

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Robert Rees Summerhays

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

United States District Judge for the Western District of Louisiana

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.

United States Bankruptcy Court
Western District of Louisiana
214 Jefferson Street, Suite 120
Lafayette, Louisiana 70501

B.I. Moody College of Business Administration
University of Louisiana at Lafayette
214 Hebrard Boulevard
Lafayette, Louisiana 70503

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

1965; Fort Worth, Texas

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.

1991 – 1994, The University of Texas at Austin; J.D. (high honors), 1994

1984 – 1989, The University of Texas at Austin; B.A. (high honors), 1989

1986 – 1987, London School of Economics and Political Science; no degree conferred (study abroad)

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.

2013 – present
University of Louisiana at Lafayette
B.I. Moody College of Business Administration
214 Hebrard Boulevard
Lafayette, Louisiana 70503
Adjunct Instructor of Business Law

2006 – present
United States Bankruptcy Court
Western District of Louisiana
214 Jefferson Street, Suite 120
Lafayette, Louisiana 70501
United States Bankruptcy Judge (2006 – present)
Chief Bankruptcy Judge (2009 – 2017)

1995 – 2006
Weil, Gotshal & Manges LLP
200 Crescent Court, Suite 300
Dallas, Texas 75201
Partner (2003 – 2006)
Associate (1995 – 2002)

1994 – 1995
Hon. W. Eugene Davis
United States Court of Appeals for the Fifth Circuit
600 Camp Street
New Orleans, Louisiana 70103
Law Clerk

Summer 1993; Summer 1994
Weil, Gotshal & Manges LLP
200 Crescent Court, Suite 300
Dallas, Texas 75201
Summer Associate

Summer 1993
Arnold & Porter
601 Massachusetts Avenue, N.W.
Washington, D.C. 20001
Summer Associate

Summer 1992

State Bar of Texas
Office of Chief Disciplinary Counsel
1414 Colorado Street
Austin, Texas 78701
Summer Law Clerk

1989 – 1991
United States General Accounting Office
1999 Bryan Street, Suite 2200
Dallas, Texas 75201
Evaluator

Other Affiliations (uncompensated)

2014 – present
Federal Bar Association
Acadiana/Lafayette Chapter
1220 North Fillmore Street, Suite 444
Arlington, Virginia 22201
President-Elect (2017 – 2018)
Board Member (2014 – present)

2003 – 2006
Dallas Wind Symphony
1465 1st Avenue
Dallas, Texas 75210
Board Member

2000 – 2002
Westminster Presbyterian Preschool
8200 Devonshire Drive
Dallas, Texas 75209
Board Member

1999 – 2005
Westminster Presbyterian Church
8200 Devonshire Drive
Dallas, Texas 75209
Clerk of Session (2002 – 2005)
Session Member (1999 – 2005)

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 United States Military. I registered with the 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.

Award of Excellence, National Association of Bankruptcy Trustees (2017)
Pro Bono Service Award, Weil, Gotshal & Manges LLP (2006)
J.D. awarded with high honors (1994)
Order of the Coif (1994)
Chancellors Honor Society (1993)
Texas Law Review, Associate Editor (1992 – 1994)
Outstanding Achievement Award, United States General Accounting Office (1990)
B.A. awarded with high honors (1989)
Phi Beta Kappa (1989)

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.

Administrative Office of United States Courts (2012 – 2015)
Fifth Circuit Representative

American Bankruptcy Institute (2007 – 2009; 2014 – 2016)

American Bankruptcy Law Journal (2010 – 2015)
Editorial Advisory Board

American Bar Association (2003 – 2006)
Litigation Section

Bankruptcy Judges Advisory Group (2012 – 2016)
Fifth Circuit Representative

Center for American and International Law (2012 – 2016)
Organizer and Co-Chair, Fifth Circuit Bankruptcy Bench-Bar Conference (2012, 2014, 2016)

Dallas Bar Association (2002 – 2006)

Federal Bar Association, Acadiana/Lafayette Chapter (2014 – present)
President-Elect (2017 – 2018)
Board Member (2014 – present)

John Duhé American Inn of Court (2007 – 2016)

Louisiana State University Annual Bankruptcy Law Seminar Planning Committee (2013 – present)

National Conference of Bankruptcy Judges (2006 – 2017)

State Bar of Texas (1994 – present)
Bankruptcy Section (2009 – present)

10. Bar and Court Admission:

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

Texas, 1994

There has been no lapse in membership.

