

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR NON-JUDICIAL NOMINEES

PUBLIC

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

Daniel Noah Rosen

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

United States Attorney for the District of Minnesota

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.

Minnesota Office Address:
5201 Eden Ave., Suite 300,
Edina, Minnesota 55436

Florida Mailing Address:
77 Harbor Drive, Box 13
Key Biscayne, Florida 33149

Residence:
Key Biscayne, Florida

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

1965; St. Paul, Minnesota

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.

University of Minnesota Law School, 1991 – 1994
J.D.; *cum laude*, May 1994

United States Naval Officer Candidate School
Received Commission, February 1989

Universidad Complutense de Madrid, Spain, 1985 – 1986
No degree received (Study Abroad Program).

University of Wisconsin-Madison; 1984 - 1987
B.A., May 1987

New York University, Fall 1983
No degree received.

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.

December 2021 - Present:
Self-Employed as independent lawyer in solo practice
Minnesota Office Address:
5201 Eden Ave., Suite 300
Edina, Minnesota 55436
Florida Mailing Address:
77 Harbor Drive, Box 13
Key Biscayne, Florida 33149

May 2017 - December 2021
Minnesota Partner in Charge
Kluger Kaplan Silverman Katzen & Levine PLC
60 South 6th Street, Suite 3650
Minneapolis, Minnesota 55402

October 2005 - April 2017
Founding Partner and Co-Managing Partner
Parker Rosen LLC
123 North 3rd Street, Suite 888
Minneapolis, Minnesota 55401

August 1993 - October 2005
Sole Principal (1999-2005)
Partner (1994-1999)
Law Clerk (1993 - 1994)
Rosen & Rosen Law Firm
St. Paul, Minnesota, 55101 (firm closed, no current address)

May 1993 - July 1993
Law Clerk
Federal Defender Program
Everett Dirksen U.S. Courthouse
219 South Dearborn Street

Chicago, Illinois, 60604

May 1992 - April 1993

Law Clerk

Holmes & Graven Law Firm

4th Floor, Pillsbury Center

Minneapolis, Minnesota 55402

December 1990 - August 1991

Bartender/Server

LeeAnn Chin Restaurant

Bonaventure Center

Minnetonka, Minnesota 55305

March 1991 - May 1991

Lieutenant JG

U.S. Naval Reserves

Commander United States Naval Logistics Support Forces

Bahrain

September 1988 - November 1990

Ensign

United States Navy

March 1988 - September 1988

Clerk, Rosen, Meyer and Simons,

St. Paul, Minnesota (firm closed, no current address)

June 1987 - September 1987

Assistant to Mr. Israel Rosen (no relationship to me), Investor

Jerusalem, Israel

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.

February 1992 - June 1994

Lieutenant, United States Navy Reserves

United States Navy Reserve Center, St. Paul, Minnesota

June 1991 – February 1992

Lieutenant Junior Grade, United States Navy Reserves

United States Navy Reserve Center, St. Paul, Minnesota

March 1991 - May 1991

Lieutenant Junior Grade, United States Navy Reserves,
Commander United States Naval Logistics Support Forces, Bahrain

December 1990 – March 1991

Lieutenant Junior Grade, United States Navy Reserves
United States Navy Reserve Center, St. Paul, Minnesota

June 1989 - November 1990

Ensign, United States Navy
U.S.S. Flint (AE032)

February 1989 – May 1989

Ensign, United States Navy
Surface Warfare Officer School, Coronado, California

September 1988 – February 1989

Officer Candidate, United States Navy
Naval Officer Candidate School, Newport, Rhode Island

Honorable Discharge

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.

Foreign-student fellowship in the office of Moshe Arens, minister without portfolio in the government of Israel, June 1986 - August 1986.

Awarded several ribbons and medals during my naval service.

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.

Minnesota Bar Association (intermittently throughout career)

Hennepin County Bar Association (intermittently throughout career)

Minnesota Eminent Domain Institute, approximately 2003 - 2012
Co-Founder and Director

Congressionally appointed Nomination Panel for Federal Judiciary in Minnesota, 2017

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.

Minnesota, 1994 – Present. No lapse in membership.

Wisconsin, 2013-2023 (I allowed this membership lapse as I no longer practice in Wisconsin.)

