

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Steve Kim
(Sung-Wook Kim)

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

United States District Judge for the Central District of California

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.

Edward R. Roybal Federal Building and United States Courthouse
255 East Temple Street
Courtroom 540
Los Angeles, California 90012

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

1972; Seoul, South Korea

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.

1996 – 1999: Georgetown University Law Center; J.D., May 1999

1990 – 1992, 1994 – 1996: University of Oklahoma; B.A., May 1996

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
Edward R. Roybal Federal Building and United States Courthouse
255 East Temple Street

Courtroom 540
Los Angeles, California 90012
United States Magistrate Judge

2015 – 2016
SK Advisory Services
13636 Ventura Boulevard, PMB 315
Sherman Oaks, California 91423
President and Owner

2007 – 2015
Stroz Friedberg, LLC
1925 Century Park East, Suite 1350
Los Angeles, California 90067
Regional Managing Director (2012 – 2015)
Managing Director (2009 – 2011)
Vice President (2007 – 2008)

2003 – 2007
U.S. Attorney's Office for the Central District of California
Criminal Division
312 North Spring Street
Los Angeles, California 90012
Assistant United States Attorney

2000 – 2003
Munger, Tolles & Olson LLP
350 South Grand Avenue, 50th Floor
Los Angeles, California 90071
Associate

2001 (Summer)
U.S. District Court for the Central District of California
Hon. Stephen V. Wilson, District Judge
350 West 1st Street, Courtroom 10A
Los Angeles, California 90012
Judicial Clerk

1999 – 2000
U.S. Court of Appeals for the Ninth Circuit
Hon. Sidney R. Thomas, Chief Circuit Judge
301 North 27th Street
Billings, Montana 59101
Judicial Clerk

1999 (Summer)

Munger, Tolles & Olson LLP
350 South Grand Avenue, 50th Floor
Los Angeles, California 90071
Summer Associate

1998 (Summer)
Skadden, Arps, Slate, Meagher & Flom LLP
1440 New York Avenue, N.W.
Washington, DC 20005
Summer Associate

1997 (Summer); 1996 (Summer)
McKinney, Stringer & Webster, P.C. [firm now defunct]
101 North Robinson Street
Oklahoma City, Oklahoma 73102
Summer Associate (1997)
Summer Clerk (1996)

Other Affiliations

2015 – 2016
Fulfillment Fund, ScholarBridge Board
6100 Wilshire Boulevard
Los Angeles, California 90048
Auxiliary Board Member (uncompensated)

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 U.S. Military. I registered for selective service upon turning 18.

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

United States Attorney's Office

U.S. Postal Inspection Service Award (2007)

Georgetown University Law Center

J.D., *magna cum laude* (1999)
Order of the Coif (1999)
Law Review (1997 – 1999)
Outstanding Editorial Service, Georgetown Law Journal (1999)
Dean's List (1996 – 1999)

Law Fellow (1997 – 1998)
CALI Award in Administrative Law (1998)

University of Oklahoma

B.A. in Letters, with Special Distinction, GPA 4.0/4.0 (1996)
Carl Albert Award (1996)
Peggy Chambers Scholarship (1995 – 1996)
Dr. Betty Evans Scholarship (1995 – 1996)
Rita H. Lottinville Prize (1991 – 1992)

Mustang High School

Valedictorian (1990)

9. **Bar Associations:** List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.

American Bar Association (past member, dates sporadic)

IT Committee for the Central District of California, member (2016 – present)
Vice Chair (2018 – present)

IT Committee for the Ninth Circuit Court of Appeals, member (2016 – present)
Chair (2019 – present)

Korean American Bar Association of Southern California (past member, dates sporadic)

Los Angeles County Bar Association (past attorney member, dates sporadic)
Executive Committee of the Litigation Section, member (2018 – present)
Ad Hoc Dialogues in Freedom Committee, member (2018 – present)

National Asian Pacific-American Bar Association (past member, dates sporadic)

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.

California, 2000

I had no lapses in bar membership as an attorney. While holding judicial office, I am not considered a bar member and am exempt from paying annual bar dues. See Cal. Const., Art. VI, Sec. 9; Cal. State Bar Rule 2.16(C)(3)(a).

- b. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse

in membership. Give the same information for administrative bodies that require special admission to practice.

United States Court of Appeals for the Ninth Circuit, 2001

United States District Court for the Central District of California, 2001

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.

Duke Law EDRM Project, member (2019)

International Association of Privacy Professionals, member (2014 – 2015)

Federal Magistrate Judges Association, member (2016 – present)

Fulfillment Fund, ScholarBridge Board, member (2015 – 2016)

Ninth Circuit Pro Bono Attorney Panel, member (2001 – 2003)

The Sedona Conference, member (2016 – 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.

To 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.

Preliminary Proceedings: Guilty Pleas, Georgetown Law Journal, Twenty-Seventh Annual Review of Criminal Procedure, 86 Geo. L.J. 1510, June 1998 (co-editor). 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, to the best of my knowledge.

- 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.

Letter by Ninth Circuit Chief Judge Sidney R. Thomas to Chairman Grassley and Ranking Member Feinstein of Senate Judiciary Committee re: Proposals to Divide the Ninth Circuit (Aug. 22, 2017). Copy supplied.

- 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.

December 4, 2018: Speaker, Swearing-In Ceremony for Loyola Law School graduates, U.S. District Court for the Central District of California, Los Angeles, California. I administered oath of admission to the District Court for the Central District of California and provided congratulatory remarks. I have no notes, transcript, or recording. The address of the U.S. District Court for the Central District of California is 255 East Temple Street, Los Angeles, California 90012.

July 25, 2018: Co-speaker, *Top Ten Tips to Mitigate Digital Risk When Traveling Abroad*, Ninth Circuit's 2018 judicial conference, Anaheim, California. Copy of slide deck supplied.

April 17, 2018: Speaker, Naturalization Ceremony, Los Angeles, California. I administered oath of naturalization and provided congratulatory remarks. I have no notes, transcript, or recording. The address of the Office of Naturalization and Special Programs is 350 West 1st Street, Los Angeles, California 90012.

February 10, 2018: Moderator, *Practical Approaches to Litigating and Resolving E-Discovery Disputes*, California Judges Association and the Rutter Group, Los Angeles, California. Copy of slide deck supplied.