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

United States Court of Appeals for the Fifth Circuit, 1995
United States District Court for the Eastern District of Texas, 1998
United States District Court for the Northern District of Texas, 1997
United States District Court for the Southern District of Texas, 1999
Supreme Court of Texas, 1994

The United States Court of Appeals for the Fifth Circuit and the United States District Courts for the Eastern and Southern Districts of Texas require periodic renewal of admission. I did not renew my admission to these federal courts following my appointment to the United States Bankruptcy Court.

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.

American Friends of the London School of Economics (1997 – 2000)

Dallas Wind Symphony (2003 – 2006)
Board Member

The Federalist Society for Law and Public Policy (2016 – present)

Krewe of Bonaparte (2016 – present)

Westminster Presbyterian Church (1999 – 2005)

Clerk of Session (2002 – 2005)

Session Member (1999 – 2005)

Westminster Presbyterian Preschool (2000 – 2002)

Board Member

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

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

12. Published Writings and Public Statements:

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

“Selected Local Court Rules Dealing with First Day Motion Practice,” published by the 23rd Annual LSU Bankruptcy Seminar (November 2017). Copy supplied.

Daniel J. Bussell, “A Third Way: Examiners as Inquisitors,” 90 AM. BANKR. L.J. 59 (2016). I served as editor. Copy supplied.

Andrew B. Dawson, “Labor Activism in Bankruptcy,” 89 AM. BANKR. L.J. 97 (2015). I served as editor. Copy supplied.

I was a member of the Editorial Advisory Board for the American Bankruptcy Law Journal from 2010 to 2015. I was asked to peer review some additional

articles besides the two listed above; however, this did not entail any editing and only involved giving my initial reaction to the quality of the article.

The Problematic Expansion of the Garner v. Wolfenbarger Exception to the Corporate Attorney-Client Privilege, 31 TULSA L.J. 275 (1995). 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.

Federal Bar Association Acadiana/Lafayette Chapter, Government Relations Committee Reports, January 2017 – October 2017. Copies supplied.

Bankruptcy Judges Advisory Group Reports Regarding the Fifth Circuit, April 2013 – November 2016. Copies supplied.

Letter from Judge Janice M. Karlin, Chair, Bankruptcy Judges Advisory Group, to Judge Jeffrey S. Sutton, Chair, Committee on Rules of Practice and Procedure, Administrative Office of the United States Courts regarding Rule 9036 of the Federal Rules of Bankruptcy Procedure (Aug. 13, 2015). Copy supplied.

Letter from Judge Janice M. Karlin, Chair, Bankruptcy Judges Advisory Group, to Judge John D. Bates, Director, Administrative Office of the United States Courts regarding Potential Incentives for Cost Containment Fall 2014 (Nov. 12, 2014). Copy supplied.

Bankruptcy Judges Advisory Group Meeting Reports, April 2013 and November 2013. Copies supplied.

U.S. Gen. Accounting Off., GAO/RCED-90-236, “Federal Research: SEMATECH’s Efforts to Strengthen the United States Semiconductor Industry” (Sept. 1990). Copy supplied.

U.S. Gen. Accounting Off., GAO/RCED-91-37, “Rural Development: Problems and Progress of Colonia Subdivisions Near Mexico Border” (Nov. 1990). Copy supplied.

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

Minutes of Meetings of the Bankruptcy Judges Advisory Group, April 2013 –

November 2016. Copies 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 18, 2017: Speaker, "Recent Developments in Bankruptcy for the Non-bankruptcy Lawyer," Lafayette Bar Association, CLE by the Hour Program, Lafayette, Louisiana. Presentation supplied.