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

United States Supreme Court (approximately July 2013)
U.S. District Court in Minnesota (December 1994)

In addition to the supreme courts of the above-listed states; I have been admitted to, and argued before, the United States Circuit Courts of Appeal for the 7th, 8th, and 10th Circuits. I have also been admitted to the United States District Courts for the Districts of Wisconsin (both districts), Illinois (Northern District), Michigan (Eastern District), Colorado and Nevada. In all cases in the U.S. District Courts (except Minnesota and Wisconsin), the admission was sought for a particular case and renewal was not sought when the case was completed.

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.

Jewish Community Relations Council of Minnesota and the Dakotas
Board Member (Approximately 2002 - 2012)

American Israel Public Affairs Committee
Minnesota Chair (Approximately 2006 - 2009)
Member of its National Council (Approximately 2004 - Present)

Jacobson Society
Co-Founder (2023 - Present)

Oak Ridge Country Club
(Approximately 2004 - 2009)

- b. 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.

Not to my knowledge. Please note that none, except Oak Ridge Country Club, are actually membership organizations to which one “belongs.” I have listed them as they are organizations in which I had participated.

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.

Brown, Casey-style, 69 NYU L. Rev. 1287 (1994).
Copy supplied.

Minneapolis Star Tribune, Op-Ed, January 11, 2019.
Copy supplied.

Minneapolis Star Tribune, Letter to Editor, August 4, 2021.
Copy supplied.

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

I have searched extensively to identify any reports, memoranda, or policy statements I have prepared or contributed to, including through a review of my personal files and searches of publicly available electronic databases. I have not located any responsive items.

- c. Supply four (4) copies of any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation, that you have issued or provided or that others presented on your behalf to public bodies or public officials.

I have searched extensively to identify any testimony, official statements, or other communications related, in whole or in part, to matters of public policy or legal interpretation, including through a review of my personal files and searches of publicly available electronic databases. I have not located any responsive items.

- 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.

I have delivered several CLE presentations (I estimate approximately 12 over my 30-year career), most often on the topics of eminent domain and trial techniques. I do not recall the dates and I do not retain notes or materials connected thereto.

I have delivered several talks on Jewish religious matters—typically regarding lessons to be drawn from the portion of the Torah that Jews were reading that week (as part of our annual tradition of reading the entire Torah, in weekly portions, over the course of a year.) I keep no notes or records of such talks.

I delivered the speech introducing General (and Former Secretary of State) Colin Powell when he spoke to a large audience at a Minneapolis synagogue in or about January 2006. I have no transcript or video and do not have the notes of my speech.

- 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.

In June, 2006, I was interviewed by the Jewish Telegraphic Agency (JTA) regarding the candidacy of Keith Ellison for U.S. House of Representatives.
<https://www.jta.org/2006/06/07/lifestyle/confronting-the-past>

In June, 2006, I was interviewed by Newsweek on the same subject as the above-linked article. No record of the article could be found. I recall that my comment was similar to the comment published in the JTA article.

13. 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.

Minnesota Campaign Finance and Public Disclosure Board
Member, August 2014 to December 2021
Chairman, July 2016 to January 2018
Appointed by Minnesota Governor Mark Dayton

- 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.

General Counsel, Kendall Qualls for Governor, December 2021 to May 2022
Provided general legal advice to candidate and campaign staff.

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

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

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

I did not serve as a clerk to a judge.

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

I practiced alone from December, 2021 to the present.

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- 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.

May 2017 - December 2021
Minnesota Partner in Charge,
Kluger Kaplan Silverman Katzen & Levine PLC
60 South 6th Street, Suite 3650
Minneapolis, Minnesota 55402

October 2005 - April 2017
Founding Partner and Co-Managing Partner,
Parker Rosen LLC,
123 North 3rd Street, Suite 888
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Law Clerk (1993 to 1994)
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St. Paul, Minnesota, 55101 (firm closed, no current address)

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Law Clerk, Federal Defender Program
Everett Dirksen U.S. Courthouse
219 South Dearborn Street
Chicago, Illinois, 60604

May 1992 - April 1993
Law Clerk
Holmes & Graven Law Firm
4th Floor, Pillsbury Center
Minneapolis, Minnesota 55402

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

I have not served as a mediator or arbitrator.

- v. Whether you have held any judicial office, including positions as an administrative law judge, on any U.S. federal, state, tribal, or local court and if so, please provide the name of the court, the jurisdiction of that court, whether the position was appointed or elected, and the dates of your service.

