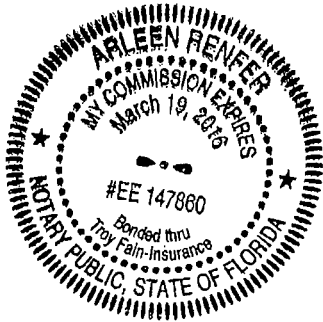
No.

AFFIDAVIT

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

11/7/13
(DATE)

Robin S. Rosenbaum
(NAME)



Arleen Renfer
(NOTARY)