November 1, 2017: Panelist, "Judges' Roundtable Discussion," Turnaround Management Association, Louisiana Chapter, Baton Rouge, Louisiana. I answered questions submitted by the moderator and audience members regarding business bankruptcy filing trends in my district, local court practices, and the recent Supreme Court opinion in *Czyzewski v. Jevic Holding Corp.*, 137 S. Ct. 973 (2017). I have no notes, transcript, or recording. The address of the Turnaround Management Association is 150 North Wacker Drive, Suite 1900, Chicago, Illinois 60606.

September 16, 2017: Panelist, "Case Law Update II" and "Ethics and Professionalism," National Association of Bankruptcy Trustees, New Orleans, Louisiana. Notes and materials supplied.

June 2, 2017: Panelist, "Judges Panel," State Bar of Texas Bankruptcy Section, Bankruptcy Bench Bar Conference, San Antonio, Texas. I answered questions from the audience on local bankruptcy practices in commercial cases and best practices. I have no notes, transcript, or recording. The address of the State Bar of Texas is 1414 Colorado Street, Austin, Texas 78701.

April 1, 2017: Panelist, "Ethical Issues in Settlement and Mediation," CAIL 1st National Young Energy Professionals' Law Conference, New Orleans, Louisiana. Materials supplied.

October 27, 2016: Panelist, "Valuation Issues in Bankruptcy," Society of Louisiana Certified Public Accountants, Baton Rouge, Louisiana. Presentation supplied.

October 6-7, 2016: Panelist, "Representation and Fee Issues," "Trends in Chapter 13" "Current Hot Issues in Chapter 13" and "Judges Panel – Q&A Session," 22nd Annual LSU Bankruptcy Law Seminar, Baton Rouge, Louisiana. Recordings and

materials supplied.

October 5, 2016: Panelist, “Judges’ Roundtable Discussion,” Turnaround Management Association, Louisiana Chapter, Baton Rouge, Louisiana. I answered questions submitted by the moderator and audience members regarding business bankruptcy filing trends in my district and best practices for bankruptcy lawyers practicing in my court. The address of the Turnaround Management Association is 150 North Wacker Drive, Suite 1900, Chicago, Illinois 60606.

September 24, 2016: Speaker, “The Courts and the Constitution,” Constitution Day Luncheon, Galvez Chapter, Daughters of the American Revolution, Lafayette, Louisiana. Notes and press report supplied.

July 27, 2016: Speaker, “Recent 5th Circuit Bankruptcy Cases and Update on the Bankruptcy Court,” Federal Bar Association, Acadiana/Lafayette Chapter, Lafayette, Louisiana. Presentation and press report supplied.

July 15, 2016: Panelist, “Limiting the Scope of Representation in Chapter 7 Cases,” University of Texas at Austin School of Law CLE, Consumer Bankruptcy Seminar, Galveston, Texas. Recording and materials supplied.

February 27, 2016: Lafayette Young Lawyers Association, Regional High School Mock Trial Competition, Lafayette, Louisiana. I served as a judge for two mock trials and provided an oral critique to the teams at the end of their presentations. I have no notes, transcript, or recording. The address of the Lafayette Young Lawyer Association is 2607 Johnston Street, Lafayette, Louisiana 70503. Press report supplied.

February 24-26, 2016: Program Co-chair and Panelist, “Business Interests in Consumer Cases: Partnership interests, LLC’s, Intellectual Property and other ‘Exotic’ Interests (Consumer),” CAIL Fifth Circuit Bench Bar Conference, New Orleans, Louisiana. Materials supplied.

November 5-6, 2015: Panelist, “Recent Supreme Court Opinions” and “Judges’ Panel,” and “Attorney Issues—Duties,” 21st Annual LSU Bankruptcy Law Seminar, Baton Rouge, Louisiana. Recordings and materials supplied for “Recent Supreme Court Opinions” and “Judge’s Panel.” I have no notes, transcript, or recording for the “Attorney Issues—Duties” panel, in which I spoke on the extent to which bankruptcy lawyers can tailor the services they offer to clients in exchange for lower fees, as well as recent court decisions on the subject. The address of the LSU Paul M. Hebert Law Center is 1 East Campus Drive, Louisiana State University, Baton Rouge, Louisiana 70803.

