

UNITED STATES SENATE  
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Stephanie Dawkins Davis  
Stephanie Renaye Dawkins

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

U.S. District Judge, Eastern District of Michigan

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.

Federal Courthouse  
600 Church Street, Room 111  
Flint, Michigan 48502

Residence:  
Farmington Hills, Michigan

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

1967, Kansas City, Missouri

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

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

1985 – 1989, Wichita State University; A.A., 1988; B.S., 1989

6. **Employment Record**: List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

2016 – present

U.S. District Court, Eastern District of Michigan.  
600 Church Street  
Flint, Michigan 48502  
U.S. Magistrate Judge

1997 – 2016  
U.S. Attorney's Office, Eastern District of Michigan  
211 West Fort Street, Suite 2001  
Detroit, Michigan 48226  
Executive Assistant U.S. Attorney (2010 – 2016)  
Assistant U.S. Attorney (1997 – 2010)

1992 – 1997; Summer 1991  
Dickinson Wright, PLLC  
500 Woodward Avenue, Suite 4000  
Detroit, Michigan 48226  
Litigation Associate (1992 – 1997)  
Summer Associate (1991)

Spring 1992  
St. Louis City Prosecutor's Office  
1430 Olive  
St. Louis, Missouri 63101  
Assistant (student) Prosecutor

Fall 1991  
U.S. Attorney's Office, Eastern District of Missouri  
1114 Market Street  
St. Louis, Missouri 63101  
Student Intern

Summer 1990  
Thompson & Mitchell (now known as Thompson Coburn, LLP)  
One US Bank Plaza  
St. Louis, Missouri 63101  
Summer Associate

Summer 1989  
Meyer Care Health Service  
6445 Metcalf Avenue  
Mission, Kansas 66202  
Staffing Coordinator

1988 – 1989  
University of Kansas Medical School (Wichita Campus)  
1010 North Kansas

Wichita, Kansas 67210  
Student Assistant

Other Affiliations (uncompensated)

2015  
Wayne Mediation Center  
19855 West Outer Drive, Suite 206 – East Building.  
Dearborn, Michigan 48124  
Executive Board Member

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

I have not served in the military. I 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.

Undergraduate and Law School:

Outstanding Woman Lawyer Award (voted by female law professors) (1992)  
Wiley T. Rutledge Moot Court – High Oralist (1991)  
American Jurisprudence Award – Pretrial Procedure (1991)  
Washington University, Rubey T. Hulen Scholarship (1989–1992)  
Order of Omega (Greek-letter Organization Honor Society) (1988–89)  
Mortar Board (Senior Honor Society) (1988–89)  
Wichita State University, Senior Honor Woman (1 of 5 named) (1988–89)  
Wichita State University, Distinguished Freshman Josephine B. Fugate  
Scholarship (1985)

Professional/Post-Graduate Awards and Recognition:

Kansas City Kansas Public Schools Alumni Honor Roll (2017)  
Director's Award, Outstanding Litigation Team, U.S. Dept. of Justice (2016)  
U.S. Attorney's Office Time-off Awards (received on 5–10 occasions for  
outstanding performance on specific cases or projects.) (between 1997 and 2015)  
Bridget Vance Vision of Service Award, Det. Youth Violence Prevention (2015)  
Champion of Justice Award, State Bar of Michigan (2015)  
Outstanding Service Award, Yemeni Amer. Anti-Discrimination Coalition (2014)  
U.S. Attorney's Award, Outstanding Service (2014)

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.

Advocates and Leaders for Police and Community Trust (2010 – 2015)

American Bar Association (intermittently since 1993)

American Constitution Society (2008 – 2016)

Detroit Chapter Executive Board (2012 – 2015)

American Inns of Court, Master of the Bench (2013 – 2016, 2016 – 2019)

Association of Black Judges of Michigan (2016 – 2017)

Detroit Metropolitan Bar Association, Detroit Barristers Association, Executive Board (1997–1999)

Detroit One Violent Crime Prevention Program (2012 – 2015)

Federal Bar Association (approximately 1997 – present)

Law Enforcement Liaison Committee (2010 – 2015)

State Bar of Michigan, Representative Assembly Member (1997 – 1999)

U.S. Magistrate Judge Merit Selection Panel, Eastern District of Michigan (2010, 2011)

Wolverine Bar Association (1992 – present)

Summer Law Clerk Committee. Co-Chair (1997, 1998)

**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.

Michigan, 1992

There have been no lapses in membership.

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

U.S. Court of Appeals for the Sixth Circuit, 2000

U.S. District Court, Eastern District of Michigan, 1992

There have been no lapses in membership.

**11. Memberships:**

- a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

Delta Sigma Theta Sorority, Inc. (1986 – present)  
Southfield Alumnae Chapter (2017)

Detroit Crime Commission, Advisory Board (2013 – 2015)

Farmington/Farmington Hills Commission on Children Youth and Families,  
Commissioner (2012 – 2015)

Jack and Jill of America, Inc., Detroit Chapter (2004 – 2016)  
Parliamentarian (2015 – 2016)  
Legislative Liaison (2012 – 2014)

University of Detroit Mercy School of Law, Dean's Advisory Board (2014 – present)

- b. The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, 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.

Delta Sigma Theta Sorority limits its membership to women. Otherwise, to the best of my knowledge, none of the organizations listed above currently discriminates or formerly discriminated on the basis of race, sex, religion or national origin, either through formal membership requirements or the practical implementation of membership policies.

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

- a. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited, including

material published only on the Internet. Supply four (4) copies of all published material to the Committee.

*The Rule 26(b)(1) Amendments: How Are They Working in Practice?*, DRI Business Litigation, 2017. Copy supplied.

*Letter to the Editor*, Detroit Free Press, 2008. Copy supplied.

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

None.

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

None.

- d. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you, including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

May 16, 2018: Panelist, "Practicing Before U.S. Magistrate Judges," Sixth Circuit Judicial Conference, Nashville, Tennessee. I sat on a panel made up of magistrate judges from each judicial district within the 6th Circuit, providing information to lawyers about the role of magistrate judges and the rules, policies and procedures which govern practice before them. I have no notes, transcript or recording. The address of the U.S. Court of Appeals for the Sixth Circuit is 100 East Fifth Street, Cincinnati, Ohio 45202.

January 26, 2018: Panelist/Speaker, Professionalism in Action, Detroit Mercy Law School, Detroit, Michigan. I participated as one of approximately 15 to 20 judges and lawyers who conducted break-out sessions with first and second year law students to discuss professionalism and ethics. I have no notes, transcript or

recording. The address of Detroit Mercy Law School is located at 651 East Jefferson, Detroit, Michigan 48226. Press coverage supplied.

November 15, 2017: Remarks, Kansas City Kansas Public Schools "2017 Reasons to Believe" Ceremony, Kansas City, Kansas. Recording available at <https://www.youtube.com/watch?v=C8i6lnljDLw>.

September 15, 2017: Panelist, "Powering BIG Futures," Big Brothers Big Sisters Rotary Club Presentation, Flint, Michigan. I was one of three panelists, and spoke about the court's and my participation in the BBBS community partners program. Notes supplied.

May 12, 2017: Presenter/Speaker, DRI Business Litigation Seminar, Chicago, Illinois. PowerPoint supplied.

April 22, 2017: Speaker, Detroit Leadership Academy Pinning Ceremony, Detroit, Michigan. I addressed graduating high school seniors and their families, providing words of inspiration for their upcoming graduation. I have no notes, transcript or recording. The address of Detroit Leadership Academy is 5845 Auburn, Detroit, Michigan 48228.

March 24, 2017: Presider/Remarks, U.S. District Court Naturalization Ceremony, Detroit, Michigan. Remarks supplied.

January 16, 2017: Remarks, Big Brothers Big Sisters MLK Inspiration Breakfast, Flint, Michigan. I provided remarks concerning the court's participation in the Big Brothers Big Sisters program. I have no notes, transcript or recording. The address of Big Brothers Big Sisters is 410 East 2nd Street, Flint, Michigan 48503.

September 13, 2016: Speaker, "The Image of a Public Servant," Federal Executive Board Employee Recognition Luncheon, Linden, Michigan. Notes supplied.

August 25, 2016: Panelist, "Professionalism in the Practice of Law," Michigan State University School of Law, East Lansing, Michigan. I led a panel discussion along with two practicing attorneys for first year law students about professionalism and ethical considerations in the practice of law. I have no notes, transcript or recording. The address of Michigan State University School of Law is 648 North Shaw Lane, East Lansing, Michigan 48824.

April 14, 2016: Speaker, Investiture Ceremony of Stephanie Dawkins Davis as U.S. Magistrate Judge, United States District Court for the Eastern District of Michigan, Detroit, Michigan. Transcript supplied.

February 10, 2016: Speaker, Saginaw Valley State University Black History Month, Saginaw, Michigan. I addressed students and others in the university

community on my career path and making a positive contribution to the community. I have no notes, transcript or recording. The address of Saginaw Valley State University is 7400 Bay Road, University Center, Saginaw, Michigan 48710. Press coverage supplied.

February 6, 2016: Panelist, Community Meeting, Vanzetti M. Hamilton Bar Association & National Association of Negro Business and Professional Women's Clubs, Ann Arbor, Michigan. I was a panelist on the topic of legal considerations relating to police stops. I have no notes, transcript or recording. The address of the Vanzetti M. Hamilton Bar Association is PO Box 3711, Ann Arbor, Michigan 48103. The address of the National Association of Negro Business and Professional Women's Clubs is 1806 New Hampshire Avenue NW, Washington, DC 20009.

December 15, 2015: Speaker, "A Vision for Leadership in Social Justice," Detroit Delta Preparatory Academy, Detroit, Michigan. Notes supplied.

October 21, 2015: Panelist, 16th Annual Public Forum for the Enhancement of Police and Community Trust, Ann Arbor, Michigan. I served on a panel comprised principally of law enforcement leaders in and around Washtenaw County about building and maintaining positive police/community relations. I have no notes, transcript or recording. I do not know the address of Enhancement of Police and Community Trust (ENPACT). Press coverage supplied.

July 2015 (approx.): Speaker, Protecting Houses of Worship Public Forum, U.S. Department of Justice, Detroit, Michigan. I provided information to members of the public concerning the work of the Department of Justice in protecting houses of worship following a high-profile shooting at the Emanuel AME Church in Charleston, South Carolina. I have no notes, transcript or recording. The address of the U.S. Department of Justice is 950 Pennsylvania Avenue NW, Washington, DC 20530.

March 19, 2015: Speaker at investiture ceremony of Elizabeth A. Stafford as U.S. Magistrate Judge, United States District Court for the Eastern District of Michigan, Detroit, Michigan. Transcript supplied.

July 18, 2014: Speaker, SAFE 8th Anniversary Appreciation Event, Sisters Acquiring Financial Empowerment (SAFE), Detroit, Michigan. I provided the keynote address for a group dedicated to assisting women who have survived domestic abuse learn financial skills and establish independence. My speech addressed the public safety aspect of domestic violence and spoke to the strength of survivors. I have no notes, transcript or recording. The address of SAFE is 269 Walker Street, Detroit, Michigan 48207.