November 3, 2017: Speaker, welcome remarks on behalf of Magistrate Judges for High School Students from New Designs Charter School, District Court Community Outreach Committee, Los Angeles, California. I have no notes, transcript, or recording. I made welcoming remarks. The address of the U.S. District Court for the Central District of California is 255 East Temple Street, Los Angeles, California 90012.

September 15, 2017: Panelist, *So, You Want to Be a Judge: Pathways to a Judicial Career*, California Women Lawyers and the Litigation Section of the California Lawyers Association, Los Angeles, California. I have no notes, transcript, or recording. The address of the California Women Lawyers is 700 R Street, Suite 200, Sacramento, California 95811. The address for the California Lawyers Association is 400 Capitol Mall, Suite 650, Sacramento, California 95814.

January 31, 2017: Panelist, *Meet the New Central District Magistrate Judges*, Los Angeles Chapter of the Federal Bar Association, Los Angeles, California. I spoke regarding my first few months on the bench. I have no notes, transcript, or recording. The address of the Federal Bar Association is 1220 North Fillmore Street, Suite 444, Arlington, Virginia 22201.

January 30, 2017: Panelist, *Taking Steps to Ensure IT Security on the Road, at Home and at Work*, 2017 Ninth Circuit mid-winter judicial conference, Tucson, Arizona. Copy of slide deck supplied.

November 9, 2016: Speaker, lunch keynote for Students of the La Puente Valley Regional Occupational Program, District Court's Community Outreach Committee, Los Angeles, California. Copy of slide deck supplied.

October 1, 2016: Commemorator, remarks in tribute video shown at Installation of Michael Waterstone as Dean of Loyola Law School, Los Angeles, California. I spoke regarding Dean Michael Waterstone. I have no notes, transcript, or recording. The address for Loyola Law School is 919 Albany Street, Los Angeles, California 90015.

September 2014: Co-speaker, *Mobile Device and Social Media Evidence*

Collection: Technical, Legal & Practical Issues, Liner LLP, Los Angeles, California. I spoke on legal issues relating to electronic evidence. I have no notes, transcript, or recording. Liner LLP has since merged with DLA Piper LLP. The address of DLA Piper's downtown Los Angeles office is 550 South Hope Street, Los Angeles, California 90071.

September 18, 2014: Moderator, *Coming Face-to-Face with the Many Facets of a Data Breach*, 2014 Cloud Security Alliance Congress and IAPP Privacy Academy, San Jose, California. I spoke regarding data breaches. I have no notes, transcript, or recording. The address of the Cloud Security Alliance is 2212 Queen Anne Avenue North, Seattle, Washington 98109. The address of the global headquarters for the International Association of Privacy Professionals (IAPP) is 75 Rochester Avenue, Portsmouth, New Hampshire 03801.

May 2013: Co-speaker, *E-Discovery 101: What Every Litigator Needs to Know*, Liner LLP, Los Angeles, California. I spoke regarding electronic discovery. I have no notes, transcript, or recording. Liner LLP has since merged with DLA Piper LLP. The address of DLA Piper's downtown Los Angeles office is 550 South Hope Street, Los Angeles, California 90071.

May 2012: Panelist, *Navigating the Cyber Maze: Hacking, Compliance & Legislation*, Southern California Regional Subcommittee of the American Bar Association's White Collar Crime Committee, Los Angeles, California. I spoke regarding cybersecurity and the law. I have no notes, transcript, or recording. The address for the headquarters of the American Bar Association is 321 North Clark Street, Chicago, Illinois 60654.

July 13, 2011: Speaker, *Responding to Insider Threats and Employee Defections*, CSO Security Confab, Monterey, California. I spoke regarding information security. I have no notes, transcript, or recording. CSO is owned by IDG Communications, Inc., which has an address at 501 2nd Street, Suite 600, San Francisco, California 94107.

March 18, 2010: Panelist, *The Fourth Amendment at the Border*, Privacy and Law Enforcement Symposium, St. John's University School of Law, Queens, New York. I spoke regarding Fourth Amendment law. I have no notes, transcript, or recording. The address of St. John's Law School is 8000 Utopia Parkway, Queens, New York 11439.

January 2008: Panelist, Q&A session about litigation financing in a Civil Procedure class at Loyola Law School, Los Angeles, California. I spoke regarding litigation financing. I have no notes, transcript, or recording. The address for Loyola Law School is 919 Albany Street, Los Angeles, California 90015.

- 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.

Rise of Internal Investigations Creating Crowded Marketplace, Daily Journal, Oct. 1, 2013. Copy supplied.

The Printer's Son, Los Angeles Magazine, Sept. 1, 2009. Copy supplied.

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

Since April 2016, I have served as a United States Magistrate Judge appointed by the District Court for the Central District of California. The statutory authority of Magistrate Judges is set forth in 28 U.S.C. § 636. The assignment of cases to Magistrate Judges in the Central District of California is governed by the District Court's General Order 05-07.

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

As of November 2019, in criminal matters, I have presided over at least five bench trials involving misdemeanors and petty offenses. I have presided over dozens more such cases that have gone to judgment by guilty plea. In civil matters, nearly all Social Security cases are consented to Magistrate Judges, so I have presided over approximately 150 such cases to judgment as of November 2019. In consented habeas and civil rights actions, I have presided over approximately 25 such cases to judgment as of November 2019. And in all other civil actions, I have presided with the parties' consent over approximately ten such actions to judgment as of November 2019.

- i. Of these, approximately what percent were:

jury trials:	0%
bench trials:	100% [total 100%]
civil proceedings:	85%
criminal proceedings:	15% [total 100%]

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

As of November 2019, the District Court's Case Management and Electronic Case Filing (CM/ECF) system reports that I have entered more than 1,750 orders in criminal cases and nearly 3,500 orders in civil cases, including nearly 400 reports and recommendations. These orders or reports and recommendations are filed in CM/ECF and, unless sealed, publicly available on PACER. Citations for

my orders or reports and recommendations that are available on Westlaw or Lexis as of November 2019 are supplied in 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. *Harwin v. Martinez*, 356 F. Supp. 3d 972 (C.D. Cal. 2019).