May 2015: Panelist, “Claims Litigation,” State Bar of Texas Bankruptcy Section, Bankruptcy Bench Bar Conference, Cedar Creek, Texas. Presentation and press report supplied.

October 23-24, 2014: Speaker, "Consumer Tax Issues—Dischargeability of Taxes," "Stern v. Marshall and Progeny," and "Judges Panel," 20th Annual LSU Bankruptcy Law Seminar, Baton Rouge, Louisiana. Recordings and materials supplied.

October 22, 2014: Panelist, "Judges' Roundtable Discussion," Turnaround Management Association, Louisiana Chapter, Baton Rouge, Louisiana. I participated in a roundtable discussion of recent filing trends and trends in managing Chapter 11 cases. I have no notes, transcript, or recording. The address of the Turnaround Management Association is 150 North Wacker Drive, Suite 1900, Chicago, Illinois 60606.

February 12-14, 2014: Panelist, "Estoppel (Res Judicata, Judicial Estoppel, *Rooker-Feldman* Doctrine, etc.)," CAIL Fifth Circuit Bench Bar Conference, New Orleans, Louisiana. Materials supplied.

December 19, 2013: Speaker, "Ethical Issues in Bankruptcy," Federal Bar Association, Acadiana/Lafayette Chapter, Lafayette, Louisiana. Presentation supplied.

October 24-25, 2013: Panelist, "Chapter 13 National Form Plan" "Chapter 11 Issues," and "Judges Panel," 19th Annual LSU Bankruptcy Law Seminar, Baton Rouge, Louisiana. Materials supplied.

October 23, 2013: Panelist, "Judges' Roundtable Discussion," Turnaround Management Association, Louisiana Chapter, Baton Rouge, Louisiana. I participated in a roundtable discussion of recent business cases and a discussion of changes in local court practice in each district. I have no notes, transcript, or recording. The address of the Turnaround Management Association is 150 North Wacker Drive, Suite 1900, Chicago, Illinois 60606.

June 5-7, 2013: Panelist, "Top 12 Bankruptcy Cases of the Year," State Bar of Texas Bankruptcy Section, Bankruptcy Bench Bar Conference, San Antonio, Texas. Materials supplied.

November 27, 2012: Speaker, "Bankruptcy 101: Bankruptcy for the Non-Bankruptcy Lawyer," Lafayette Bar Association CLE, Lafayette, Louisiana. Notes supplied.

October 11 –12, 2012: Speaker, "Creditor Causes of Action versus Trustee Powers," "Chapter 11 Issues," and "Judges' Panel," 18th Annual LSU Bankruptcy Law Seminar, Baton Rouge, Louisiana. Recordings and materials supplied.

October 10, 2012: Panelist, "Judges' Roundtable Discussion," Turnaround

Management Association, Louisiana Chapter, Baton Rouge, Louisiana. I participated in a roundtable discussion of recent business cases and changes in local court practice. I have no notes, transcript, or recording. The address of the Turnaround Management Association is 150 North Wacker Drive, Suite 1900, Chicago, Illinois 60606.

February 23 – 24, 2012: Panelist, “Chapter 13: Changes in Rules and Form Plan,” CAIL Fifth Circuit Bench Bar Conference, New Orleans, Louisiana. Materials supplied.

November 9, 2011: Presenter, “The Automatic Stay,” Federal Bar Association, Baton Rouge Chapter, Baton Rouge, Louisiana. Materials and notes supplied.

October 20 – 21, 2011: Panelist, “*Stern v Marshall* and Bankruptcy Court Jurisdiction,” “How To Lose (Or Keep From Losing) Your Claims, Rights, Lawsuits,” and “Judges’ Panel,” 17th Annual LSU Bankruptcy Law Seminar, Baton Rouge, Louisiana. Recordings and materials supplied.