May 6, 2014: Emcee, Prisoner Reentry Summit, U.S. Department of Justice, Lansing, Michigan. I served as the emcee, introducing speakers and questioning

panelists for a day-long summit on prisoner reentry that was hosted by the U.S. Attorney's Offices for both the Eastern and Western Districts of Michigan. I have no notes, transcript or recording. The address of the U.S. Department of Justice is 950 Pennsylvania Avenue NW, Washington, DC 20530.

May 5, 2014: Speaker, Detroit Ceasefire Call-In, U.S. Department of Justice, Detroit, Michigan. On behalf of the U.S. Attorney's office I addressed young men identified as group or gang members at risk for violent outcomes as part of the violence intervention strategy employed by the U.S. Attorney's office along with local law enforcement, the Mayor of Detroit, various service providers and community members. These meetings occurred 3-4 times per year beginning in the summer of 2013 until my departure from the office in January 2016. I have no notes, transcript or recording. The address of the U.S. Department of Justice is 950 Pennsylvania Avenue NW, Washington, DC 20530.

May 1, 2014: Panelist, U.S. District Court Jury Diversity Presentation, U.S. District Court for the Eastern District of Michigan, Detroit, Michigan. As the representative for the U.S. Attorney's Office, I sat on a panel along with three district judges and the Federal Defender for our district to discuss the importance of jury service to the goal of empaneling a jury of the litigants' peers. I have no notes, transcript or recording. The address of the U.S. District Court for the Eastern District of Michigan is 231 West Lafayette, Detroit, Michigan 48226.

August 2013 (approx.): Panelist, Public Forum, "To Carry or Not to Carry," Detroit, Michigan. I attended on behalf of the U.S. Attorney's Office to provide information on U.S. gun laws. I have no notes, transcript or recording. I do not recall the organization that sponsored the event, but it took place at Jesus Tabernacle church, 11001 Chalmers, Detroit, Michigan 48226.

July 2013 (approx.): Panelist, "Women in Law Enforcement," National Association of Black Narcotic Agents (NABNA), Detroit, Michigan. My remarks addressed the increased participation and advancement of women in law enforcement careers. I have no notes, transcript or recording. The address of the National Association of Black Narcotic Agents is Post Office Box 691961, Jackson, Mississippi 39269.

May 6, 2013: Speaker, Detroit Job Corps Graduation, Detroit Job Corps, Detroit, Michigan. I addressed students graduating from the Job Corps program. I have no notes, transcript or recording. The address of the Detroit Job Corps Center is 11801 Woodrow Wilson Street, Detroit, Michigan 48206.

May 1, 2013: Speaker, Federal Bar Association Youth Law Day Event, Federal Bar Association, Detroit, Michigan. I addressed high school students visiting the federal court for Law Day about careers in the law. I have no notes, transcript or recording. The address of the Federal Bar Association is 1220 North Fillmore Street, Suite 444, Arlington, Virginia 22201. Press coverage supplied.

March 26, 2013: Speaker, "Diversity, Women, and Upper/Senior positions," U.S. Army TACOM, Warren, Michigan. I was one of three speakers on this topic. I have no notes, transcript or recording. The address of the headquarters for U.S. Army TACOM is Detroit Arsenal, 6305 East Eleven Mile Road, Warren, Michigan 48092. Press coverage supplied.

September 11, 2012 (year approx.): Remarks, September 11th Detroit Police Department Remembrance Event, Detroit Police Department, Detroit, Michigan. I provided remarks on behalf of the U.S. Attorney's Office paying tribute to first responders who served and those lost during the September 11, 2001 attacks in New York, Pennsylvania and Washington, D.C. I have no notes, transcript or recording. The address of Detroit Police Department is 1301 Third Street, Detroit, Michigan 48226.

2011 and 2010 (dates unknown): Speaker, ARISE Detroit Community Forum, Detroit, Michigan. I spoke at a breakout session covering the topic of law enforcement/community relations and resources. I have no notes, transcript or recording. The address of ARISE Detroit is 5555 Conner Street #1233, Detroit, Michigan 48213.

2011 (date unknown): Speaker, Project Sentry Presentation, U.S. Department of Justice, Detroit, Michigan. I presented to middle school through high school aged students about the dangers of illegal gun possession and federal laws concerning firearms and controlled substances. I have no notes, transcript or recording. The address of the U.S. Department of Justice is 950 Pennsylvania Avenue NW, Washington, DC 20530.

2011 (date unknown): Panelist, Public Interest Law Forum, Wayne State University, Detroit, Michigan. Along with lawyers from other federal agencies, I spoke to law students about potential careers with the Department of Justice. I have no notes, transcript or recording. The address of Wayne State University Law School is 471 West Palmer Avenue, Detroit, Michigan 48202.

July 2008 (approx.): Panelist, *Daubert* Seminar, Federal Bar Association: Addressed lawyers of the federal bar on the topic of expert witness issues in criminal drug prosecutions. I have no notes, transcript or recording. The address of the Federal Bar Association is 1220 North Fillmore Street, Suite 444, Arlington, Virginia 22201. Press coverage supplied.

In addition to the speaking engagements listed above, between 2002 and 2015 I spoke to students numerous times at area middle schools and high schools as part of the U.S. Attorney's Office Project Sentry gun violence prevention program, and as part of the Detroit Youth Violence Prevention Initiative. I do not have records of the various dates on which I spoke, but I estimate the number of appearances to be upwards of 25 to 30 occasions. The topic was always

preventing violent crime, and the legal ramifications for engaging in violent and other illegal conduct.

- 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.

*2017 Reasons to Believe Alumni Honor Roll*, Kansas Public Schools newsletter, 2017. Copy supplied.

*State Bar of Michigan Oral History Archive Stephanie Dawkins Davis*, State Bar of Michigan, October 2015. Recording available at <https://www.youtube.com/watch?v=wtYbscN7tjU&feature=youtu.be>.

Keith Owens, *Start Snitching*, Michigan Chronicle, July 2015. Copy supplied.

Interview with Bankole Thompson on "The Craig Fahle Show," WDET Radio, 2014 (date unknown). My recollection is that this interview concerned violence prevention efforts in Detroit. I was unable to locate a clip for this interview.

Jennifer White and Mercedes Mejia, *Federal Election Monitoring in Detroit, Hamtramck and Flint*, Michigan Radio, November 15, 2013. Recording available at <http://michiganradio.org/post/federal-election-monitoring-detroit-hamtramck-and-flint>.

Interview with attorney Henry Baskin on "Due Process," WTVS Channel 56, May 2, 2011. Recording available at <https://www.youtube.com/watch?v=UwrtmBGf9nM>.

Interview with Kevin Dietz of WDIV, Channel 4, Detroit, March 2010. This was an interview concerning a drug diversion case involving opioids. I was unable to locate a clip for this interview.

In my capacity as Executive Assistant U.S. Attorney from 2010 – 2015, I occasionally handled press briefings concerning newly charged cases when the U.S. Attorney was away on travel. I stood in likely fewer than five times. The statements typically included a summary of the charges, identification of the parties charged, and a listing of the investigative agency or agencies involved, as well as answers to questions from the media – including questions about DOJ charging priorities. I no longer have access to my DOJ calendar listing such briefings, and I have been unable to locate records of them.

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.

Since January 4, 2016, I have served as a Magistrate Judge appointed by the United States District Court for the Eastern District of Michigan. The authority of federal magistrate judges is defined by 28 U.S.C. § 636.

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

As a United States Magistrate Judge, I can only preside over entire civil matters by consent of the parties and over criminal trials involving certain misdemeanor and petty offenses. I have presided over 16 civil cases that have gone to judgment, two of which were based on stipulations and orders to remand. One of these cases was a bench trial before me. I have not presided over any criminal misdemeanor cases.

- i. Of these, approximately what percent were:

jury trials:	0%
bench trials:	100% [total 100%]
civil proceedings:	100%
criminal proceedings:	0 % [total 100%]

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

See Appendix 13(b).

- 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).

1. *Am. Furukawa, Inc. v. Hossain*, No. 14-13633, 2017 WL 4324945; 2017 U.S. Dist. LEXIS 161650 (E.D. Mich. Sept. 29, 2017).

I presided over this Computer Fraud Act trial. The plaintiff, a distributor of automotive and electrical components sued a former employee alleging that he took information from the company upon his departure and used it to set up a new company, also named as a defendant, as a subsidiary of a competitor. Plaintiff claimed violations of the Computer Fraud and Abuse Act along with fraud, breach of contract, breach of fiduciary duty, misappropriation of trade secrets, conversion, tortious interference with a business relationship and expectancies and civil conspiracy. The defendant's downloading of plaintiff's information was not seriously in dispute. But questions about the defendants' actions and representations, and whether the nature of the items downloaded was adequate to

prove liability, were contested as well as the extent of damages if any. I conducted a week-long bench trial, in which witnesses from as far away as Japan were called upon to testify. As the trier of fact, I found defendants liable on all trial counts – the conversion count was dismissed before trial, and awarded damages totaling \$551,089. Plaintiff filed a post-judgment motion for attorney fees seeking in excess of an additional \$500,000. Defendant appealed, but the parties settled the matter before any briefing occurred in the Sixth Circuit.

Counsel for Plaintiff:

Varnum, Riddering by:  
Joseph J. Vogan  
Timothy P. Monsma  
William E. Rohn  
333 Bridge Street, Suite 1700  
Grand Rapids, Michigan 49504  
616-336-6000

Brett A. Rendeiro  
Butzel Long  
4100 Woodward Avenue  
Bloomfield Hills, Michigan 48304  
248-258-1312  
(Then with Varnum Riddering)

Counsel for Defendants:

Cummings McClorey by:  
Ronald G. Acho  
17436 College Parkway  
Livonia, Michigan 48152  
734-261-2400

Shinn Legal, PLC (pre-trial only) by:  
Jason M. Shinn  
3080 Orchard Lake Road  
Suite C  
Keego Harbor, Michigan 48320  
248-850-2290

2. *J & L Liquor, Inc. v. United States*, No. 16-10717, 2017 WL 4310109; 2017 U.S. Dist. LEXIS 160092 (E.D. Mich. Sept. 28, 2017).

This was a food stamp fraud case in which the parties consented to have the matter heard before me. The plaintiff was a local convenience store that had been stripped of its authority to participate in the Supplemental Nutrition Assistance Program (SNAP) based on the USDA's administrative finding that the owner of the store was engaged in food stamp trafficking. The owner of the store contested

the administrative findings and filed an action for judicial review. The USDA's Food and Nutrition Service relied on its computerized fraud detection system, an on-site visit to the store and a manual analysis of plaintiff's redemption data. This review revealed large average transaction dollar amounts, a suspiciously high transaction dollar volume, repetitive patterns for users using the same SNAP accounts in short intervals, and a total purchase count substantially higher than comparable stores in the area. Plaintiff factually disputed the patterns identified by FNS, but presented insufficient evidence to undermine the ruling at the administrative level. On the evidence before me, I denied plaintiff's claim and entered judgment upholding plaintiff's disqualification from participating in SNAP transactions.