I have not held a judicial office.

b. Describe:

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

From October, 1994, to November 1999, I practiced with my father. Thereafter, I was the sole principal of the firm my father and I had established, and I employed one to two other lawyers from the November

1999 until October 2005.

In October 2005, I co-founded Parker Rosen LLC, a law firm that varied in size between six and eleven lawyers. I was, at all times, the co-managing partner. Parker Rosen operated until April 2017.

Beginning in May 2017, until December 2021, I was the Partner in Charge of the Minneapolis office of Kluger Kaplan Silverman Katzen & Levine, a Miami-based litigation firm.

Since December 2021, I have practiced independently, in sole practice.

Throughout my career, my practice was concentrated in the field of commercial litigation, including a substantial amount of litigation in the field of eminent domain, partnership disputes, contract disputes, fraud cases, etc. I represented large companies, small businesses, and individuals.

I have also represented the “relators” in several federal False Claims Act cases. These cases, which have required working closely with the U.S. Attorney’s office, included large-scale Medicare fraud and abuse of the recent COVID-related PPP program.

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

I represented individuals, small businesses, large corporations and charitable organizations at all times in my career.

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

- i. Indicate the percentage of your practice in:

- 1. federal courts; 70%
 - 2. state courts of record; 30%
 - 3. other courts;
 - 4. administrative agencies

- ii. Indicate the percentage of your practice in:

- 1. civil proceedings; 98%
 - 2. criminal proceedings. 2%

My practice has consistently been approximately 80% in the field of litigation. I appeared in court very frequently.

- d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.
 - i. What percentage of these trials were:
 - 1. jury; 15%
 - 2. non-jury. 85%

I estimate that I have tried approximately 12-15 jury trials to verdicts over my career. In all jury trials, I was either sole counsel or chief counsel. I estimate that I have tried over 100 non-jury trials, all as either sole counsel or chief counsel.

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

I have never practiced before the U.S. Supreme Court.

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

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

- 1. *In re: Petters Company, Inc., et al.*,
United States Bankruptcy Court, District of Minnesota
Court File No. 08-45257
2010 - Present.

This bankruptcy case (and various companion cases) involved the largest “Ponzi scheme” in U.S. history at the time.

Tom Petters, assisted by others, defrauded and obtained billions of dollars in money and property by inducing investors to provide Petters Company, Inc., (PCI)

funds to purchase merchandise that was to be resold to retailers at a profit. However, no such purchases were made. Instead, the defendants and co-conspirators diverted the funds for other purposes, such as making payments to other investors, paying off those who assisted in the fraud scheme, funding businesses owned or controlled by the defendants and financing Tom Petters' lifestyle.

I served as Minnesota counsel for a \$650 million creditor, out of the approximately \$1.7 billion lost. Among other roles, I was the chief lawyer that handled the mediations and settlement negotiations in dozens of "claw-back" litigations against individuals, companies, and organizations that profited from the Ponzi scheme. There were dozens of lawyers involved in this matter.

Co-Counsel:

Michael Budwick
Chief counsel for the creditor
Meland Budwick, P.A.
200 South Biscayne Blvd.
Miami Florida 33131
305-401-0735

Other counsel:

Douglas Kelley
Petters Company, Inc. Trustee
431 South 7th Street
Minneapolis, Minnesota 55415
612-723-7742

2. *Bren Road LLC v. Talon OP, LP, et al.*
Hennepin County Dist. Ct. File No. 27-CV-19-12830.
Judge Christian Sande
2023-2025.

At the direction of the judge, I was hired to represent the court-appointed receiver in a case in which the judgment debtor had been found liable for fraud in the amount of more than \$15 million. There were multiple parties seeking to share in moneys and properties recovered by the receiver and the judgment debtor was continuing a pattern of deceit and evasion. I was asked by the judge to bring the matter to a resolution consistent with the judge's orders. I successfully achieved the court's objectives by working with counsel for all creditors and overcoming the objections of the judgment debtor.

Co-counsel: None

Counsel for other parties:

Michael Stinson
Dorsey & Whitney

50 South 6th Street
Minneapolis, Minnesota 55402
763-670-0769

William Skolnick
Skolnick & Bardwell
333 South 7th Street
Minneapolis, Minnesota 55402
612-670-5465

3. *Northrup v. Greenberg*
Hennepin County Dist. Ct. File No. 27-CV-23-4407
Judge Lois Conroy
2023-2024.