October 19, 2011: Panelist, “Judges’ Roundtable Discussion,” Turnaround Management Association, Louisiana Chapter, Baton Rouge, Louisiana. I participated in a roundtable discussion of filing trends and changes in local court practice in each district. I have no notes, transcript, or recording. The address of the Turnaround Management Association is 150 North Wacker Drive, Suite 1900, Chicago, Illinois 60606.

May 25, 2011: Panelist, “Issues Pertaining to Liquidation/Litigation Trusts,” State Bar of Texas Bankruptcy Section, Bankruptcy Bench Bar Conference, Austin, Texas. Materials and press report supplied.

February 18, 2011: Presenter, “The Automatic Stay,” Federal Bar Association, Baton Rouge Chapter, Baton Rouge, Louisiana. Materials supplied.

October 7 – 8, 2010: Panelist, “Evidence and Consumer Cases” “Recent Developments in Chapter 11 Case Law and Practice,” and “Judges’ Panel,” 16th Annual LSU Bankruptcy Law Seminar, Baton Rouge, Louisiana. Recordings and materials supplied.

October 6, 2010: Panelist, “Judges’ Roundtable Discussion,” Turnaround Management Association, Louisiana Chapter, Baton Rouge, Louisiana. I participated in a roundtable discussion of filing trends and changes in local court practice in each district. I have no notes, transcript, or recording. The address of Turnaround Management Association is 150 North Wacker Drive, Suite 1900, Chicago, Illinois 60606.

May 14, 2010: American Bankruptcy Institute Annual Litigation Skills Symposium, New Orleans, Louisiana. I served as a judge for the mock trials that

were held on the last day of the program and provided an oral critique to the teams at the end of their presentations. I have no notes, transcript, or recording. The address of the American Bankruptcy Institute is 66 Canal Center Plaza, Suite 600, Alexandria, Virginia 22314.

April 1 – 2, 2010: Panelist, “Related Litigation” and “Judge’s Roundtable,” CAIL Fifth Circuit Bench Bar Conference, Plano, Texas. I spoke on recent bankruptcy cases, and the use of avoidance actions to unwind leveraged buy-outs. I have no notes, transcript, or recording. The address of the Bar Association of the Fifth Circuit is 601 Camp Street, New Orleans, Louisiana 70130. Press report supplied.

October 29, 2009: Presenter, “Bankruptcy Law,” LSU Recent Developments in Legislation and Jurisprudence, Lake Charles, Louisiana. Materials and notes supplied.

October 15 – 16, 2009: Panelist, “Ethics Update,” and “Judges Panel,” 15th Annual LSU Bankruptcy Law Seminar, Baton Rouge, Louisiana. Materials supplied.

October 14, 2009: Panelist, “Judges’ Roundtable Discussion,” Turnaround Management Association, Louisiana Chapter, Baton Rouge, Louisiana. I participated in a roundtable discussion of filing trends and changes in local court practice in each district. I have no notes, transcript, or recording. The address of Turnaround Management Association is 150 North Wacker Drive, Suite 1900, Chicago, Illinois 60606.

October 2, 2009: Presenter, “Bankruptcy Law,” LSU Recent Developments in Legislation and Jurisprudence, Lafayette, Louisiana. Materials and notes supplied.

May 15, 2009: American Bankruptcy Institute Annual Litigation Skills Symposium, New Orleans, Louisiana. I served as a judge for the mock trials that were held on the last day of the program and provided an oral critique to the teams at the end of their presentations. I have no notes, transcript, or recording. The address of the American Bankruptcy Institute is 66 Canal Center Plaza, Suite 600, Alexandria, Virginia 22314.

October 10, 2008: Panelist, Question and Answer Session, LSU and the George W. and Jean H. Pugh Institute for Justice, Baton Rouge, Louisiana. I answered questions about the bankruptcy system and clerkship opportunities from law students. I have no notes, transcript, or recording. The address of the George W. and Jean H. Pugh Institute for Justice is 1 East Campus Drive, Baton Rouge, Louisiana 70803. Press report supplied.