Counsel for Plaintiff:

Michael S. Cafferty & Associates by:  
Michael S. Cafferty  
333 West Fort Street  
Suite 1400  
Detroit, Michigan 48226  
313-628-4717

Counsel for Defendant:

James J. Carty  
U.S. Attorney's Office  
211 West Fort Street  
Suite 2001  
Detroit, Michigan 48226  
313-226-9705

3. *Conway v. Purves*, No. 13-10271, 2016 U.S. Dist. LEXIS 128171 (E.D. Mich. Aug. 1, 2016), report and recommendation adopted, No. 13-10271, 2016 WL 5027597; 2016 U.S. Dist. LEXIS 127648 (E.D. Mich. Sept. 20, 2016) (Parker, J.)

This was a case in which I was referred all pretrial matters including dispositive motions of the parties. The case was a prisoner civil rights case in which the four plaintiffs, three of whom had been released from custody by the time the matter resolved, claimed that they were denied a balanced nutritional diet containing a sufficient number of calories to maintain good health as a result of their religion. The plaintiffs were Muslims who observe Ramadan as a month of fasting. Because the fast only lasted daily from dawn until sunset, the plaintiffs could not eat during the regularly-scheduled meal times set by the prison. Though the prison made some accommodation for the inmates' fast, it acknowledged that the menu served to Ramadan adherents included caloric levels in each of two years that was substantially below the recommended caloric intake for even moderately active men of the plaintiffs' ages. The plaintiffs experienced hunger pains, headaches, extreme weight loss, dizziness and shakiness from the diminished

diets. The plaintiffs claimed that the prison's actions violated their First, Eighth and Fourteenth Amendments as well as their rights under the Religious Land Use and Institutionalized Persons Act. The defendants argued they were entitled to qualified immunity for their actions. The parties presented cross-motions for summary judgment upon which I concluded that the plaintiffs' Equal Protection claims failed thus entitling the defendants to qualified immunity, but as to their claims for violation of the First and Eighth Amendments they demonstrated factual issues sufficient to defeat summary judgment. After my report and recommendation was adopted by the district judge, I conducted a settlement conference with the parties and shepherded them to a resolution short of trial.

Counsel for Plaintiff:

Lena F. Masri  
CAIR Michigan  
453 New Jersey Avenue SE  
Washington, D.C. 20003  
202-742-6420  
(Then with CAIR Michigan)

Shereef H. Akeel  
Akeel & Valentine  
888 West Big Beaver  
Suite 910  
Troy Michigan 48084  
248-269-9595

Counsel for Defendants:

John Thurber  
Allan J. Soros  
Michigan Dept. of Attorney General  
P.O. Box 30736  
525 West Ottawa Street  
Lansing, Michigan 48909  
517-373-6434

4. *Bothuell v. Grace*, No. 16-11009, 2017 U.S. Dist. LEXIS 32194, 2017 WL 892343 (E.D. Mich. Feb. 16, 2017), report and recommendation adopted No. 16-11009, 2017 WL 878026; 2017 U.S. Dist. LEXIS 31050 (E.D. Mich. Mar. 6, 2017) (Edmunds, J.)

This case involved plaintiff's claims of defamation and false light deprivation of privacy in relation to the plaintiff's appearance on, and follow-up segments by the Nancy Grace Show on the HLN Cable News Channel. The plaintiff appeared on the Show after reporting that his twelve year-old son had gone missing. During his appearance on the show, news broke that law enforcement agents had found his son in plaintiff's basement. The show's host confronted plaintiff with this

information live on the air, and later aired follow-up segments covering the criminal charges of felony torture and second-degree child abuse that the local prosecutor lodged against plaintiff and his wife. Plaintiff contended that the show's coverage of the criminal proceedings and editorial comments made by the show's host included many fabrications, and caused him to shut down his business and lose his job. The defendants insisted that the segments reported accurately on the criminal charges and were otherwise grounded in statements made from public documents. I handled all pretrial proceedings in the matter, and ultimately recommended dismissal of plaintiff's claims as the contested statements were not materially false. The district judge adopted my recommendation and entered judgment against the plaintiff.

Plaintiff – Pro Se:

Charlie Bothuell, IV  
2424 Fordham Street  
Keego Harbor, Michigan 48320  
*Pro Se* (non-attorney)

Counsel for Defendant:

Andrew M. Pauwels  
Honigman LLP  
660 Woodward Avenue  
Suite 2290  
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313-465-7290

Leonard M. Niehoff  
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J. Michael Huget  
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5. *Maye v. Klee*, No. 14-10864, 2017 U.S. Dist. LEXIS 219391 (E.D. Mich. Mar. 3, 2017) and *Maye v. Klee*, No. 14-10864, 2018 U.S. Dist. LEXIS 44618 (E.D. Mich. Jan. 24, 2018), reports and recommendations adopted, No. 14-10864, 2018 WL 1384234; 2018 U.S. Dist. LEXIS 44188 (E.D. Mich. Mar. 19, 2018) (Ludington, J.), affirmed by *Maye v. Klee*, No. 18-1460, 915 F.3d 1076 (6th Cir. 2019)

In this prisoner civil rights case, the plaintiff claimed that the prison where he was housed and certain of its employees violated his constitutional rights under the First and Fourteenth Amendments. Plaintiff's claims centered around the fact that he was not permitted to participate in the Eid El Fitr at the close of Ramadan though members of other sects within his faith were permitted to participate, and members of other faiths were permitted to participate in services and celebrations deemed to be foundational to their respective faiths. More specifically, plaintiff was a Muslim who was a member of the Nation of Islam. The prison also housed prisoners who were members of the Al-Islam sect of Muslims, and allowed its members to participate in the Eid. Plaintiff was told that if he wanted to participate in the Eid, he should switch to the majority Al-Islam sect. The case involved several rounds of briefing on various matters for summary judgment consideration. In the end I recommended that three defendants be granted summary judgment in its entirety, that two other defendants be granted summary judgment on four out of five claims, and that plaintiff be granted summary judgment on his First Amendment Free Exercise claim against one defendant. The district judge overruled all objections and adopted my recommendation – a decision that was later affirmed by the Sixth Circuit.

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6. *Dietrich v. City of Grosse Pointe Park*, No. 16-11049, 2017 WL 5709592; 2017 U.S. Dist. LEXIS 28841 (E.D. Mich. Jan. 12, 2017), report and recommendation adopted, No. 16-11049, 2017 WL 764613; 2017 U.S. Dist. LEXIS 27638 (E.D. Mich. Feb. 28, 2017) (Berg, J.), aff'd No. 17-1387, 2017 U.S. App. LEXIS 18962 (6th Cir. Sep. 29, 2017), cert. denied, 138 S. Ct. 1002 (2018), reh'g denied, 138 S. Ct. 1589 (2018).

In this case, plaintiff, a local attorney sued the City of Grosse Pointe Park and its city manager for allegedly violating his Fifth Amendment right to due process in evicting and barring him and the Trust established in his name from property that they were leasing from the city to operate an art gallery. Following a circuitous process in state court and bankruptcy court that had resulted in an \$11,000,000 judgment against plaintiff and his law offices as well as the appointment of a receiver, a municipal court ordered the Trust's lease with the City terminated. Though the appointment of the receiver and eviction were court-ordered, and plaintiff signed a release of all claims against the City arising from the lease, eviction and appeal, he nevertheless pursued an action in federal court to challenge the eviction and debarment from the property. I recommended, amongst other things, that plaintiff's action be dismissed based on both the *Rooker-Feldman* doctrine and the signed release. The district judge overruled all objections and adopted the recommendation. The judgment was affirmed in the Sixth Circuit, and the U.S. Supreme Court denied certiorari.

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7. *Broskey v. Gidley*, No. 16-13572, 2017 WL 6627043; 2017 U.S. Dist. LEXIS 213225 (E.D. Mich. Nov. 28, 2017), report and recommendation adopted, No. 16-13572, 2017 WL 6621537; 2017 U.S. Dist. LEXIS 212413 (E.D. Mich. Dec. 28, 2017) (Michelson, J.)

This was a prisoner civil rights case in which plaintiff challenged his conditions of confinement, alleging that the conditions were inhumane, causing him to suffer severe sleep deprivation, physical pain and mental health issues. He also claimed that the prison failed to heed his complaints about threats of physical force from other prisoners, and that all of these actions violated his Eighth Amendment right to be free from cruel and unusual punishment. I found that plaintiff presented insufficient evidence to show that the matters he complained of implicated clearly established constitutional rights. As to his failure to protect claim, plaintiff did not demonstrate that he was ever placed in harms' way after asserting his need for protection. Nor did he establish constitutional violations based on his access to courts or deprivation of personal property. Therefore, I recommended that the defendants were entitled to summary judgment. The district judge adopted this recommendation and dismissed the case.

*Pro Se Prisoner*

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8. *State Farm Mut. Auto. Ins. Co. v. Pointe Physical Therapy, LLC*, 255 F. Supp. 3d 700 (E.D. Mich. 2017), *aff'd*, No. 14-11700, 2017 WL 3116261; 2017 U.S. Dist. LEXIS 113535 (E.D. Mich. July 21, 2017) (Borman, J.)

This is a civil RICO case in which State Farm Mutual Automobile Insurance Company accuses over a dozen defendants of common law fraud, racketeering and unjust enrichment. State Farm claims that the defendants, most of whom are providers of health care services and/or owners of companies who provide health care services or supportive services to health care providers, participated in a scheme to defraud State Farm by causing the submission of fraudulent insurance claims relating to patients involved in automobile accidents. I have handled numerous pre-trial motions, most involving contentious discovery matters between the parties and some third parties in the case. The above published decision reflects but one of the numerous matters that I have handled. The case has now been settled as to all but one defendant.

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9. *N. Ins. Co. of New York v. Walsay, Inc.*, No. 14-13458, 2016 WL 8114212; 2016 U.S. Dist. LEXIS 194420 (E.D. Mich. Apr. 19, 2016).

Plaintiff, Northern Insurance Company, brought a declaratory action to determine the insurance coverage concerning potential tort liability for the personal injury claims of a Target Store customer on behalf of her minor son, against the defendants. The defendants were parties to an underlying action that was then pending in the U.S. District Court in the Northern District of Illinois. In order to address the discovery matters pending before the Court, I was required to determine whether extrinsic evidence would be admissible in the parties' contract dispute. I determined, based on prior rulings of the Court and the lack of any suggestion of contractual ambiguity, that extrinsic evidence of contractual intent was not relevant to any party's claims or defenses and such discovery was not proportional to the needs of the case. I also examined whether any theory of subrogation was at issue in the case. Determining that it was not, discovery relating to this theory was not permitted.