In this consented action under 28 U.S.C. § 2241, a pro se federal prisoner convicted of a firearms offense under 26 U.S.C. § 5861(e) claimed that he should be released early as a non-violent offender under 18 U.S.C. § 3621. I concluded that the BOP acted consistent with its statutory authority under § 3621 when denying early release to petitioner, even if his offense was non-violent, and denied the petition.

Counsel for Respondent

Matthew J Rosenbaum
U.S. Attorney's Office, Criminal Division
312 North Spring Street, Suite 1100
Los Angeles, California 90012
213-894-4896

2. *KST Data, Inc. v. DXC Tech. Co.*, 344 F. Supp. 3d 1132 (C.D. Cal. 2018).

In this lawsuit involving civil fraud claims under a defense contract, defendant moved to compel a third-party witness to answer questions over his Fifth Amendment objections despite a criminal investigation of that witness's involvement in the underlying fraud. I concluded that the witness had properly invoked his privilege against self-incrimination and denied the motion to compel.

Counsel for Defendant

Brian Vanderhoof
LeClairRyan LLP
725 South Figueroa Street, Suite 350
Los Angeles, California 90017
213-488-0503

Counsel for Third Party

Michael Proctor
Durie Tangri LLP
530 Molino Street, Suite 111
Los Angeles, California 90013
213-992-4499

3. *Balogun v. Sessions, et al.*, 330 F. Supp. 3d 1211 (C.D. Cal. 2018) , *appeal dismissed*, 2019 WL 4729845 (9th Cir. July 30, 2019).

In this consented action under 28 U.S.C. § 2241, a noncitizen ordered removed sought to enjoin his removal while waiting for a U-visa. He claimed that ICE had abused its discretion in refusing to stay removal until after his U-visa application was adjudicated. I concluded that the district court lacked jurisdiction to review his challenge because ICE's decision to carry out removal was unreviewable under 8 U.S.C. § 1252(g).

Counsel for Petitioner

Lori Schoenberg
611 Wilshire Boulevard, Suite 1006
Los Angeles, California 90017
213-622-2565

Counsel for Respondents

Timothy Daniel Biche
U.S. Attorney's Office, Civil Division
300 North Los Angeles Street, Suite 7516
Los Angeles, California 90012
213-894-7354

4. *Torosyan v. Nielsen, et al.*, 2:18-cv-5873, 2018 WL 5784708 (C.D. Cal. Sept. 27, 2018), *adopted*, 2018 WL 6167918 (C.D. Cal. Oct. 26, 2018).

The petitioner in this habeas action was a noncitizen ordered detained under 8 U.S.C. § 1226(c) pending removal proceedings. The government moved to dismiss for lack of jurisdiction. I concluded that the district court had jurisdiction, that petitioner had raised a substantial statutory claim, and that the other requirements for a preliminary injunction had been met. On my recommendation, the district judge then entered a preliminary injunction, after which the parties settled by allowing petitioner to remain on bond pending removal proceedings.

Counsel for Petitioner

Stacy Tolchin
634 South Spring Street, Suite 500A
Los Angeles, California 90014
213-622-7450

Counsel for Respondents

Aaron Kollitz
U.S. Attorney's Office, Civil Division
300 North Los Angeles Street, Suite 7516
Los Angeles, California 90012

213-894-2083

5. *Earley v. Kirchmeyer*, 5:16-cv-2274, 2018 U.S. Dist. LEXIS 37624 (C.D. Cal. Jan. 11, 2018), *adopted*, 2018 U.S. Dist. LEXIS 37629 (C.D. Cal. Mar. 7, 2018), *aff'd*, 744 Fed. Appx. 513 (9th Cir. Nov. 27, 2018).

In this pro se civil rights lawsuit under 42 U.S.C. § 1983, plaintiff claimed that several California state agencies and their employees had revoked his physician's assistant license without due process. I concluded that res judicata barred plaintiff's claim against the principal defendant and that Eleventh Amendment immunity foreclosed his claims against the others. The district judge dismissed the suit on my recommendation, and the Ninth Circuit later affirmed.

Counsel for Defendants

Tessa Heunis
Office of the Attorney General of California
600 West Broadway, Suite 1800
San Diego, California 92101
619-738-9403

6. *Hong v. Santoro*, 8:16-cv-904, 2018 WL 1665183 (C.D. Cal. Feb. 28, 2018), *adopted*, 2018 WL 1641236 (C.D. Cal. Mar. 31, 2018), *cert. of appeal denied*, 2018 WL 6579429 (9th Cir. Sep. 25, 2018).

In this pro se action under 28 U.S.C. § 2254, petitioner challenged his murder conviction on grounds that the California state courts had rejected on the merits. I concluded that the state court decisions neither contradicted nor unreasonably applied clearly established federal law. The district judge dismissed the action on my recommendation, and the Ninth Circuit then denied a certificate of appealability.

Counsel for Respondent

Kevin Vienna
Office of the Attorney General of California
600 West Broadway, Suite 1800
San Diego, California 92101
619-738-9133

7. *Hunter v. Sorheim*, 2:15-cv-9253, 2018 WL 1475034 (C.D. Cal. Feb. 27, 2018), *adopted*, 2018 WL 1472503 (C.D. Cal. Mar. 26, 2018), *aff'd*, 782 Fed. App'x 661 (9th Cir. Nov. 4, 2019).

In this prisoner civil rights lawsuit under 42 U.S.C. § 1983, defendant moved to dismiss plaintiff's action for lack of exhaustion under the Prison Litigation Reform Act. Plaintiff opposed, claiming that he had pursued all effective avenues of relief. I concluded that plaintiff had not completed a final step available under

the prison's regulations and recommended that his lawsuit be dismissed for failure to exhaust. The district judge agreed and dismissed the action. The Ninth Circuit later affirmed the dismissal.

Counsel for Plaintiff

Warren Bleeker
Aaron Johnson
Lewis Roca Rothgerber Christie LLP
4300 Bohannon Drive, Suite 230
Menlo Park, California 94025
626-795-9900

Counsel for Defendant

Cassandra Shryock
Office of the Attorney General of California
455 Golden Gate Avenue, Suite 11000
San Francisco, California 94102
415-703-1680

8. *Avila v. Madden*, 5:17-cv-796, 2017 U.S. Dist. LEXIS 192950 (C.D. Cal. Sept. 28, 2017), *adopted*, 2017 U.S. Dist. LEXIS 192945 (C.D. Cal. Nov. 20, 2017).