October 9-10, 2008: Panelist, “Chapter 11 Issues” and “Judges Panel,” 14th Annual LSU Bankruptcy Law Seminar, Baton Rouge, Louisiana. Recordings and

materials supplied.

October 25 – 26, 2007: Panelist, “Recent Developments in Chapter 13” and “Judges Panel,” 13th Annual LSU Bankruptcy Law Seminar, Baton Rouge, Louisiana. Recordings supplied.

June 5, 2007: Panelist, “Recent Developments Under the Almost New Bankruptcy Law: A View From the Bench and the Bar,” Louisiana State Bar Association Summer School for Lawyers, San Destin, Florida. Materials supplied.

January 19, 2007: Speaker, Investiture Ceremony, Lafayette, Louisiana. Recording supplied.

October 5 – 6, 2006: Panelist, “Recent Developments in Bankruptcy Jurisdiction” and “Judges Panel,” 12th Annual LSU Bankruptcy Law Seminar, Baton Rouge, Louisiana. Recordings and materials supplied.

Fall 2005 (approximate): Speaker, Securities Law, SMU Dedman School of Law, Dallas, Texas. I spoke to a securities law class on recent trends in securities litigation and motions to dismiss under the Private Securities Litigation Reform Act. I have no notes, transcript, or recording. The address of the SMU Dedman School of Law is 3315 Daniel Avenue, Dallas, Texas 75205.

May 28, 2004: Speaker, “Coordination of Discovery in Mass Litigation and Evidentiary Issues in Class Certification,” State Bar of Texas 17th Annual Advanced Evidence & Discovery Course, San Antonio, Texas. Materials supplied.

April 2, 2004: Speaker, “Coordination of Discovery in Mass Litigation and Evidentiary Issues in Class Certification,” State Bar of Texas 17th Annual Advanced Evidence & Discovery Course, Dallas, Texas. Materials supplied.

Fall 2003 (approximate): Speaker, Texas General Counsel Forum: DFW Roundtable Lunch, Dallas, Texas. I spoke on director and officer insurance issues in the context of securities litigation and the litigation of shareholder derivative suits. I have no notes, transcript, or recording. The address of the Texas General Counsel Forum is 1700 Pacific Avenue, Suite 4400, Dallas, Texas 75201.

Summer 2003 (approximate): Speaker, Houston Bar Association. I spoke on recent trends in securities litigation and motion practice under the Private Securities Litigation Reform Act. I have no notes, transcript, or recording. The address of the Houston Bar Association is 1111 Bagby Street, Suite 200, Houston, Texas 77002.

- 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.

Judicial Profile: Hon. Stephen V. Callaway U.S. Bankruptcy Judge, Western District of Louisiana, THE FED. LAW., Jan./Feb. 2013. 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.

United States Bankruptcy Court
Western District of Louisiana
United States Bankruptcy Judge (2006 – present)
Chief Bankruptcy Judge (2009 – 2017)

I was appointed by the Judicial Council of the United States Court of Appeals for the Fifth Circuit. I exercise the jurisdiction conferred by 28 U.S.C. § 1334.

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

I have presided over 232 adversary proceedings that were tried to judgment. Adversary proceedings are full-scale federal civil actions tried within a bankruptcy case. I have entered final orders granting a discharge in approximately 16,185 Chapter 7, 12, and 13 cases since my appointment.

- i. Of these, approximately what percent were:

jury trials:	<u>0</u> %
bench trials:	<u>100</u> % [total 100%]
civil proceedings:	<u>100</u> %
criminal proceedings:	<u>0</u> % [total 100%]

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

In re Kite, No. 13-20270, 2017 WL 4404283 (Bankr. W.D. La. Oct. 2, 2017)

Clayton v. Simon (In re Simon), Ch. 7 Case No. 14-51602, Adv. No. 16-5009, 2017 WL 4118284 (Bankr. W.D. La. Aug. 3, 2017)

In re Chandni, LLC, 570 B.R. 530 (Bankr. W.D. La. 2017)