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10. *Nino v. Flagstar Bank, FSB*, No. 16-14407, 2017 U.S. Dist. LEXIS 219751 (E.D. Mich. Dec. 31, 2017), report and recommendation adopted, No. 16-14407, 2018 U.S. Dist. LEXIS 53717 (E.D. Mich. Mar. 30, 2018) (Murphy, J.), affirmed by *Nino v. Flagstar Bank, FSB*, 2019 U.S. App. LEXIS 6697, 2019 WL 1057082 (6th Cir. Mar. 6, 2019)

In this case I was referred a dispositive motion very early in the litigation. The plaintiff was a home owner and mortgage holder in the state of Florida. The bank holding her mortgage was a Michigan bank. Plaintiff claimed that the bank agreed to modify her mortgage, but initiated foreclosure proceedings anyway and stretched out the proceedings for such a prolonged time before retreating from the foreclosure that plaintiff's mortgage mushroomed by some \$100,000. Plaintiff accused the bank of violating the Florida Deceptive and Unfair Trade Practices Act (FDUTPA), the Real Estate Settlement Procedures Act (RESPA) and the Florida Consumer collection Practices Act (FCCPA). She also claimed breach of contract, breach of covenant of good faith and fair dealing, fraud and negligence. The bank, which never followed through on the foreclosure, sought to have plaintiff's complaint dismissed for failure to state a claim. While the subject matter of the lawsuit was relatively straight-forward, the exercise of interpreting the state laws of Florida and the number and diversity of plaintiff's claims made the matter noteworthy. In the end, I concluded that plaintiff's claims met neither the Florida Statutes at issue nor Florida's common law, and recommended dismissal of all of her claims. The district judge overruled plaintiff's objections and adopted my recommendation. The decision was recently affirmed by the Sixth Circuit.

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

1. *Am. Furukawa, Inc. v. Hossain*, No. 14-13633, 2017 WL 4324945; 2017 U.S. Dist. LEXIS 161650 (E.D. Mich. Sept. 29, 2017).

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2. *State Farm Mut. Auto. Ins. Co. v. Pointe Physical Therapy, LLC*, 255 F. Supp. 3d 700 (E.D. Mich. 2017), *aff'd*, No. 14-11700, 2017 WL 3116261; 2017 U.S. Dist. LEXIS 113535 (E.D. Mich. July 21, 2017) (Borman, J.)

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3. *Dietrich v. City of Grosse Pointe Park*, No. 16-11049, 2017 WL 5709592; 2017 U.S. Dist. LEXIS 28841 (E.D. Mich. Jan. 12, 2017), report and recommendation adopted, No. 16-11049, 2017 WL 764613; 2017 U.S. Dist. LEXIS 27638 (E.D. Mich. Feb. 28, 2017) (Berg, J.), *aff'd* No. 17-1387, 2017 U.S. App. LEXIS 18962 (6th Cir. Sep. 29, 2017), cert. denied, 138 S. Ct. 1002 (2018), reh'g denied, 138 S. Ct. 1589 (2018).

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4. *Bothuell v. Grace*, No. 16-11009, 2017 U.S. Dist. LEXIS 32194, 2017 WL 892343 (E.D. Mich. Feb. 16, 2017), report and recommendation adopted No. 16-11009, 2017 WL 878026; 2017 U.S. Dist. LEXIS 31050 (E.D. Mich. Mar. 6, 2017) (Edmunds, J.)

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5. *Maye v. Klee*, No. 14-10864, 2017 U.S. Dist. LEXIS 219391 (E.D. Mich. Mar. 3, 2017) and *Maye v. Klee*, No. 14-10864, 2018 U.S. Dist. LEXIS 44618 (E.D. Mich. Jan. 24, 2018), reports and recommendations adopted, No. 14-10864, 2018 WL 1384234; 2018 U.S. Dist. LEXIS 44188 (E.D. Mich. Mar. 19, 2018) (Ludington, J.)

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6. *Conway v. Purves*, No. 13-10271, 2016 U.S. Dist. LEXIS 128171 (E.D. Mich. Aug. 1, 2016), report and recommendation adopted, No. 13-10271, 2016 WL 5027597; 2016 U.S. Dist. LEXIS 127648 (E.D. Mich. Sept. 20, 2016) (Parker, J.)

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7. *Lelli's Inn, Inc. v. Steven Lelli's Inn on the Green, L.L.C.*, No. 13-14766, 2017 WL 6521325; 2017 U.S. Dist. LEXIS 209208 (E.D. Mich. Oct. 24, 2017), report and recommendation adopted, No. 13-14766, 2017 WL 6513009; 2017 U.S. Dist. LEXIS 208891 (E.D. Mich. Dec. 20, 2017) (O'Meara, J.)

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8. *Nino v. Flagstar Bank, FSB*, No. 16-14407, 2017 U.S. Dist. LEXIS 219751 (E.D. Mich. Dec. 31, 2017), report and recommendation adopted, No. 16-14407, 2018 U.S. Dist. LEXIS 53717 (E.D. Mich. Mar. 30, 2018) (Murphy, J.)

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9. *Everman v. Comm'r of Soc. Sec.*, No. 13-12762, 2016 WL 4942036; 2016 U.S. Dist. LEXIS 125717 (E.D. Mich. Aug. 22, 2016), report and recommendation adopted, No. 13-12762, 2016 WL 4917556; 2016 U.S. Dist. LEXIS 125439 (E.D. Mich. Sept. 15, 2016) (Hood, J.)

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10. *Taylor v. Univ. of Michigan*, No. 17-11473, 2018 WL 1322395; 2018 U.S. Dist. LEXIS 42749 (E.D. Mich. Feb. 23, 2018), report and recommendation adopted, No. 17-11473, 2018 WL 1316165; 2018 U.S. Dist. LEXIS 41703 (E.D. Mich. Mar. 14, 2018) (Edmunds, J.)

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

*Iannucci v. State of Michigan*, No. 16-10255, 2016 WL 4150462; 2016 U.S. Dist.

LEXIS 101161 (E.D. Mich. May 10, 2016), report and recommendation adopted, No. 16-10255, 2016 WL 4089215; 2016 U.S. Dist. LEXIS 100606 (E.D. Mich. Aug. 2, 2016) (Leitman, J.), aff'd sub nom. *Iannucci v. State*, No. 16-2214, 2017 WL 3951849; 2017 U.S. App. LEXIS 17814 (6th Cir. Mar. 22, 2017), cert. denied, 138 S. Ct. 260, 199 L. Ed. 2d 168 (2017), reh'g denied, 138 S. Ct. 540, 199 L. Ed. 2d 416 (2017).

*Dietrich v. City of Grosse Pointe Park*, No. 16-11049, 2017 WL 5709592; 2017 U.S. Dist. LEXIS 28841 (E.D. Mich. Jan. 12, 2017), report and recommendation adopted, No. 16-11049, 2017 WL 764613; 2017 U.S. Dist. LEXIS 27638 (E.D. Mich. Feb. 28, 2017) (Berg, J.), aff'd No. 17-1387, 2017 U.S. App. LEXIS 18962 (6th Cir. Sep. 29, 2017), cert. denied, 138 S. Ct. 1002 (2018), reh'g denied, 138 S. Ct. 1589 (2018).

- 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.

To the best of my knowledge, of the hundreds of final orders authored by me, only one has been reversed by the district judge, which is identified below, and none by the Sixth Circuit Court of Appeals. Of the approximately 300+ reports and recommendations I have authored, all but 8 were adopted in whole or in part. The following list includes those that were rejected or adopted only in part.

*Annabel v. Erichsen*, No. 15-10345, 2017 U.S. Dist. LEXIS 129762 (E.D. Mich. June 26, 2017), adopted in part, objection sustained in part, and Report and Recommendation held in abeyance, No. 15-10345, 2017 WL 3493609; 2017 U.S. Dist. LEXIS 129226 (E.D. Mich. Aug. 15, 2017) (Murphy, J.), report and recommendation adopted in part and rejected in part on October 17, 2017, No. 15-10345, Dkt. 101 (Murphy, J.)

I recommended that three unserved defendants in this prisoner civil rights action be dismissed based on plaintiff's failure to identify them such that service could be effectuated. District Judge Steven J. Murphy, III held this recommendation in abeyance pending one final attempt to identify and serve the defendants. Judge Murphy later adopted the recommendation as to two defendants and ordered that the third defendant be served with the summons and complaint.

*Ayotte v. Stemen*, 2016 WL 5539765; 2016 U.S. Dist. LEXIS 128172 (E.D. Mich. Aug. 11, 2016), report and recommendation adopted in part, rejected in part, 2016 U.S. Dist. LEXIS 127644, 2016 WL 5027594 (E.D. Mich. Sept. 20, 2016) (Tarnow, J.)

District Judge Arthur J. Tarnow adopted my recommendation that exhaustion of the plaintiff's retaliation claim could not be decided on the record before the Court, but determined that this ruling encompassed claims against additional defendants besides those identified by me.

*Bailey v. City of Ann Arbor*, No. 14-12002, 2016 U.S. Dist. LEXIS 131514 (E.D. Mich. Aug. 1, 2016), report and recommendation adopted, No. 14-12002, 2016 WL 5349144; 2016 U.S. Dist. LEXIS 131170 (E.D. Mich. Sept. 26, 2016) (Parker, J.), rev'd, 860 F.3d 382 (6th Cir. 2017).

District Judge Linda V. Parker adopted my report and recommendation to deny the defendant's motion to dismiss the complaint. The Sixth Circuit reversed the decision of the District Court based on a video mentioned in plaintiff's complaint, but not presented at the magistrate level of the proceedings.

*Bartee v. Comm'r of Soc. Sec.*, No. 16-10083, 2017 WL 9473405; 2017 U.S. Dist. LEXIS 47761 (E.D. Mich. Jan. 31, 2017), report and recommendation adopted in part, rejected in part, No. 16-10083, 2017 WL 1173771; 2017 U.S. Dist. LEXIS 47211 (E.D. Mich. Mar. 30, 2017) (Drain, J.)

I rejected the Commissioner's *post-hoc* argument that the RFC formulated by the ALJ was supported by the opinion of a state agency physician because the ALJ had expressly declined to rely on that opinion, finding (albeit incorrectly) that the opinion was from a single decision-maker. District Judge Gershwin A. Drain sustained the objection, concluding that the ALJ's error did not warrant remand.

*Berkshire v. Dahl*, No. 12-12038, 2017 WL 9471684; 2017 U.S. Dist. LEXIS 121625 (E.D. Mich. Mar. 3, 2017), report and recommendation adopted in part, rejected in part, No. 12-12038, 2017 WL 3276466; 2017 U.S. Dist. LEXIS 121127 (E.D. Mich. Aug. 2, 2017) (Tarnow, J.)

In my report and recommendation, I concluded that the application of *Barker v. Goodrich*, 649 F.3d 428 (6th Cir. 2011) to the deliberate indifference claim against one defendant was indistinguishable from a similar claim against another defendant that was already dismissed. District Judge Arthur J. Tarnow disagreed, finding a question of material fact existed.

*Bryson v. Comm'r of Soc. Sec.*, No. 15-12352, 2016 WL 7985328 (E.D. Mich. Aug. 8, 2016), report and recommendation adopted in part, rejected in part, No. 15-12352, 2016 WL 5402960 (E.D. Mich. Sept. 28, 2016) (Ludington, J.), appeal dismissed, No. 16-2683, 2017 WL 6048877 (6th Cir. Jan. 17, 2017).