The pro se petitioner in this action under 28 U.S.C. § 2254 was convicted of aggravated sex crimes against a minor. He claimed that his Mirandized confession had been invalid and that his counsel had prepared an inadequate defense. Under the deference required by 28 U.S.C. § 2254(d), I concluded that the Miranda claim had been reasonably rejected by the California court of appeal and that petitioner's ineffective assistance claim merited no relief even under de novo review. On my recommendation, the district judge denied the petition.

Counsel for Respondent

Kevin Vienna
Office of the Attorney General of California
600 West Broadway, Suite 1800
San Diego, California 92101
619-738-9133

9. *Green v. Spearman*, 2:16-cv-7105, 2017 WL 2495176 (C.D. Cal. May 18, 2017).

In this habeas action under 28 U.S.C. § 2254, petitioner claimed that he was entitled to equitable tolling or exemption from the federal statute of limitations based on newly discovered evidence of actual innocence. I concluded that no extraordinary circumstances had prevented timely filing and that the evidence of actual innocence was both legally and factually insufficient. The district judge dismissed the petition as untimely on my recommendation.

Counsel for Petitioner

Julia Young
4120 Douglas Boulevard, Suite 306-494
Granite Bay, California 95746
916-296-0786

Counsel for Respondent

Gary Lieberman
Office of the Attorney General of California
300 South Spring Street, Suite 1702
Los Angeles, California 90013
213-897-6863

10. *LMNO Cable Group v. Discovery Comms*, 2:16-cv-4543, 2016 WL 10570262 (C.D. Cal. Dec. 9, 2016), *adopted*, 2017 WL 5468178 (C.D. Cal. Feb. 1, 2017).

In this civil lawsuit involving breach of contract claims between television production companies, defendant filed an application for writ of possession to compel the transfer of disputed program content that plaintiff refused to turn over during the litigation. I concluded that defendant had met its burden under California law for the transfer of the television content and recommended that the district judge issue a writ of possession, which he did.

Counsel for Plaintiff

Stephen Mick
Barnes and Thornburg LLP
2029 Century Park East, Suite 300
Los Angeles, California 90067-2904
310-284-3880

Counsel for Defendant

Theodore Tsekerides
Weil Gotshal and Manges LLP
767 Fifth Avenue
New York, New York 10153-0119
212-310-8218

- 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. *Harwin v. Martinez*, 356 F. Supp. 3d 972 (C.D. Cal. 2019).

Counsel for Respondent

Matthew Rosenbaum
U.S. Attorney's Office, Criminal Division
312 North Spring Street, Suite 1100
Los Angeles, California 90012
213-894-4896

2. *KST Data, Inc. v. DXC Tech. Co.*, 344 F. Supp. 3d 1132 (C.D. Cal. 2018).

Counsel for Defendant

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213-488-0503

Counsel for Third Party

Michael Proctor
Durie Tangri LLP
530 Molino Street, Suite 111
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213-992-4499

3. *Balogun v. Sessions, et al.*, 330 F. Supp. 3d 1211 (C.D. Cal. 2018), *appeal dismissed*, 2019 WL 4729845 (9th Cir. July 30, 2019).

Counsel for Petitioner

Lori Schoenberg
611 Wilshire Boulevard, Suite 1006
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213-622-2565

Counsel for Respondents

Timothy Biche
U.S. Attorney's Office, Civil Division
300 North Los Angeles Street, Suite 7516
Los Angeles, California 90012
213-894-7354

4. *Torosyan v. Nielsen, et al.*, 2:18-cv-5873, 2018 WL 5784708 (C.D. Cal. Sept. 27, 2018), *adopted*, 2018 WL 6167918 (C.D. Cal. Oct. 26, 2018).

Counsel for Petitioner

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213-622-7450

Counsel for Respondents

Aaron Kollitz
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Los Angeles, California 90012
213-894-2083

5. *Earley v. Kirchmeyer*, 5:16-cv-2274, 2018 U.S. Dist. LEXIS 37624 (C.D. Cal. Jan. 11, 2018), *adopted*, 2018 U.S. Dist. LEXIS 37629 (C.D. Cal. Mar. 7, 2018), *aff'd*, 744 Fed. Appx. 513 (9th Cir. Nov. 27, 2018).

Counsel for Defendants

Tessa Heunis
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619-738-9403

6. *Hong v. Santoro*, 8:16-cv-904, 2018 WL 1665183 (C.D. Cal. Feb. 28, 2018), *adopted*, 2018 WL 1641236 (C.D. Cal. Mar. 31, 2018), *cert. of appeal. denied*, 2018 WL 6579429 (9th Cir. Sep. 25, 2018).

Counsel for Respondent

Kevin Vienna
Office of the Attorney General of California
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San Diego, California 92101
619-738-9133

7. *Hunter v. Sorheim*, 2:15-cv-9253, 2018 WL 1475034 (C.D. Cal. Feb. 27, 2018), *adopted*, 2018 WL 1472503 (C.D. Cal. Mar. 26, 2018), *aff'd*, 782 Fed. App'x 661 (9th Cir. Nov. 4, 2019).

Counsel for Plaintiff

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Counsel for Defendant

Cassandra Shryock
Office of the Attorney General of California
455 Golden Gate Avenue, Suite 11000
San Francisco, California 94102

415-703-1680

8. *Avila v. Madden*, 5:17-cv-796, 2017 U.S. Dist. LEXIS 192950 (C.D. Cal. Sept. 28, 2017), *adopted*, 2017 U.S. Dist. LEXIS 192945 (C.D. Cal. Nov. 20, 2017).

Counsel for Respondent

Kevin Vienna
Office of the Attorney General of California
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San Diego, California 92101
619-738-9133

9. *Green v. Spearman*, 2:16-cv-7105, 2017 WL 2495176 (C.D. Cal. May 18, 2017).

Counsel for Petitioner

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4120 Douglas Boulevard, Suite 306-494
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916-296-0786

Counsel for Respondent

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213-897-6863

10. *LMNO Cable Group v. Discovery Comms*, 2:16-cv-4543, 2016 WL 10570262 (C.D. Cal. Dec. 9, 2016), *adopted*, 2017 WL 5468178 (C.D. Cal. Feb. 1, 2017).