Amerisafe, Inc. v. Ernst (In re Ernst), 570 B.R. 750 (Bankr. W.D. La. 2017)

In re Acadian Elevator, Inc., No. 15-50743, 2017 WL 1364975 (Bankr. W.D. La. Apr. 11, 2017)

In re Louisiana Pellets, Inc., No. 16-80162, 2016 WL 4011318 (Bankr. W.D. La. July 22, 2016)

In re Keating, No. 15-MP-501, 2016 WL 675707 (Bankr. W.D. La. Feb. 18, 2016)

In re Louisiana Oilfield Contractors Ass'n Ins. Fund, 549 B.R. 457 (Bankr. W.D. La. 2016)

In re K.A.P. Enters., L.L.C., No. 12-81464, 2015 WL 9171532 (Bankr. W.D. La. Dec. 15, 2015)

In re PWK Timberland, LLC, 549 B.R. 451 (Bankr. W.D. La. 2015)

Debaillon v. Alfred (In re Anderson), 539 B.R. 277 (Bankr. W.D. La. 2015)

In re Port Aggregates, Inc., No. 14-51580, 2015 WL 3637771 (Bankr. W.D. La. June 9, 2015)

In re New Century Fabricators, Inc., No. 14-50652, 2015 WL 10319313 (Bankr. W.D. La. May 22, 2015)

In re New Century Fabricators, Inc., No. 14-50652, 2015 WL 10319352 (Bankr. W.D. La. April 1, 2015)

In re PWK Timberland, LLC, 549 B.R. 366 (Bankr. W.D. La. 2015)

Andrus v. JPMorgan Chase Bank (In re Conqueror Marine Logistics, LLC), 518 B.R. 368 (Bankr. W.D. La. 2014)

Nichols v. Central La. Grain Coop., Inc. (In re Central La. Grain Coop., Inc.), Ch. 7 Case 08-80475, Adv. No. 09-08007, 2014 WL 4345268 (Bankr. W.D. La. Aug. 28, 2014)

Risk Mgmt., Inc. v. Williams (In re Williams), Ch. 7 Case No. 13-50341, Adv. No. 13-5016, 2014 WL 4230855 (Bankr. W.D. La. Aug. 25, 2014)

Karr Plex, Ltd. (In re Hollier), 517 B.R. 671 (Bankr. W.D. La. 2014)

Goodman v. H.I.G. Capital, LLC (In re Gulf Fleet Holdings, Inc.), Ch. 11 Case Nos. 10-50713, et. al., Adv. No. 11-05006, 2014 WL 4560441 (Bankr. W.D. La. Apr. 2, 2014)

Goodman v. Adriatic Marine, LLC (In re Gulf Fleet Holdings, Inc.), Ch. 11 Case No. 10-50713, Adv. No. 12-5009, 2014 WL 1170926 (Bankr. W.D. La. Mar. 21, 2014)

Goodman v. Reama, Inc. (In re Gulf Fleet Holdings, Inc.), Ch. 11 Case No. 10-50713, Adv. No. 12-05046, 2014 WL 1168791 (Bankr. W.D. La. Mar. 21, 2014)

Goodman v. Candy Fleet, LLC (In re Gulf Fleet Holdings, Inc.), Ch. 11 Case No. 10-50713, Adv. No. 12-05010, 2014 WL 1168885 (Bankr. W.D. La. Mar. 21, 2014)

RSL Funding, LLC (In re Everett), Ch. 7 Case No. 11-51175, Adv. No. 11-5027, 2014 WL 939371 (Bankr. W.D. La. Mar. 10, 2014)

Childs v. Duhon (In re Duhon), Ch. 7 Case No. 12-50465, Adv. No. 12-5057, 2013 WL 4510701 (Bankr. W.D. La. Aug. 26, 2013)

Willson v. McPhersons P'ship (In re Central La. Grain Coop., Inc.), 497 B.R. 229 (Bankr. W.D. La. 2013)