I concluded that the ALJ's RFC was not supported by substantial evidence because it relied on an outdated medical opinion. District Judge Thomas L. Ludington disagreed, concluding that the RFC was supported by substantial evidence.

*Cain v. Carroll*, No. 13-10525, 2016 WL 8671204; 2016 U.S. Dist. LEXIS 126352 (E.D. Mich. Aug. 5, 2016), report and recommendation adopted, No. 13-10525, 2016 WL 4926167; 2016 U.S. Dist. LEXIS 126190 (E.D. Mich. Sept. 16, 2016) (Borman, J.), rev'd and remanded, No. 16-2463, 2017 WL 4863194; 2017 U.S. App. LEXIS 19624 (6th Cir. Oct. 5, 2017).

District Judge Paul D. Borman adopted my recommendation to grant summary judgment in favor of defendants, but declined to adopt the alternative recommended basis for dismissing plaintiff's claims, the *Rooker-Feldman* doctrine. Judge Borman's decision to grant defendants' motion for summary judgment was reversed on appeal, based on evidence not presented at the magistrate judge level.

*Daniel v. Goodyear Tire/CBSD*, No. 15-11479, 2016 WL 4607739; 2016 U.S. Dist. LEXIS 119110 (E.D. Mich. Aug. 8, 2016), report and recommendation adopted in part, No. 15-11479, 2016 WL 4593838; 2016 U.S. Dist. LEXIS 118668 (E.D. Mich. Sept. 2, 2016) (Goldsmith, J.)

District Judge Mark A. Goldsmith adopted the substance of my report and recommendation in its entirety. The adoption was "in part" because Judge Goldsmith adjusted the deadline by which the plaintiff was required to file a second amended complaint.

*Day v. Comm'r of Soc. Sec.*, No. 16-12913, report and recommendation not available on Westlaw or Lexis. Objections sustained by *Day v. Comm'r of Soc. Sec.*, No. 16-12913, 2017 WL 4960178 (E.D. Mich. Sept. 28, 2017) (Battani, J.)

In my report and recommendation, I found the ALJ's error at Step 3 of the sequential analysis was not harmless and that the ALJ did not properly consider the treating physician opinion. District Judge Marianne O. Battani concluded that while there was a Step 3 error, it was harmless and that plaintiff had failed to raise the treating physician issue.

*Dobronski v. Alarm Mgmt.*, 2018 WL 6728475, No. 18-11055, 2018 WL 6728475 (E.D. Mich. Nov. 13, 2018, adopted in part and rejected in part, No. 18-11055, 2019 WL 1232690 (E.D. Mich. March 18, 2019)(Edmunds, J.)

District Judge Nancy G. Edmunds accepted and adopted my recommendation to deny the defendants' motion for Rule 11 Sanctions, but agreed with a portion of the defendants' argument in which they asserted that they were not relying on Rule 37(b) for relief also.

*Draughn v. Bouchard*, No. 15-14446, 2017 U.S. Dist. LEXIS 47760 (E.D. Mich. Feb. 15, 2017), adopted in part and rejected in part, No. 15-14446, 2017 WL 1173769; 2017 U.S. Dist. LEXIS 47220 (E.D. Mich. Mar. 30, 2017) (Drain, J.)

I elected not to address defendant's requested dismissal of a *Monell* claim based on jail conditions that I did not perceive to have been made by plaintiff. District Judge Gershwin A. Drain agreed that plaintiff had not made such a claim, but sustained the objection and dismissed any perceived *Monell* claim.

*Estate of Romain v. City of Grosse Pointe Farms*, Case No. 14-12289, Bench Order dated 1/11/17 (Dkt. 266), objections adopted in part and rejected in part, No. 14-12289, 2017 WL 1438770 (E.D. Mich. Apr. 24, 2017) (Parker, J.)

I found that plaintiffs had established good cause to take a deposition beyond the deadline set forth in the scheduling order. District Judge Linda V. Parker concluded that the standard governing protective orders rather than the standard for modifying scheduling orders was applicable.

*Gallmore v. York*, No. 15-13283, 2018 U.S. Dist. LEXIS 61542 (E.D. Mich. Feb. 14, 2018), adopted in part, No. 15-13283, 2018 WL 1737120; 2018 U.S. Dist. LEXIS 61261 (E.D. Mich. Apr. 11, 2018) (Michelson, J.)

I recommended that defendants' motion for summary judgment be denied. As characterized by District Judge Laurie J. Michelson, defendants submitted significant additional evidence with their objections that was not presented at the magistrate judge level. Based on this new evidence, Judge Michelson granted summary judgment in defendants' favor.

*Gerrick v. Colvin*, No. 15-12998, 2016 WL 5402942; 2016 U.S. Dist. LEXIS 131513 (E.D. Mich. Aug. 22, 2016), report and recommendation rejected sub nom. *Gerrick v. Comm'r of Soc. Sec.*, No. 15-12998, 2016 WL 5369620; 2016 U.S. Dist. LEXIS 130947 (E.D. Mich. Sept. 26, 2016) (Steeh, J.), aff'd, No. 16-2664, 2017 WL 5992235; 2017 U.S. App. LEXIS 15312 (6th Cir. Aug. 14, 2017).

I concluded that the ALJ's decision was not based on substantial evidence. District Judge George Caram Steeh disagreed and rejected my recommendation.

*Hall v. Fed. Bureau of Prisons*, No. 15-12376, 2016 U.S. Dist. LEXIS 115698 (E.D. Mich. June 20, 2016), adopted in part, No. 15-12376, 2016 U.S. Dist. LEXIS 115147 (E.D. Mich. Aug. 29, 2016) (Tarnow, J.)

My recommendation to dismiss the complaint was adopted on the merits, but District Judge Arthur J. Tarnow determined that the dismissal should be without prejudice.

*Harper v. Comm'r of Soc. Sec.*, No. 15-13971, 2017 WL 2262498; 2017 U.S. Dist. LEXIS 78184 (E.D. Mich. Feb. 23, 2017), report and recommendation rejected, No. 15-13971, 2017 WL 2242510; 2017 U.S. Dist. LEXIS 77752 (E.D. Mich. May 23, 2017) (Drain, J.)

I concluded that the ALJ's decision was not based on substantial evidence. District Judge Gershwin A. Drain disagreed and rejected my recommendation.

*Imelmann v. Corizon, Inc.*, No. 15-10343, 2016 U.S. Dist. LEXIS 133460 (E.D. Mich. Aug. 10, 2016), accepted in part and rejected in part, No. 15-10343, 2016 WL 5402964; 2016 U.S. Dist. LEXIS 133107 (E.D. Mich. Sept. 28, 2016) (Goldsmith, J.)

I concluded that the plaintiff's Eighth Amendment claim constituted a mere disagreement with the course of medical treatment provided. District Judge Mark A. Goldsmith disagreed, finding a material question of fact on the subjective prong of the Eighth Amendment deliberate indifference standard.

*Johnson v. Oakland Univ.*, No. 15-12482, Opinion and Order not available on Westlaw or Lexis. Order overruling in part objections and affirming order, *Johnson v. Oakland Univ.*, No. 15-12482, 2016 WL 5928999 (E.D. Mich. Oct. 12, 2016) (Tarnow, J.)

District Judge Arthur J. Tarnow disagreed with my analysis of one factor used in the standard for evaluating waiver of privilege, but affirmed and adopted my decision allowing use of a document claimed to be protected by privilege.

*Lee v. Genessee County*, No. 16-13116, 2018 WL 5094079 (E.D. Mich. Aug. 15, 2018), report and recommendation adopted in part and rejected in part, No. 16-13116, 2018 WL 4478786 (E.D. Mich. Sept. 19, 2018) (Tarnow, J.)

District Judge Arthur J. Tarnow agreed with my recommendation that plaintiff's gross negligence and Intentional Infliction of Emotional Distress claims be dismissed, but disagreed with my recommendation to dismiss plaintiff's Eighth Amendment deliberate indifference claim, finding there was a question of fact.

*May v. Commissioner*, No. 16-12131, 2017 WL 10379093 (E.D. Mich. Sept. 14, 2017), report and recommendation adopted in part and rejected in part, No. 16-12131, 2018 WL 3751447 (E.D. Mich. Aug. 18, 2018) (Borman, J.)

District Judge Paul D. Borman disagreed with my conclusion that substantial evidence did not support a portion of the ALJ's decision denying benefits to the plaintiff after a closed period.

*Palmer v. Wayne Cty. Sheriff's Dep't*, No. 13-15164, 2016 WL 3922630; 2016 U.S. Dist. LEXIS 96052 (E.D. Mich. Jan. 27, 2016), report and recommendation rejected, No. 13-15164, 2016 WL 3913715; 2016 U.S. Dist. LEXIS 94391 (E.D. Mich. July 20, 2016) (Goldsmith, J.)

I recommended that the City's motion to dismiss be denied without prejudice because the record was incomplete and further recommended that the missing evidence could be submitted as a supplement with the objections to the report and recommendation. District Judge Mark A. Goldsmith converted the motion to dismiss into a motion for summary judgment, and permitted defendants to submit additional evidence, as I recommended. Ultimately, Judge Goldsmith rejected the recommendation to deny the motion to dismiss and granted the converted motion for summary judgment based on the evidence not presented at the magistrate judge level.

*Pearce v. Chrysler LLC Pension Plan*, No. 10-14720, 2017 WL 9440777; 2017 U.S. Dist. LEXIS 45435 (E.D. Mich. Feb. 14, 2017), report and recommendation adopted, No. 10-14720, 2017 WL 1130087; 2017 U.S. Dist. LEXIS 44088 (E.D. Mich. Mar. 27, 2017) (Cox, J.), *aff'd in part, rev'd in part and remanded sub nom. Pearce v. Chrysler Grp. LLC Pension Plan*, No. 17-1431, 2018 WL 3040760; 2018 U.S. App. LEXIS 16599 (6th Cir. June 20, 2018).

The Sixth Circuit Court of Appeals disagreed with the legal standard (as adopted by District Judge Sean F. Cox) required to show fraud or inequitable conduct applied in my report and recommendation in the context of an equitable claim for reformation under ERISA. All other aspects of my report and recommendation (as adopted by Judge Cox) were affirmed on appeal.

*Sarp v. Comm'r of Soc. Sec.*, No. 16-10099, Report and Recommendation not available on Westlaw or Lexis. Rejected and remanded to the magistrate judge by *Sarp v. Comm'r of Soc. Sec.*, No. 16-10099, 2017 WL 1365414; 2017 U.S. Dist. LEXIS 57320 (E.D. Mich. Apr. 14, 2017) (Ludington, J.), on remand to magistrate judge, No. 16-10099, 2017 WL 8896206; 2017 U.S. Dist. LEXIS 153138 (E.D. Mich. Aug. 18, 2017), report and recommendation adopted, No. 16-10099, 2017 WL 4129534; 2017 U.S. Dist. LEXIS 151658 (E.D. Mich. Sept. 19, 2017) (Ludington, J.)

I concluded that the ALJ's decision was not supported by substantial evidence because the ALJ did not properly assess certain medical opinions. District Judge Thomas L. Ludington disagreed, concluding that there was no error and even if there were, it was harmless. The matter was recommitted to me and my subsequent report and recommendation was adopted by Judge Ludington.