Counsel for Plaintiff

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New York, New York 10153-0119
212-310-8218

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

Vaughn v. Kernan, 5:16-cv-456, 2016 U.S. Dist. LEXIS 140070 (C.D. Cal. Sept. 14, 2016), *adopted*, 2016 U.S. Dist. LEXIS 140093 (C.D. Cal. Oct. 4, 2016), *cert. of appeal denied*, No. 16-56698 (9th Cir. June 9, 2017), *cert. denied*, 2017 U.S. LEXIS 6616 (Oct. 30, 2017).

Lee v. Perry, 5:17-cv-233, 2017 U.S. Dist. LEXIS 156831 (C.D. Cal. July 7, 2017), *adopted*, 2017 U.S. Dist. LEXIS 156834 (C.D. Cal. Sept. 22, 2017), *cert. of appeal denied*, 2018 U.S. App. LEXIS 28240 (9th Cir. Mar. 30, 2018), *cert. denied*, 139 S. Ct. 460 (U.S. 2018).

Horton v. Ducart, 2:15-cv-7847, *adopted*, 2017 U.S. Dist. LEXIS 155507 (C.D. Cal. Sept. 21, 2017), *cert. of appeal denied*, 2018 U.S. App. LEXIS 10135 (9th Cir. Apr. 20, 2018), *cert. denied*, 2019 U.S. LEXIS 1510 (U.S. Feb. 25, 2019).

Lee v. Pirko, 5:15-cv-01051, 2017 U.S. Dist. LEXIS 201874 (C.D. Cal. Oct. 12, 2017), *adopted*, 2017 U.S. Dist. LEXIS 195418 (C.D. Cal. Nov. 28, 2017), *appeal dismissed*, 2018 U.S. App. LEXIS 16735 (9th Cir. June 20, 2018), *reconsideration denied*, 2018 U.S. App. LEXIS 28177 (9th Cir. Oct. 4, 2018), *cert. denied*, 2019 U.S. LEXIS 2149 (U.S. Mar. 25, 2019).

House v. Dagnan, 5:17-cv-01085, *adopted*, 2017 U.S. Dist. LEXIS 212167 (C.D. Cal. Dec. 27, 2017), *appeal dismissed*, 2018 U.S. App. LEXIS 26768 (9th Cir. Sept. 19, 2018), *reconsideration denied*, 2019 U.S. App. LEXIS 1798 (9th Cir. Jan. 18, 2019), *cert. denied*, 2019 U.S. LEXIS 6892 (U.S. Nov. 12, 2019).

- 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.

In the case listed below, I dismissed an untimely habeas petition based on petitioner's consent before respondent was served, as Ninth Circuit precedent permitted at the time under 28 U.S.C. § 636(c)(1). Later, while petitioner's appeal was pending, the Ninth Circuit held that § 636(c)(1) requires consent of even unserved parties, so my original dismissal order was vacated and remanded under that new precedent. On remand, the district judge adopted my report and recommendation to dismiss the untimely petition for the same reasons in my original dismissal order.

Smiler v. Matten, 5:17-cv-1480, 2017 U.S. Dist. LEXIS 155527 (C.D. Cal. Sept. 21, 2017), *vacated and remanded*, 2018 U.S. App. LEXIS 11421 (9th Cir. May 2, 2018).

In the cases listed below, a district judge reversed either a detention or release

order that I had issued at the defendants' bail hearings.

United States v. Garcia-Noriega, 2:18-mj-3258 (C.D. Cal. Dec. 14, 2018),
detention rev'd in Case No. 4:18-cr-630-DPM (E.D. Ark. Feb. 8, 2019).

United States v. Pineda, 2:18-mj-2902 (C.D. Cal. Nov. 2, 2018), *bond rev'd in Case No. 2:18-mj-8239-LDW* (D.N.J. Dec. 27, 2018).

United States v. Bahena, 2:18-cr-354 (C.D. Cal. Nov. 26, 2018), *bond rev'd in Case No. 2:18-cr-354-DSF* (C.D. Cal. Dec. 4, 2018).

- 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.

Most of my opinions as a United States Magistrate Judge are unpublished. As of November 2019, according to the District Court's CM/ECF system, I have entered more than 1,750 orders in criminal cases and nearly 3,500 orders in civil cases, including nearly 400 reports and recommendations. These orders or reports and recommendations are filed and stored in CM/ECF and, unless sealed, publicly available via PACER.

- 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.

As a Magistrate Judge, I have so far handled more than 300 combined habeas petitions and civil rights complaints, all of which raised federal constitutional claims. As of November 2019, approximately 50 of my orders or reports and recommendations in those cases are available in Westlaw and more than 250 are available in Lexis. The citations for those cases are supplied in Appendix 13(h).

- i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.

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

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

- a. whether your recusal was requested by a motion or other suggestion by a litigant

or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;

- b. a brief description of the asserted conflict of interest or other ground for recusal;
- c. the procedure you followed in determining whether or not to recuse yourself;
- d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

As a Magistrate Judge, I make recusal decisions by following 28 U.S.C. § 455 and the Code of Conduct for United States Judges. I consider recusal necessary in cases affecting my financial or personal interests, matters involving the firm I worked at before my appointment, cases I worked on as an attorney or a federal prosecutor, or matters that I cannot for any reason preside over impartially.

I recused myself sua sponte in these cases because of a personal relationship to either a party or a party's counsel:

- 1. *Suen v. Sherman*, 2:15-cv-7092
- 2. *Tello v. Kaiser Permanente, et al.*, 2:18-cv-7380
- 3. *In re Subpoena to IP-Echelon PTY, Ltd*, 2:18-mc-125
- 4. *Varela v. Martinez*, 8:17-cv-1215
- 5. *Varela v. Fyke*, 8:17-cv-1217
- 6. *Johnson v. Kaiser Permanente, et al.*, 5:19-cv-968

In the cases below, pro se litigants moved to recuse me for alleged bias. Each motion was assigned to a district judge and both were denied for lack of merit.

- 1. *House, et al. v. Eglund, et al.*, 5:17-cv-1085
- 2. *Earley v. Kirchmeyer, et al.*, 5:16-cv-2274

15. Public Office, Political Activities and Affiliations:

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

I have never been a candidate for or held elective or appointed public office.