I was hired by a retired judge of district court who had been sued by a party to a case he had mediated and where he had subsequently arbitrated a dispute over the mediated settlement agreement. The plaintiff asserted that the retired judge was liable for having ruled incorrectly as an arbitrator and that he exceeded his powers as a mediator. The case stood for the important principle of immunity of a judicially-appointed or quasi-judicial officer. The court ruled entirely for my client, on our motion for summary judgment.

Opposing Counsel:
Justin Hughes
11302 86th Avenue North
Maple Grove, Minnesota 55369
763-450-1639.

4. *Darkenwald v. Yankoupe, et al., in arbitration*
Arbitrator: Ret. Justice James Gilbert
2021-2023.

In this valuable partnership dispute among siblings, I was co-lead counsel for the Defendants. This case involved a dispute within a partnership that owned several blocks of commercial property in suburban Minneapolis. The plaintiff asserted that he was entitled to purchase the interests of my clients at a deeply discounted price. My clients counter-claimed asserting a right to purchase the interest of the plaintiff at a previously offered price. The case was tried to an arbitrator and the arbitrator awarded my clients the relief we requested.

Co-counsel:
Daniel Brown
Dorsey & Whitney
50 South 6th Street
Minneapolis, Minnesota 55402
612-308-0115

Opposing counsel:
Gerald Fornwald
Winthrop & Weinstine
225 South 6th Street
Minneapolis, Minnesota 55402
612-604-6584

Arbitrator (who is available to respond to inquiries):
Justice James Gilbert
12700 Anderson Lakes Parkway
Eden Prairie, Minnesota 55344
612-518-3263

5. *S.E.C. v. Providence Financial Investments, Inc.* [and] *Antonio Buzaneli et al.*
U.S. Dist. Ct. MN 16-cv-1877
Judge Susan Nelson
2016 – 2018

In this civil enforcement matter by the Securities and Exchange Commission (S.E.C.) and in a companion criminal prosecution, I represented an individual accused of being the primary actor in a fraudulent scheme that the government valued at \$140 million. I was lead counsel in the civil enforcement and co-counsel in the criminal enforcement. The criminal case resulted in a plea agreement pursuant to which my client was sentenced to prison for 20 years, which was less than half of the time called for under the Sentencing Guidelines. The civil case was resolved by agreement pursuant to which my client accepted a sanction from the S.E.C. and restriction on future S.E.C.-regulated business.

Co-Counsel:
Daniel Scott
Kelley Scott & Wolter
431 South 7th Street
Minneapolis, Minnesota 55415
612-723-1492.

6. *Fannie Mae v. Andrew Grossman, et al.*
United States District Court, District of Minnesota
Judge Susan Nelson; United States District Court, District of Colorado
Judge Marcia Krieger; Hennepin County District Court, Hennepin County,
Minnesota
Judge Thomas Sipkins, multiple jurisdictions
2011 to 2015.

Several years into the dispute, and after several adverse decisions while represented by previous counsel, I was hired and served as lead counsel for Mr. Grossman and one of his entities (Tara Woods Ltd. Partnership) in the District of Colorado and in the 10th Circuit

appeal from the Colo. Dist. Court. I was also co-counsel for Mr. Grossman, individually, in Minnesota, in both state and federal courts. I was also the lead counsel in comprehensive settlement negotiations with Fannie Mae. The cases involved disputes over \$45 million in loans by Fannie Mae to entities owned by Grossman. The cases involved assertions and defenses under fraudulent transfer laws, trust laws, the boundaries of asset protection mechanisms, a very significant contempt of court litigation, and defenses to the enforcement of limited personal guaranties. While pursuing litigation against Fannie Mae in Colorado, we were required to defend against litigation brought by Fannie Mae in Minnesota. The case involved trials in federal district court in Colorado and in Minnesota state court, as well as considerable motion practice in federal court in Minnesota. The case involved a highly unusual level of strategic complexity and the need to become expert in obscure areas of the law. A comprehensive settlement was reached, the terms of which are the subject of a confidentiality order.