*Syzak v. Benson*, No. 15-10928, Report and Recommendation not available on Westlaw or Lexis. Rejected by *Syzak v. Benson*, No. 15-10928, 2017 WL 2962875; 2017 U.S. Dist. LEXIS 107609 (E.D. Mich. July 12, 2017) (Edmunds, J.)

I recommended dismissal of the complaint based on the failure of the plaintiff to ensure that the defendant was served with the summons and complaint. District Judge Nancy G. Edmunds found that plaintiff had taken sufficient steps to avoid

dismissal and directed the U.S. Marshals Service to take reasonable steps to identify an appropriate address for the defendant.

*Theus v. Green Planet Servicing, LLC*, No. 15-14285, 2016 WL 4473460; 2016 U.S. Dist. LEXIS 112387 (E.D. Mich. Aug. 2, 2016), report and recommendation adopted in part, No. 15-14285, 2016 WL 4437688; 2016 U.S. Dist. LEXIS 112039 (E.D. Mich. Aug. 23, 2016) (Lawson, J.)

District Judge David M. Lawson agreed with and adopted all of my recommendations except he determined that dismissal of the complaint without prejudice was appropriate.

*Trevino v. Kelly*, No. 14-14376, 2017 WL 1148938; 2017 U.S. Dist. LEXIS 45437 (E.D. Mich. Feb. 14, 2017), report and recommendation rejected, 245 F.Supp.3d 935 (E.D. Mich. 2017) (Lawson, J.)

I recommended dismissal of the plaintiff's prisoner civil rights complaint based on *Heck v. Humphrey*. District Judge David M. Lawson disagreed and found the *Heck v. Humphrey* doctrine inapplicable.

*Uduko v. Finch*, No. 14-11041, 2016 WL 8701738; 2016 U.S. Dist. LEXIS 39422 (E.D. Mich. Mar. 4, 2016), report and recommendation adopted in part, rejected in part, No. 14-11041, 2016 WL 1156738; 2016 U.S. Dist. LEXIS 38395 (E.D. Mich. Mar. 24, 2016) (Murphy, J.)

District Judge Steven J. Murphy, III, adopted my report and recommendation, except where he concluded that certain claims should be dismissed with prejudice rather than without and additional defendants were entitled to qualified immunity.

*Vitale v. Comm'r of Soc. Sec.*, No. 16-12654, 2017 WL 9470705; 2017 U.S. Dist. LEXIS 159958 (E.D. Mich. Sept. 1, 2017), report and recommendation adopted in part, rejected in part, No. 16-12654, 2017 WL 4296608; 2017 U.S. Dist. LEXIS 159500 (E.D. Mich. Sept. 28, 2017) (Cox, J.)

I recommended that plaintiff's social security disability claim be remanded for review of two medical opinions and District Judge Sean F. Cox agreed that the matter should be remanded for further review of one opinion, but not the other opinion.

*Watson v. Willow Enterprises, Inc.*, No. 14-14124, 2017 WL 9471689; 2017 U.S. Dist. LEXIS 49114 (E.D. Mich. Feb. 14, 2017), report and recommendation adopted in part, rejected in part, No. 14-14124, 2017 WL 1192886; 2017 U.S. Dist. LEXIS 48821 (E.D. Mich. Mar. 31, 2017) (Hood, J.)

I recommended dismissal of plaintiff's deliberate indifference claims, concluding that they sounded in mere negligence. District Judge Denise Page Hood

disagreed in part, finding a genuine issue of material fact on plaintiff's deliberate indifference claims.

- 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.

As a magistrate judge many of my opinions are not selected for publication. I estimate that in my 2 ½ years as a magistrate judge I have issued hundreds of opinions. All opinions, including those that do not appear in Westlaw or Lexis are filed and stored in CM/ECF, the federal court's electronic Case Management/Electronic Case Filing system.

- 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.

*Maye v. Klee*, No. 14-10864, 2017 U.S. Dist. LEXIS 219391 (E.D. Mich. Mar. 3, 2017) and *Maye v. Klee*, No. 14-10864, 2018 U.S. Dist. LEXIS 44618 (E.D. Mich. Jan. 24, 2018), reports and recommendations adopted, No. 14-10864, 2018 WL 1384234; 2018 U.S. Dist. LEXIS 44188 (E.D. Mich. Mar. 19, 2018) (Ludington, J.)

*Miller v. Klee*, No. 17-11006, 2018 WL 1354473; 2018 U.S. Dist. LEXIS 42748 (E.D. Mich. Feb. 23, 2018), report and recommendation adopted, No. 17-11006, 2018 WL 1326382; 2018 U.S. Dist. LEXIS 42295 (E.D. Mich. Mar. 15, 2018) (Lawson, J.)

*Taylor v. Univ. of Michigan*, No. 17-11473, 2018 WL 1322395; 2018 U.S. Dist. LEXIS 42749 (E.D. Mich. Feb. 23, 2018), report and recommendation adopted, No. 17-11473, 2018 WL 1316165; 2018 U.S. Dist. LEXIS 41703 (E.D. Mich. Mar. 14, 2018) (Edmunds, J.)

*Broskey v. Gidley*, No. 16-13572, 2017 WL 6627043; 2017 U.S. Dist. LEXIS 213225 (E.D. Mich. Nov. 28, 2017), report and recommendation adopted, No. 16-13572, 2017 WL 6621537; 2017 U.S. Dist. LEXIS 212413 (E.D. Mich. Dec. 28, 2017) (Michelson, J.)

*Everman v. Comm'r of Soc. Sec.*, No. 13-12762, 2016 WL 4942036; 2016 U.S. Dist. LEXIS 125717 (E.D. Mich. Aug. 22, 2016), report and recommendation adopted, No. 13-12762, 2016 WL 4917556; 2016 U.S. Dist. LEXIS 125439 (E.D. Mich. Sept. 15, 2016) (Hood, J.)

*Davis v. Comm'r of Soc. Sec.*, No. 16-13495, 2018 U.S. Dist. LEXIS 35325 (E.D. Mich. Feb. 12, 2018), report and recommendation adopted, No. 16-13495, 2018 WL 1150243; 2018 U.S. Dist. LEXIS 35134 (E.D. Mich. Mar. 5, 2018) (Lawson, J.)

- 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 never sat by designation on a federal court of appeals.

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

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

The United States District Court for the Eastern District of Michigan has an automated conflict screening software program to identify conflicts of interest for each judge, which is referred to as the “Automated Daily Summary Conflict Checking Report.”

I have *sua sponte* recused myself from matters involving my husband’s employer, Ford Motor Company, in which he also owns stock and matters in which certain close personal friends and former colleagues are counsel of record, and cases about which I have knowledge from my time at the U.S. Attorney’s office. These matters are listed below:

*Automotive Body Parts Association v. Ford Global Technologies, LLC*  
Case No. 15-10137

*Faisal G. Khalaf, Ph.D v. Ford Motor Company, et al*  
Case No. 15-12604

*Lyle Pransch v. The Guardian Life Insurance Company of America*  
Case No. 16-10723

*Yazaki North America, Inc. v. Michiyuki Ueda, et al*  
Case No. 16-12941

*Arabian Motors Group W.L.L. v. Ford Motor Company*  
Case No. 16-13655

*Lisa L. Reeves v. Southfield Board of Education, et al*  
Case No. 17-12093

*Michael McClure v. Ford Motor Company*  
Case No. 17-12328

*Donald Carley v. Ford Motor Company*  
Case No. 17-14030

*Douglas W. Stockwell, et al v. John M. Hamilton, et al*  
Case No. 15-11609

*Ford Motor Company, et al v. Intermotive, Inc., et al*  
Case No. 17-11584

*Michelle Davis v. Lincoln National Life Insurance Company*  
Case No. 18-10939

In each of the following cases, a party requested that I recuse myself:

In *West v. Ann Arbor Fair Housing Authority*, Case No. 17-10566, the *pro se* plaintiff in a civil rights action filed a motion for me to recuse myself from the matter based on the fact that I formerly worked as an attorney for the U.S. Government, and the government (Department of Housing and Urban Development) was a named defendant in the case. I analyzed the purported conflict pursuant 28 U.S.C. §§ 144 and 455, which address judicial recusal and disqualification, and determined that my prior employment, which never involved the subject dispute or representation of any of the parties to the litigation, did not warrant recusal. The movant objected to my order, and the order was upheld by the assigned district judge.

In *Annabel v. Erichson*, Case No. 15-10345 a *pro se* prisoner in a civil rights action sought the recusal of both the district judge and myself in a prisoner civil rights case based on perceived delays. The district judge had denied a prior motion before the matter was referred to me, and plaintiff filed a new motion within a few months of my assignment to the case. I analyzed the purported conflict pursuant 28 U.S.C. §§ 144 and 455 which address judicial recusal and disqualification, and determined that plaintiff's call for recusal was without merit.

The district judge overruled plaintiff's objection to the order and the 6th Circuit dismissed plaintiff's appeal of the district court's ruling for want of jurisdiction.

In *Rajapakse v. Credit Acceptance Corp.*, Case No. 17-12970, a *pro se* plaintiff in a consumer fraud case filed a motion for me to disqualify myself due to bias which she concluded exists from adverse rulings. I analyzed the purported conflict pursuant 28 U.S.C. §§ 144 and 455 which address judicial recusal and disqualification, and determined that plaintiff's call for recusal was without merit. Additionally, the district judge rejected plaintiff's claims of bias in a separate order pertaining to plaintiff's objections to my report and recommendation to deny her motion for injunctive relief.

**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.

Commissioner, Farmington/Farmington Hills Commission on Children Youth and Families (Mayoral Appointment), 2012 – 2015

- 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 served as a technical writer for the transition team of former Mayor Dennis Archer in the area of the Department of Public Works in 1993.

I was a local volunteer lawyer trained by the Obama Campaign for election protection during the 2008 presidential election. I handled a precinct in southwest Detroit on Election Day.

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

- a. Describe chronologically your law practice and legal experience after graduation from law school including:
  - i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

I did not serve as a law clerk.

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

I never practiced alone.

- iii. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been affiliated, and the nature of your affiliation with each.

1992 – 1997; Summer 1991  
Dickinson Wright, PLLC  
500 Woodward Avenue, Suite 4000  
Detroit, Michigan 48226  
Litigation Associate (1992 – 1997)  
Summer Associate (1991)

1997 – 2016  
U.S. Attorney's Office, Eastern District of Michigan  
211 West Fort Street, Suite 2001  
Detroit, Michigan 48226  
Executive Assistant U.S. Attorney (2010 – 2016)  
Assistant U.S. Attorney (1997 – 2010)

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

I did not serve as a mediator or arbitrator before joining the bench.

b. Describe:

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

At Dickinson Wright my work involved civil corporate defense litigation in the areas of products liability, commercial litigation, automobile negligence, insurance and professional malpractice law. My practice developed from serving as the second or third chair on complex matters to serving as first chair on smaller matters and second chair with principle client contact and day to day case management on larger matters. I typically handled cases from inception through appeal, which involved substantial motion practice and extensive deposition and discovery practice.