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

the campaign, including the candidate, dates of the campaign, your title and responsibilities.

I have not held memberships or offices in, nor rendered services to, a political party or election committee. In high school, I believe I volunteered one weekend at a teacher's request making calls and canvassing neighborhoods for a candidate running in a local election, but I recall no other details, including the candidate's name, party affiliation, or office sought. I have not since held a position or played a role in a political campaign.

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

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

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

Hon. Stephen V. Wilson, District Judge, Central District of California
(summer 2001 in place of clerk on maternity leave)

Hon. Sidney R. Thomas, Circuit Judge, Ninth Circuit Court of Appeals
(1999 – 2000)

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

I have not practiced law alone. I worked as an independent legal consultant from approximately May 2015 to March 2016 during my Magistrate Judge selection and appointment process.

- 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.

2000 – 2003
Munger, Tolles & Olson LLP
350 South Grand Avenue, 50th Floor
Los Angeles, California 90071
Associate

2003 – 2007
U.S. Attorney's Office for the Central District of California
Criminal Division
312 North Spring Street
Los Angeles, California 90012
Assistant United States Attorney

2007 – 2015
Stroz Friedberg, LLC
1925 Century Park East, Suite 1350
Los Angeles, California 90067
Regional Managing Director (2012 – 2015)
Managing Director (2009 – 2011)
Vice President (2007 – 2008)

2015 – 2016
SK Advisory Services
13636 Ventura Boulevard, PMB 315
Sherman Oaks, California 91423
President and Owner

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

I have not served as a private mediator or arbitrator before taking the bench.

b. Describe:

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

Before I took the bench in 2016, I litigated civilly and criminally across private and public sectors at trial and appellate levels. Between 2003 and 2007, I prosecuted federal crimes as an Assistant U.S. Attorney in trials and appeals. At Stroz Friedberg, between 2007 and 2015, I managed engagements involving theft of trade secrets, electronic discovery, cybersecurity compliance, and digital forensic investigations. At Munger, Tolles & Olson, between 2000 and 2003, I litigated motions, managed discovery, assisted in trials, and drafted briefs. And as a law clerk after graduating law school in 1999, I reviewed briefs, drafted opinions, and applied federal law across civil, criminal, and administrative cases.

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

When I worked at the U.S. Attorney's Office, my focus was federal criminal law and my only client was the United States government. While at Stroz Friedberg, I specialized in law and technology matters, serving organizational clients like Fortune 50 companies, AmLaw 100 firms, and government agencies. As a litigation associate at Munger, Tolles &

Olson, I was a generalist working mostly defense side in commercial litigation, white collar investigations, and federal appeals. Most clients I represented there were organizations, with the exception of individual white collar defendants and indigent individuals in pro bono matters.

- 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.

Most of my legal practice before taking the bench was devoted to work in anticipation of, or preparation for, litigation. All court appearances I made as an attorney were in federal court on criminal cases as an Assistant U.S. Attorney from 2003 to 2007.

- i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|-----|
| 1. federal courts: | 90% |
| 2. state courts of record: | 5% |
| 3. other courts: | 0% |
| 4. administrative agencies: | 5% |

- ii. Indicate the percentage of your practice in:

- | | |
|--------------------------|-----|
| 1. civil proceedings: | 40% |
| 2. criminal proceedings: | 60% |

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

As an Assistant U.S. Attorney in trial sections, I estimate that I was solely responsible for more than 35 post-indictment cases through all guilt, sentencing, and post-conviction stages. Of those, I estimate that I fully prepared at least eight cases for trial; two of those resulted in jury convictions, a third went to bench verdict, and the rest ended in convictions by guilty pleas on the eve of trial. As an Assistant U.S. Attorney in the appeals section, I authored more than 25 briefs of my own, edited more than 70 briefs of fellow prosecutors, and argued five cases successfully in oral argument before the Ninth Circuit Court of Appeals.

- i. What percentage of these trials were:

- | | |
|--------------|-----|
| 1. jury: | 90% |
| 2. non-jury: | 10% |

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

I have not practiced before the Supreme Court of the United States.

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

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

1. *United States v. Arnold*, 533 F.3d 1003 (9th Cir. 2008), *cert. denied*, 555 U.S. 1176 (2009).

In this government appeal from an adverse suppression ruling, I briefed and argued the issue of whether suspicionless searches of computers at the international border comport with the Fourth Amendment. The Ninth Circuit agreed with the government's position that no suspicion was required and reversed the district court's suppression order.

Dates of Representation: 2006 – 2007

Presiding Judges: O'Scannlain and M. Smith, CJs, and Mosman, DJ

Co-Counsel for USA-Appellant

Elizabeth Carpenter [then trial Assistant U.S. Attorney on case]
2923 Waverly Drive
Los Angeles, California 90039
323-401-7806

Counsel for Defendant-Appellee

Marilyn Bednarski
Kaye, McLane, Bednarski & Litt, LLP
975 East Green Street
Pasadena, California 91106
626-844-7660

2. *United States v. Hernandez-Garcia*, No. 05-50336, 2006 WL 1933088 (9th Cir. July 12, 2006).

In this sentencing appeal by defendant, I briefed and argued whether a sentence falling within the applicable Sentencing Guidelines range was unreviewable for lack of jurisdiction and whether such a sentence was presumptively reasonable after the Supreme Court's decision in *United States v. Booker*. The Ninth Circuit did not decide the jurisdictional issue but affirmed the sentence as reasonable.

Dates of Representation: 2005 – 2006

Presiding Judges: Canby, Noonan, and Kleinfeld, CJs

Co-Counsel for USA-Appellee

Sean Lokey [then trial Assistant U.S. Attorney on case]
U.S. Attorney's Office for the District of Arizona
Two Renaissance Square, Suite # 1200
40 North Central Avenue
Phoenix, Arizona 85004
602-514-7516

Counsel for Defendant-Appellant

David Kaloyanides
14726 Ramona Avenue
Chino, California 91710
213-623-8120

3. *United States v. Carty, et al.*, 520 F.3d 984 (9th Cir. 2008) (en banc), *cert. denied sub. nom.*, 553 U.S. 1061 (2008).