Co-counsel:

Lewis Remele
Bassford Remele
100 South 5th Street
Minneapolis, Minnesota 55402
612-376-1601

Opposing counsel:

Frank Visciano
Senn Visciano Canges
1700 Lincoln St.
Denver, CO 80203
303-298-1122

7. *Hennepin County v. Land Partners II LLLP*
Hennepin County Dist. Ct. File No. 27-CV-06-19732
Judge Stephen Aldrich
2006 – 2008

This was the largest eminent domain case in Minnesota history. The county acquired the property as the location for a new Minnesota Twins baseball stadium. I was lead counsel for the property owners. In this case, there were two ownership groups (with separate lawyers) that agreed to hire me to be chief trial counsel to represent their combined interests. We tried the matter of just compensation to be paid to my clients for the taking of their land. The matter was tried to a panel of court-appointed commissioners that was chaired by a retired judge of the Minnesota Court of Appeals. Although I had assistance by other counsel at my counsel table over the course of a six-week trial, I was the only lawyer that addressed the court for the property owners, examined every witness and cross-examined every adverse witness, and made the opening and closing statements. The commissioners awarded \$23.5 million my clients (more than \$10 million more than the county's appraisal) and a dissenting commissioner awarded \$33.5 million. The case

then settled for \$29 million—the largest eminent domain award in Minnesota history.

Co-counsel:

Mark Savin
Fredrikson & Byron
60 South 6th Street
Minneapolis, Minnesota 55402
612-492-7000

Opposing counsel:

Marc Simpson
Stinson LLC
50 South 6th Street
Minneapolis Minnesota 55402
612-335-1500

Mediator:

Ret. Judge Rick Solum
2950 Dean Parkway
Minneapolis, Minnesota 55416
612-205-5913

8. *Housing and Redevelopment Authority of City of St. Paul v. ExxonMobil Oil Corporation*
Ramsey County District Court (62-C6-04-001291)
Judge Judith Tilson
2003-2009

In this eminent domain action by an agency of the City of St. Paul, the city sought to acquire a 37-acre parcel within the city for the construction of a large, publicly-subsidized housing project. I was chief counsel for ExxonMobil which sought to stop the project as the property had previously been used for petroleum storage, with a history of leaks, and which was the subject of a long-term cleanup effort by ExxonMobil. ExxonMobil asserted that it was unwise to construct a housing project where the cleanup was still underway and the final results could not be known for years. We tried the case to the district court judge who first ruled for ExxonMobil but gave the city the opportunity to provide the opinion of the Minnesota Pollution Control Agency that the proposed project could be made safe. The MPCA opined that if the cleanup was completed, the project would be safe and the court allowed the taking to proceed. We then had litigation over how much money the city would need to pay ExxonMobil for the property. As lead counsel, I tried the case to a court-appointed commission which ruled almost entirely for ExxonMobil, finding (a) that the city must pay ExxonMobil approximately seven times the amount of the city's appraisal and (b) that if the city proceeded, the city must assume environmental liability from ExxonMobil. Because that far exceeded the city's budget, the case then settled with the city agreeing that it will not develop the property. My co-counsel on the case was Mark Kiperstin, current address

unknown, 952-356-9313.

Co-counsel:

Former Minnesota Chief Justice Eric Magnuson
800 LaSalle Ave.
Minneapolis, Minnesota 55402
612-483-1303

Opposing counsel:

Gregory Bistram
Current address unknown
612-977-8241

9. *Minneapolis Community Development Agency v. Physicians & Surgeons Capital Corporation*
Hennepin County District Court (27-CV-CD-000002530)
Judge Cara Lee Neville
1999-2001

This was an eminent domain action by an agency of the city of Minneapolis to acquire an aging office building in the core of Downtown Minneapolis. I was lead counsel for the property owner, Physicians & Surgeons Capital Corporation. The litigation involved the amount to be paid by the city for the acquisition. I tried the case to a panel of court-appointed commissioners. The commissioners awarded nearly four times the amount of the government's appraisal and nearly the full amount my client was requesting. After the commissions' award, the city sought a new trial by jury in the district court, but the case settled before trial for an amount very close to the award of the commissioners.

Co-counsel:

Timothy Kelly
Retired and contact information unknown

Opposing counsel:

Robert Lindall
Retired and contact information unknown.

10. *United States ex. Relator Minnesota Association of Nurse Anesthetists v. Allina Health Systems*, et al.
276 F.3d 1032 (8th Cir. 2002) and United States District Court for District of Minnesota
Judge Richard Kyle
1994-2003

I represented the Relator in this False Claims Act case in which several Minnesota hospitals and over 60 anesthesiologists practicing at those hospitals were alleged to have committed systematic Medicare fraud by billing for the services of an anesthesiologist

when the anesthesiologist was not in the operating room. The district court judge granted summary judgment for the defendants. After a successful appeal to the United States Court of Appeals for the 8th Circuit, in which the appellate court reversed the district court, the case settled shortly before trial with the Defendants paying approximately \$12 million.