At the U.S. Attorney's Office, I served as an attorney on behalf of the U.S. government. I spent the first three years in the civil division before transferring to the criminal division in 2000. As a criminal prosecutor, I

practiced in both the general crimes unit and the controlled substances unit – where I was appointed the deputy chief and high intensity drug trafficking area liaison. I prosecuted a variety of cases at both the trial and appellate levels, including those involving fraud, extortion, bank robbery, embezzlement, violent crime, public corruption and numerous criminal conspiracies involving narcotics trafficking and money laundering. I was appointed in 2010 to serve as the Executive Assistant United States Attorney. In that position, amongst other responsibilities, I oversaw a variety of law enforcement and community initiatives, including Project Safe Neighborhoods and the Detroit Youth Violence Prevention Initiative. I also led the office's reentry efforts, redesigned and oversaw its legal intern program, led the development of its Legal Fellows program and served as a senior advisor to the U.S. Attorney.

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

At Dickinson Wright typical clients were large corporate concerns, including automotive manufacturers, telecommunications companies and producers of consumer goods amongst others. During my time in private practice, my specialties included products liability and commercial litigation.

As an Assistant U.S. Attorney, my clients were the United States government and its citizens. As an attorney for the government, in the civil division for just shy of three years I specialized in asset forfeiture; and in the criminal division I prosecuted a wide range of cases including bank robberies, firearms offenses, bank fraud and embezzlement, immigration offenses, and tax code violations, as well as international drug conspiracies, drug trafficking, prescription drug (opioids) diversion and public corruption.

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

My practice was 100% litigation until 2010. I appeared in court frequently throughout my career. Prior to joining the U.S. Attorney's Office in 1997, my practice was roughly 80-85% in state court, and after joining the office, 100% in federal court. The statistics below reflect an approximation of the combination of these two periods. As EAUSA from 2010 through 2015, the lion's share of my responsibilities were managerial, administrative and community-oriented. I appeared in court less frequently during that time, only handling the occasional supervised release violation hearing or habeas corpus motions of defendants I had prosecuted, and duty court. Later in my tenure, I joined the trial team in the sprawling public corruption case of *U.S. v. Beasley* in March of 2014, and

appeared far more frequently (2-3 times per month) as the court disposed of pre-trial motions, and of course, daily from October 7 through December 8, 2014 when the trial concluded.

i. Indicate the percentage of your practice in:

- |                             |     |
|-----------------------------|-----|
| 1. federal courts:          | 75% |
| 2. state courts of record:  | 25% |
| 3. other courts:            | 0%  |
| 4. administrative agencies: | 0%  |

ii. Indicate the percentage of your practice in:

- |                          |     |
|--------------------------|-----|
| 1. civil proceedings:    | 35% |
| 2. criminal proceedings: | 65% |

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

I have tried 15 to 20 cases to verdict or final judgment, and I was sole counsel on all but two. During my time as an Assistant St. Louis City Prosecutor, I tried cases before a municipal judge for traffic & housing code violations; all were bench trials.

i. What percentage of these trials were:

- |              |     |
|--------------|-----|
| 1. jury:     | 35% |
| 2. non-jury: | 65% |

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 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:

- the date of representation;
- 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. *United States v. Beasley*, 27 F.Supp.3d 793 (E.D. Mich. 2014) & 2015 WL 1737478 (E.D. Mich. April 16, 2015), *aff'd* 2017 WL 2493510 (6th Cir. 2017).

In 2014, I tried the case of *United States v. Beasley et al.* along with two fellow AUSAs. Though I joined the litigation team at the pre-trial preparation phase of the litigation, responsibilities were divided equally amongst the three of us – each serving as lead during specific segments of the 2-month long trial. The case was a public corruption prosecution that grew out of the investigation into Detroit City Hall during the administration of former mayor Kwame Kilpatrick. The lead defendant, Jeffrey Beasley, was the City Treasurer. As Treasurer, Beasley held a seat as trustee on each of Detroit's two public pension systems, the General Retirement System (GRS) and the Police and Fire Retirement System (PFRS). Beasley's co-defendants were Paul Stewart – a police officer and trustee on the PFRS, Ronald Zajac - the lawyer for one of the systems and Roy Dixon – a businessman who sought and/or conducted business before both systems. All four defendants were charged in a thirteen-count indictment for their involvement in an honest services fraud scheme that featured the payment of bribes and kickbacks by individuals seeking to conduct business before the boards of the two systems. The litigation involved over 50 pre-trial motions and the trial spanned October to December of 2014 with six defense attorneys. The prosecution work involved examining over 40 witnesses, including two of the defendants who elected to testify. One defendant pleaded guilty on the first day of trial. The remaining three were found guilty by the jury, though Ronald Zajac's conviction was vacated due to his death before sentencing.

Dates of Representation: 2014

Court(s) and Judge: Hon. Nancy G. Edmunds, U.S. District Court for the Eastern District of Michigan

Co-Counsel:

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2. *United States v. Javier Lara-Tello*, Case No. 2:08-cr-20669 (E.D. Mich.)

This case involved an indictment against Javier Lara-Tello and eight co-conspirators who participated in a large-scale cocaine trafficking conspiracy involving the transport of cocaine from Mexico to Detroit. The principal proofs were developed from wiretaps on phones used to run the drug trafficking organization. During the course of the investigation, agents seized multiple kilograms of cocaine, various quantities of crack and heroin, and around \$150,000 in U.S. Currency. The investigation revealed that Lara-Tello utilized multiple sources to distribute as much as 50 to 60 kilos of cocaine in and around the Detroit area. During the course of the conspiracy several defendants traveled to Mexico to negotiate for the purchase and shipment of 50 to 200 kilograms of cocaine. The defendants also conducted cocaine sale negotiations in Chicago, Illinois. All nine defendants played distinct roles in the conspiracy. A tenth individual was indicted separately and cooperated against the others.

All but one of the defendants who did not flee the jurisdiction (several fled to Mexico) pleaded guilty to the charges against them, with two of them agreeing to cooperate and testify against their co-defendants. Carlos Soler-Norona elected to go to trial and I tried the case against him over the course of about one week in November of 2009. Soler-Norona was the number 4 defendant in the Lara-Tello drug conspiracy. He acted as a broker of sorts, who maintained his own roster of clients and put those clients together with his cocaine source - Javier Lara-Tello. I put on about a dozen witnesses, and introduced numerous wire-tapped calls all of which required simultaneous translation, via subtitles on a screen, from English to Spanish. The jury convicted Soler-Norona on all three counts: Conspiracy, Possession with Intent to Deliver and Use of a Communication Facility to Facilitate the crimes. He received a ten-year sentence.

Dates of Representation: 2009 – 2010

Court and Judge: Hon. Paul D. Borman, U.S. District Court for the Eastern District of Michigan

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3. *United States v. Sohrab Shafinia*, Case No. 2:09-cr-20039 (E.D. Mich.)

This case involved the prosecution of five individuals who conspired to issue and fill fraudulent prescriptions for Oxycontin and other controlled substances for the purpose of selling the pills on the street. The defendants were charged in a 43-count indictment that is significant because it was one of the earliest prosecutions in this district combating the rising opioid crisis in the region. The lead defendant, Dr. Sohrab Shafinia, was one of the highest prescribers of oxycodone, a Schedule II controlled substance, in the state of Michigan at the time of his prosecution. Three co-conspirators worked with the doctor to recruit people who would pose as patients and make office visits to obtain the prescriptions. The doctor did not examine the “patients” and did not have a legitimate medical reason to prescribe the narcotics involved. The recruiters then directed or escorted the “patients” to the fifth co-conspirator, a pharmacist, who filled the prescriptions without questions – despite numerous signs that they were illegitimate. Most of the illegally obtained pills were sold in Monroe, Michigan and some were trafficked to Kentucky where the pills sold for 2 ½ times the amount they sold for in Michigan. Four of the five defendants pleaded guilty before trial. The fifth defendant changed his plea to guilty on the second day of trial. After my appointment as EAUSA, the matter was transferred to another AUSA for sentencing. Sentences ranged from 36 months to 108 months imprisonment.

Dates of representation: 2008 – 2010

Court(s) and Judge: Hon. Julian A. Cook, U.S. District Court for the Eastern District of Michigan

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Richard Lustig (Deceased)

4. *U.S. v. Realius Trammell*, Case No. 2:06-cr-20625 (E.D. Mich.)

This case culminated in a one week trial before District Judge Avern Cohn in the summer of 2007. Trammell was charged with conspiracy to distribute a controlled substance (heroin), and with being a felon in possession of a firearm. In short, Trammell conspired with another person to ship heroin from Las Vegas to Detroit. The evidence showed that Trammell traveled to Las Vegas, obtained the heroin while there, and shipped the heroin in a package addressed to Madison at his home in Detroit. The next day, Trammell flew back to Detroit, and was present at recipient address when agents showed up to conduct a controlled delivery of the package. He accepted the package, signed a fictitious name on the receipt log and immediately called a co-conspirator to notify him of the delivery. The co-conspirator admitted to acting as a distributor for Trammell for about a year and pleaded guilty, but he would not cooperate against Trammell. The government proceeded to trial relying solely on law enforcement witnesses. In the end, the jury convicted after a little over two hours of deliberation.

Dates of representation: 2007 – 2008

Court and Judge: Hon. Avern Cohn, U.S. District Court for the Eastern District of Michigan

Opposing Counsel:

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5. *U.S. v. Perez*, Case No. 2:05-cr-80433 (E.D. Mich.)

The subject of the indictment was one 630 pound load of marijuana that had been intercepted by law enforcement in Rolla, Missouri en route to Detroit. The case was investigated by DEA. The driver and passenger of the semi-trailer in which the drugs were found agreed to cooperate, thus enabling the government to identify four other individuals who were involved in the criminal conspiracy to transport drugs. Four co-conspirators were later identified through evidence developed during the investigation, leaving a total of six defendants. Five of the six defendants pleaded guilty to the criminal conspiracy, leaving only Christopher Mowinski to proceed to trial. Mowinski was the owner of a trucking company that supplied the trucks and drivers to the Perez drug organization to transport marijuana from Texas and Arizona back to Michigan. The parties continued to negotiate based on additional information brought to the government's attention early in the proceedings and Mowinski ultimately pleaded guilty before any proofs were presented at trial.

Dates of Representation: 2005 – 2008

Court and Judge: Hon. Nancy G. Edmunds, U.S. District Court for the Eastern District of Michigan

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6. *U.S. v. Elise Love and Gina Solomon*, Case No. 05-80330 (E.D. Mich.), *aff'd* 257 Fed. Appx. 901 (6th Cir. 2007).

The prosecution of Elise Love and Gina Solomon arose from the revelation that they depleted the life savings of an elderly victim, who maintained a certificate of deposit at the bank where defendant Love was the manager. Love was indicted for one count of bank fraud and three counts of bank embezzlement. Solomon was indicted for one count of bank fraud, aiding and abetting. Both defendants were convicted following an approximate one-week long trial. Leading up to trial, I handled a number of motions filed by the defense, including an unusually contentious discovery motion, separate defense motions to sever the proceedings, and a motion to preclude introduction of 404(b) evidence. The government prevailed on every motion. At trial, the government put on the testimony of a number of witnesses. Star amongst them was the 84-year old victim account-holder, whose CD account was depleted to the tune of \$87,000 by the defendants. He was reluctant to testify based on his own frailty and mild health concerns. However, his meticulousness in keeping up with his account made his testimony critical.