I was a contributing author to the government's consolidated supplemental brief laying out the Justice Department's official position on the appellate standard of review for sentences imposed after *United States v. Booker*. The en banc panel followed newly-decided Supreme Court cases, confirmed the reasonableness standard of review, and affirmed the sentences below as reasonable.

Dates of Representation: 2006 – 2007

Presiding Judges: Opinion by Rymer, CJ, for en banc panel.

Co-Counsel for USA-Appellee

Becky James [then Chief of Criminal Appeals in U.S. Attorney's Office]
17383 Sunset Boulevard, Suite A315
Pacific Palisades, California 90272
310-266-5775

Michael R. Dreeben [lead counsel on brief and oral argument]
U.S. Department of Justice, Rm 5623

950 Pennsylvania Avenue, N.W.
Washington, DC 20530
202-514-4285

Counsel for Defendants-Appellants

Milagros Anais Cisneros
Office of the Federal Public Defender
850 West Adams Street, Suite 201
Phoenix, Arizona 85007
602-382-2700

Jeffrey T. Green
Sidley Austin LLP
1501 K Street, N.W.
Washington, DC 20005
202-736-8000

Dennis Michael Charney
P.O. Box 171
Ten Sleep, Wyoming 82442
208-440-7200

4. *United States v. Goodwin*, No. 05-50934, 2007 WL 201136 (9th Cir. Jan. 24, 2007).

I briefed whether the district court erred by denying a defense peremptory challenge against a white juror under *Batson v. Kentucky*. The Ninth Circuit held that the defense had offered a race-neutral explanation and remanded for the district judge to determine whether the peremptory challenge was motivated by purposeful discrimination.

Dates of Representation: 2005 – 2007

Presiding Judges: Pregerson, Silverman, and Tallman, CJs

Co-Counsel for USA-Appellee

Becky James [then Chief of Criminal Appeals in U.S. Attorney's Office]
17383 Sunset Boulevard, Suite A315
Pacific Palisades, California 90272
310-266-5775

Counsel for Defendant-Appellant

Davina T. Chen [then Deputy Federal Public Defender on case]
P.O. Box 9176
Glendale, California 91226
323-474-6390

5. *United States v. Zaragoza, et al.*, Nos. 03-50005, 03-50060, 03-50078, 2006 WL 3698760 (9th Cir. Dec. 13, 2006).

I co-authored the brief in three consolidated appeals from the RICO convictions of 18th Street Gang members. I was responsible for the expert testimony and sentencing issues. The Ninth Circuit affirmed the convictions but remanded some sentences since they had been imposed under mandatory Sentencing Guidelines.

Dates of Representation: 2005 – 2006

Presiding Judges: B. Fletcher, Fernandez, and Graber, CJs

Co-Counsel for USA-Appellee

Bruce K. Riordan [then trial Assistant U.S. Attorney on case]
U.S. Attorney's Office for the Central District of California
312 North Spring Street, Suite 1300
Los Angeles, California 90012
213-894-0480

Andrea Russi

Horvitz & Levy LLP [then appeals Assistant U.S. Attorney on case]
505 Sansome Street, Suite 375
San Francisco, California 94111
415-462-5600

Counsel for Defendants-Appellants

Philip Deitch
19360 Rinaldi Street, Suite 330
Porter Ranch, California 91326
818-531-2662

Arthur Weed

21 East Canon Perdido Street, Suite 217
Santa Barbara, California 93101
805-962-9339

6. *United States v. Sandilands*, 2:03-cr-890, *aff'd*, No. 04-50068, 2005 WL 2327317 (9th Cir. Sept. 22, 2005).

I secured a guilty jury verdict against defendant for possession with intent to distribute cocaine and possession of hand grenades. I also handled the appeal, which challenged the constitutionality of the underlying search in the case. The Ninth Circuit upheld the search and affirmed the convictions.

Dates of Representation: 2003 – 2005

Presiding Judges: William J. Rea, DJ (trial); Graber and W. Fletcher, CJs, and Fogel, DJ (appeal)

Counsel for Defendant

Barry Bernstein (deceased)

Kenneth Stern
5850 Canoga Avenue, Suite 400
Woodland Hills, C 91367
818-716-1101

7. *United States v. Lloyd*, 2:03-cr-1204, *aff'd*, No. 05-50300, 2006 WL 1737564 (9th Cir. June 22, 2006).

I secured a guilty jury verdict against defendant, a real estate agent, for conspiracy to possess and possession with intent to distribute cocaine. I also handled the appeal, which challenged the sufficiency of the evidence and the effectiveness of trial counsel. The Ninth Circuit declined to consider the ineffective assistance claim on direct appeal but affirmed the convictions.

Dates of Representation: 2005 – 2006

Presiding Judges: S. James Otero, DJ (trial); Reinhardt and Trott, CJs, and Robart, DJ (appeal)

Counsel for Defendant

Donald Randolph
1717 4th Street, 3rd Floor
Santa Monica, California 90401
310-395-7900

Michael Severo
155 North Lake Avenue, Suite 800
Pasadena, California 91101
626-844-6400

8. *United States v. Lopp*, 2:05-cr-1008.

I charged and negotiated a guilty plea by a bank vice president for embezzlement of hundreds of thousands of dollars in consumer-deposited funds. Defendant was sentenced to prison for 18 months and ordered to make full restitution.

Dates of Representation: 2005 – 2006

Presiding Judge: S. James Otero, DJ

Counsel for Defendant

Howard Beckler
9903 Santa Monica Boulevard, Suite 2400
Beverly Hills, California 90212
323-465-1191

9. *United States v. McKnight*, 2:05-cv-5344; 2:07-cv-5541, *aff'd*, 563 F.3d 890 (9th Cir. 2009).

I handled the extradition proceedings of a fugitive convicted in the United States for international drug trafficking and wanted by France for the same underlying conduct. Defendant claimed that extradition was barred by double jeopardy and the government's alleged breach of an immunity agreement. After he had been found extraditable, defendant filed a habeas petition, which I opposed. The district court denied the petition, and the Ninth Circuit later affirmed that denial.

Dates of Representation: 2005 – 2007

Presiding Judges: Andrew Wistrich, MJ (extradition); Christina Snyder, DJ (habeas); Hawkins, Berzon, and Clifton, CJs (appeal)

Counsel for Relator-Appellant

William Genego (deceased)

Co-Counsel for USA-Appellee

Daniel Goodman (deceased)

10. *United States v. Singh*, 2:04-cr-26, *aff'd*, No. 04-50279, 2005 WL 3061416 (9th Cir. Nov. 16, 2005).