Co-Counsel:
David Stone
Stone & Magnanini
100 Connell Drive
Berkeley Heights, NJ 07922
973-951-9856

Opposing Counsel:
Current U.S. District Court Judge Eric Tostrud
316 North Robert Street
St. Paul, Minnesota 55101
612-963-7805

Ret. Judge Thomas Fraser
Current address unknown
612-790-3585

16. **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.)

All of my career, I have made myself available for legal consultation and representation to Jewish community organizations and to individuals providing services to the Jewish community. As an example, I am the lawyer that is primarily called upon by the organized Orthodox Jewish community of Minneapolis for consultation in connection with community security matters. The need for such consultations has increased in recent years as incidents of antisemitic violence and threats have increased substantially. As further example, I have provided consultation to individuals and families that seek to prevent autopsies on their loved ones where such autopsies are prohibited by Jewish religious tradition. The matter described in the *pro bono* section below is an example of such service.

I have also been hired by Washinton, DC, based public-interest organizations to provide consultation and representation in Minnesota, including matters seeking to vindicate First Amendment rights, disclosure of publicly held information, and protection of other constitutionally protected rights.

I served for seven years on the Minnesota Campaign Finance and Public Disclosure Board (CFB), including two terms as chairman of that board. The CFB regulates campaign finance in Minnesota and enforces Minnesota's campaign-finance laws. The CFB also regulates lobbying in Minnesota and enforces Minnesota's lobbying laws.

I co-founded the Minnesota Eminent Domain Institute (MEDI). MEDI was formed by lawyers that are engaged in eminent domain litigation primarily on the property-owners' side. The organization was founded in order to educate the legal community and the courts on matters relating to eminent domain, from the property-owners' perspective, including the filing of amicus curiae briefs with the appellate courts of Minnesota

From approximately 2013 to 2023, I served as outside general counsel of the Minnesota Association of Nurse Anesthetists, advising the association on the range of issues that affect a health-care trade organization that is constantly buffeted by changing legal, regulatory, and market forces.

17. **Teaching:** What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide four (4) copies to the committee.

I have not taught any courses.

18. **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.

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

None.

20. **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).

Please see my financial disclosure report submitted to the Office of Government Ethics.

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

See attached net worth statement.

22. **Potential Conflicts of Interest:**

- a. Identify the family members or other persons, parties, affiliations, pending and categories of litigation, financial arrangements or other factors 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.

During the nomination process, I consulted with the Department of Justice's ethics office and Designated Ethics Officer to identify any potential conflicts. If I am confirmed, I will continue to consult with that office and will recuse myself from any matter in which recusal is required.

- 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, any potential conflict of interest will be resolved in accordance with the terms of an ethics agreement that I have entered with the Department's designated agency ethics official. If confirmed, I will continue to consult with the Department of Justice's ethics office and will recuse myself from any matter in which recusal is required.

23. **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. If you are not an attorney, please use this opportunity to report significant charitable and volunteer work you may have done.

I am the primary lawyer that the organized Orthodox Jewish community in Minneapolis consults with on most legal matters. I devote dozens of hours a year to addressing such issues. I devote dozens of hours each year to addressing the issues raised by individuals who have been referred to me.

In September 2012, a widely publicized, multi-fatality, workplace shooting occurred in Minneapolis. Two of the victims were Jews whose families, in observance of Jewish principles, objected to autopsies on those victims. I undertook, at no charge, to commence an action to enjoin the coroner from performing autopsies on those two bodies. Minnesota did not, at that time, have its current statute that bars autopsies under

certain circumstances where there is religious objection. Accordingly, the legal presumption at that time favored autopsies. Moreover, as murders were involved, the coroner's obligation to perform autopsies was heightened. I spent the evening and early hours of the morning preparing the case and, at 3:15 in the morning, obtained a temporary restraining order at the home dining room table of a judge. I then served it on the coroner and then undertook, when business hours were beginning the following morning, to engage the county attorney in discussion to arrive at an arrangement where the coroner received the data he needed, without having to do the dissection that is typically involved in an autopsy.

AFFIDAVIT

I, 1 Daniel N. Rosen, do swear
that the information provided in this statement is, to the best
of my knowledge, true and accurate.

6-6-25

(DATE)

Daniel N. Rosen

(NAME)

Kathryn Yeager

(NOTARY)

Kathryn Yeager