Because of his vulnerability, the victim expressed numerous concerns about his safety and other matters before and during the trial. The case agent and I traveled several times to his home to prepare him for his testimony, and to answer all of his questions. We also spent a good deal of time at the bank where the defendants undertook their scheme, reviewing documents and preparing the bank witnesses for their testimony. The defendants put on the testimony of a number of witnesses, including each of the defendants themselves and character witnesses for Love. Love was convicted on all four counts of the indictment, and Solomon was convicted on the one count in which she was named. Both defendants were denied acquittals and sentenced to 15 and 24 months respectively. They each appealed their convictions. The appeals were handled by the office's appellate division, and both convictions were affirmed.

Dates of Representation: 2005 – 2012

Court and Judge: Hon. George Caram Steeh, U.S. District Court for the Eastern District of Michigan

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7. *U. S. v. Tary Holcomb*, Case No. 2:04-cr-80642 (E.D. Mich.)

This case began as a nine-defendant case, which grew to a fifteen defendant case over time. I served as co-counsel on this case with another AUSA, with each of us carrying the same level of responsibility. The prosecution emanated from a wiretap investigation by the DEA, which revealed that the defendants were engaged in a complex conspiracy to transport thousands of pounds of marijuana from Arizona to Detroit. The lead defendants used an area trucking firm to supply semi-trailers to transport the marijuana from the Arizona suppliers to the Detroit Metropolitan area. The defendants also shipped large amounts of cash to pay for the marijuana in this same manner. The case involved voluminous documentary evidence as well as numerous DVDs of wiretapped

conversations, which were provided to all 10 defense attorneys and subjected to numerous motions related thereto. Defendants filed 5 motions to suppress. I handled the hearings for each, and 4 of the 5 motions were denied. The one motion that was granted pertained to a search by local police officers that occurred over two years before initiation of the federal investigation, and which involved the seizure of a fairly inconsequential amount of currency (i.e. \$4,000). After the first nine defendants all pleaded guilty, we pursued charges against an additional six defendants, who were revealed throughout the course of the prosecution of the initial nine. The sentencing hearings for several of the defendants involved contentious evidentiary hearings pertaining to the amounts of drugs to be attributed to each defendant. In the end, all fifteen defendants pleaded guilty and sentences ranged from eighteen months to ten years.

Dates of Representation: 2004 – 2008

Court and Judge: Hon. Paul D. Borman, U.S. District Court for the Eastern District of Michigan

Opposing Counsel:

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8. *U.S. v. Patrick Stonefish*, Case No. 2:02-cr-81106 (E.D. Mich.), *aff'd* 402 F.3d 691 (6th Cir. 2005)

The case against Patrick Stonefish was significant in that it was the first trial in the Eastern District of Michigan culminating from an investigation by the International Border Enforcement Team – a border security alliance formed between United States and Canadian authorities in response to the tragedy of September 11, 2001. I obtained an indictment against Patrick Stonefish charging him with illegal alien smuggling. Stonefish picked up seven Chinese nationals in Marysville, Michigan after they had traveled to the United States via Canada across Lake St. Clair in a small boat. Stonefish was the last link in a chain of individuals who assisted the Chinese nationals in their travel from China to Canada, then ultimately to the United States. In addition to several law enforcement witnesses, all seven of the Chinese nationals testified (with the assistance of an interpreter). After a four-day trial, Stonefish was found guilty. He later filed motions to vacate his conviction and to dismiss the indictment. The issues were fully briefed, and several post-conviction hearings were entertained by U.S. District Judge Arthur J. Tarnow. The United States prevailed on every issue raised, and the defendant was sentenced at the top of the guideline range, to 30 months imprisonment. I received a congratulatory note from then Deputy Assistant Attorney General John Malcolm for the prosecution. Stonefish's appeal was handled by the office's appellate division, and his conviction was affirmed.

Dates of representation: 2002 – 2005

Court and Judge: Hon. Arthur J. Tarnow, U.S. District Court for the Eastern District of Michigan

Opposing Counsel:  
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9. *United States v. Arthur Payton*, Case No. 2:03-cr-80291 (E.D. Mich.), *aff'd* 257 F. App'x 879 (6th Cir. 2006)

This was a case investigated by the FBI in which the defendant had orchestrated a string of seven bank robberies throughout the metropolitan Detroit area utilizing crack-addicted prostitutes to carry out the robberies. The case became known as the "Bonnet Bandit" robberies by local news media because the women wore floppy hats and sunglasses during the robberies. Defendant Payton had recruited the women, designed the schemes, purchased the disguises, transported the women to the various banks targeted and divided the proceeds. It was the same tactic he had utilized in a series of robberies conducted in the state of California, where he was convicted and sentenced to ten years imprisonment before returning to his hometown of Detroit. The defendant had also appeared from prison on the Oprah Winfrey show in relation to the earlier robberies to discuss his use of vulnerable women to carry out robberies that he orchestrated. The litigation was protracted because of multiple changes in counsel, and Payton ultimately proceeded *pro se*. On the final trial date set by the court, Payton entered a conditional plea of guilty, preserving two contested issues for appeal. In addition to responding to numerous motions filed throughout the life of the case, conducting several evidentiary hearings and preparing the case for trial 4 times, I also defended the conviction on appeal. Payton was sentenced to 120 months imprisonment. His conviction was upheld on appeal.

Dates of representation: 2002 – 2008

Court(s) and Judge: Hon. Denise Page Hood, U.S. District Court for the Eastern District of Michigan

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William B. Daniel (Deceased)

10. *In re: Extradition of Raymond Walworth Wilson*. Case. No. 08-mc-50872, Eastern District of Michigan

This case was significant due to the gravity of the offense and the time sensitivity based on the ill health of a potential witness. Additionally, the United States' responsiveness to requests received from treaty partners can impact the responsiveness it receives in return. Thus, diligence is required. Wilson was a convicted drug trafficker who walked away from his prison facility after being released during the daytime for work, and never returned. After his desertion, British authorities lodged murder and arson charges against him and an accomplice for shooting a man and setting him on fire. The entire flat where the victim lived went up in flames, and tenants in other units were injured. The homicide pre-dated the drug conviction for which Wilson had been serving a custodial sentence, and according to British authorities, one of the witnesses was near death at the time of the extradition request. Consequently, time was of the essence. I quickly coordinated with the Office of International Affairs, obtained a provisional arrest warrant and after his arrest, scheduled an extradition hearing. I successfully defended against defendant's request for bond both at the magistrate and district court level, as well as defendant's identity challenge (he was using an alias). In preparation for the extradition hearing, we located and debriefed a jailhouse informant to whom Wilson had confessed his crime and provided details that ostensibly only the killer would have known. As a result, on the day scheduled for the extradition hearing, we were able to negotiate the defendant's consent to be extradited. He was extradited by the State Department. The information concerning his confession to the informant was relayed to authorities in Great Britain.

Dates of Representation: 2008

Court and Judge: Hon. Bernard Friedman, U.S. District Court for the Eastern District of Michigan

Opposing Counsel:

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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.)

Over the course of my career, I have committed myself to ensuring that those who are underrepresented and/or without the means or access to legal representation receive proper representation. As part of that effort, I have consistently reached out to area youth to expose them to the justice system and to introduce or reinforce the concept of equal justice under the law. Below is a partial listing of many of my activities in this regard:

Within the past 12 years, I have

1. Served as the liaison between the USAO and the U.S. District Court to convene forums throughout metropolitan Detroit on the topic of jury diversity.
2. Served on a committee to form the Michigan Technical Assistance Project – an effort led by the Wayne County Prosecutor’s Office to identify and gather resources to examine and address the backlog of untested rape kits in Wayne County.
3. Chaired the U.S. Attorney’s Office’s Diversity Committee and oversaw the drafting of the office’s Diversity Policy and Operational Diversity Plan.
4. Served as the Oversight Committee Chair for Detroit Ceasefire, a violence intervention tool.
5. Served on the Board of Directors for the Wayne Mediation Center, which seeks to provide youth and citizens with alternative means of dispute resolution, including the introduction of restorative justice practices.
6. Served as a Steering Committee member and Department of Justice Representative for the Detroit Youth Violence Prevention Initiative.
7. Organized community forums on behalf of the U.S. Attorney’s Office relating to immigrants’ rights, violent crime, and issues confronting returning citizens.
8. Overseen Project Sentry, a program allowing prosecutors and police officers to conduct presentations to educate middle-school students about the dangers of firearms, penalties for firearm violations and decision-making.
9. Organized a competition for community youth to compose an anti-violence public service announcement for the U.S. Attorney’s Office–led Detroit One Initiative, in conjunction with the Detroit Youth Violence Prevention Initiative Youth Leadership Summit. Participants included a local celebrity DJ, members of the Detroit City Council and various community leaders.

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.

None.

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.

No.

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).

Please see attached Financial Disclosure Statement.

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

Please see attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

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

My spouse works for Ford Motor Co., and owns company stock. I include this information on my public financial disclosures, and recuse myself from matters in which Ford is a party. This will continue.

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

If confirmed, I will continue to closely follow 28 U.S.C. 455, Canon 3 of the Code of Conduct for United States Judges and its advisory opinions. In addition, I will also continue to utilize and rely on our Court's automated conflict system which provides immediate email notification of potential conflicts of interest.

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.

Over the course of my career, I have participated in various pro bono matters. I volunteered with the Women's Justice Center obtaining orders of personal protection for battered women in approximately 1995 through 1998. During my period of service, I would donate a specific afternoon or morning, once a month to go to the Women's Justice Center, take appointments with victims and draft the necessary document to obtain the orders. Additionally, during my time at Dickinson Wright, I also handled a few prisoner civil rights cases, which were accepted by the firm as part of its effort to encourage pro bono work. Finally, I volunteered in approximately 2003 via the National Bar Association to answer general legal questions of young women who were residents of Alternatives for Girls. Alternatives for Girls is a non-profit organization which operates a shelter serving homeless and high-risk young women in Detroit.

**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.

Senators Debbie Stabenow and Gary Peters publicized a vacancy for a district judge position in the Eastern District of Michigan. They solicited applications from interested persons, which were due by July 31, 2017. I completed an application and submitted it by the deadline. The senators also established a Selection Committee which screened applicants and invited individuals for interviews. I was invited, and participated in an interview with the Selection Committee on October 5, 2017. As I understand it, the Selection Committee forwarded my name to the senators to recommend me for nomination. On December 20, 2017, I received an email from the White House Counsel's Office, inviting me for an interview at the White House. I interviewed with members of the White House Counsel's Office and the Department of Justice on January 5, 2018. Since then, I have periodically communicated with individuals in the White House Counsel's Office and the U.S. Department of Justice. On March 11, 2019, the President transmitted 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