I prepared for trial and negotiated the guilty plea for a defendant charged with attempted kidnapping while impersonating a federal law enforcement officer. The Ninth Circuit dismissed defendant's appeal of his 10-year sentence by enforcing the plea agreement's appellate waiver.

Dates of Representation: 2003 – 2005

Presiding Judges: Percy Anderson, DJ (trial); Wallace, Leavy, and Berzon, CJs (appeal)

Counsel for Defendant

Alan Baum
5250 Lankershim Boulevard, Suite 500
North Hollywood, California 91601
818-487-7400

William Charles Melcher
5023 North Parkway Calabasas
Calabasas, California 91302
818-876-9629

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.)

As an Assistant U.S. Attorney, I prosecuted many criminal cases that—like most federal criminal prosecutions—ended in conviction by negotiated guilty plea rather than by trial. Afterwards, in the private sector, I advised clients across varied industries as a legal consultant in internal investigations, cybersecurity compliance, and data breach response. I also presented at conferences on cybersecurity, data privacy, digital forensics, and electronic discovery. And I offered CLE training on similar topics to law firm clients.

As a Magistrate Judge, I have successfully settled many civil cases in areas as diverse as tax fraud, copyright infringement, and housing discrimination. Drawing on my law and technology experience, I am also active in federal court governance and judicial training. I am currently appointed as the Chair of the Ninth Circuit's Committee on Information Technology and as the Vice Chair of the IT Committee for the Central District of California. I have also presented to federal and state court judges about IT security and electronic discovery topics.

I strive to be active in bench-bar activities, as well. I occupy a seat on the Executive Committee for the Litigation Section of the Los Angeles County Bar Association (LACBA). And I am a member of LACBA's ad hoc *Dialogues in Freedom* Committee, which promotes civics education among underserved Los Angeles public high school students. I also actively volunteer to judge moot courts, mock trials, practice mediations, and similar programs organized by local and national bar associations, as well as law schools. In addition, I volunteer frequently in the District Court's community outreach efforts, including as host to delegations of foreign judges studying the American court system.

I have never acted or registered as a lobbyist.

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

During my second year of law school, I taught legal research and writing to first-year law students. I have no syllabus. I have taught no other courses at any institutions since then.

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).

See attached Financial Disclosure Report.

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

See attached Statement of Net Worth.

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 potential conflicts if confirmed as a District Judge would be the same as those I have now as a Magistrate Judge: cases affecting my financial or personal interests, matters involving the firm I worked at before my judicial appointment, cases relating to my prior work as either a private attorney or a federal prosecutor, or matters that I cannot for any reason preside over impartially. To my knowledge, I am unaware of specific categories of litigation or financial arrangements that are likely to present potential conflicts if confirmed. But no matter the nature of a potential conflict or how it may come to my attention, I

would recuse myself as required by 28 U.S.C. § 455 and the Code of Conduct for United States Judges.

- 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 as a District Judge, I would resolve potential conflicts of interest, as I do now, by following 28 U.S.C. § 455 and the Code of Conduct for United States Judges. I would also learn of potential conflicts the same way I do now. The Clerk of Court uses a software program that flags potential conflicts at the beginning of a case by screening a list of conflicts that I maintain against my case assignments. If I determine that a flagged case presents an actual conflict or the appearance of a conflict, I would sua sponte recuse myself. I also monitor the names of parties, attorneys, and interested persons in ongoing cases to identify unanticipated potential conflicts. I have not yet found a potential conflict this way, but if I did, I would seek the input of the parties and take appropriate action, including recusal if necessary. Finally, as new criminal cases are opened, the U.S. Attorney's Office identifies cases which I may have worked on while I was an Assistant U.S. Attorney. If such a case is identified, or I independently recognize a defendant whom I previously prosecuted, I would recuse myself.

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.

Except for when I was a federal employee prohibited from practicing law outside of government service, I provided pro bono services and supported legal non-profits during and after law school. In my third year of law school, I was one of 16 students competitively selected to participate in the Appellate Litigation Clinic, which represented indigent clients in civil rights, habeas, and immigration appeals. As a summer associate at Skadden Arps, I participated in the pro bono program to assist disabled clients apply for Social Security benefits. While at Munger, Tolles & Olson, I served on the Ninth Circuit's Pro Bono panel and represented a prisoner in a federal habeas appeal. And while at Stroz Friedberg, I helped direct sponsorship funds to non-profit organizations that promote civics education for students and access to legal services.

I have also focused, both as an attorney and a judge, on the education and development of young adults from high school to law school. Before I took the bench, I was a founding member of the ScholarBridge Board, an auxiliary board of the non-profit Fulfillment Fund, which provides college readiness support to underserved public high school students. As a judge, I have volunteered considerable time in law school moot court competitions, high-school mock trial programs, and the Central District's community outreach programs. I also serve on the LACBA's *Dialogues in Freedom* Committee, which promotes civics education for underserved Los Angeles public high school

students.

Finally, I am committed to the professional development of young attorneys. This is in part why I hire term law clerks every year and employ law school externs in summers. My courtroom procedures also guarantee oral argument upon request for law firm associates in the first few years of their practice. I also encourage newer attorneys to join the District Court's pro bono panel so that they can represent indigent litigants or pro se prisoners in civil rights cases. If I were confirmed as a District Judge, I would endeavor to continue these activities and practices.

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.

In November 2017, I applied to the Office of Senator Dianne Feinstein for one of the District Judge vacancies in the Central District of California. I interviewed with Senator Feinstein's selection committee in March 2018. I then met with Senator Feinstein's statewide selection chair in July 2018. After that meeting, I sent my application to the Office of Senator Kamala Harris and interviewed with her selection committee in August 2018. In February 2019, I interviewed with attorneys from the White House Counsel's Office and the Office of Legal Policy at the Department of Justice in Washington, DC. Since then, I have been in contact with officials and representatives from the White House Counsel's office and the Office of Legal Policy. On September 20, 2019, the President announced his intent to nominate me to this position. On November 21, 2019, my nomination was sent 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.