In re JAG Constr. Servs., Inc., No. 12-51014, 2013 WL 3760113 (Bankr. W.D. La. July 16, 2013)

In re Bliss, No. 12-51105, 2013 WL 3285834 (Bankr. W.D. La. June 27, 2013)

Goodman v. Ferro Mgmt. (In re Gulf Fleet Holdings, Inc.), Chap. 11 Case No. 10-50713, Adv. No. 12-05040, 2013 WL 3230433 (Bankr. W.D. La. June 25, 2013)

Goodman v. Southern Crane & Hydraulics, LLC (In re Gulf Fleet Holdings, Inc.), Ch. 11 Case No. 10-50713, Adv. No. 12-05048, 2013 WL 1755490 (Bankr. W.D. La. Apr. 23, 2013)

Goodman v. H.I.G. Capital, LLC (In re Gulf Fleet Holdings, Inc.), 491 B.R. 747 (Bankr. W.D. La. 2013)

Patout v. Smith (In re Smith), Ch. 7 Case No. 11-50877, Adv. No. 11-5038, 2013 WL 1309426 (Bankr. W.D. La. Mar. 28, 2013)

In re Petry, No. 12-51016, 2013 WL 1286197 (Bankr. W.D. La. Mar. 26, 2013)

In re Larry, No. 12-50461, 2013 WL 1187880 (Bankr. W.D. La. Mar. 21, 2013)

Goodman v. Triple "C" Marine Salvage, Inc. (In re Gulf Fleet Holdings, Inc.), Ch. 11 Case Nos. 10-50713, et. al., Adv. No. 12-05024, 2013 WL 968146 (Bankr. W.D. La. March 12, 2013)

Goodman v. Triple "C" Marine Salvage, Inc. (In re Gulf Fleet Holdings, Inc.), 485 B.R. 329 (Bankr. W.D. La. 2013)

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In re T & M Aviation, Inc., No. 10-51520, 2011 WL 6258463 (Bankr. W.D. La. Dec. 14, 2011)

EC Offshore Props., Inc. v. Open Choke Exploration, LLC (In re East Cameron Partners, L.P.), Ch. 11 Case No. 08-51207, Adv. No. 10-05014, 2011 WL 4625368 (Bankr. W.D. La. Sept. 30, 2011)

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In re Jenkins, No. 09-51465, 2011 WL 4345052 (Bankr. W.D. La. Sept. 14, 2011)

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In re WRT Energy Corp., No. 96-50212, 2008 WL 4963454 (Bankr. W.D. La. Nov. 13, 2008)

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In re Sunnyside Timber, LLC, Nos. 00-51233, 00-51234, 2008 WL 5146650 (Bankr. W.D. La. June 26, 2008)

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In re Musgrove, No. 07-50443, 2008 WL 977619 (Bankr. W.D. La. Apr. 8, 2008)

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GSK, LLC v. Sonnier (In re First Summit Group, LLC), Ch. 7 Case No. 06-20237, Adv. No. 07-02003, 2008 WL 913283 (Bankr. W.D. La. Apr. 1, 2008)

In re Davis, No. 07-20794, 2008 WL 793520 (Bankr. W.D. La. Mar. 20, 2008)

In re LaFuria, No. 07-20346, 2008 WL 294300 (Bankr. W.D. La. Jan. 31, 2008)

In re Wetco Restaurant Group, LLC, No. 07-51169, 2007 WL 4163448 (Bankr. W.D. La. Nov. 20, 2007)

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In re Southpark Community Hospital, L.L.C., No. 06-51053, 2007 WL 2688878 (Bankr. W.D. La. Sept. 13, 2007)

In re Southpark Community Hosp., L.L.C., No. 06-51053, 2007 WL 2175024 (Bankr. W.D. La. July 27, 2007)

In re Romero, No. 05-53714, 2007 WL 1434870 (Bankr. W.D. La. May 14, 2007)

In re Goff, No. 06-20109, 2007 WL 1434895 (Bankr. W.D. La. May 11, 2007)

In re Joseph, No. 06-50655, 2007 WL 950267 (Bankr. W.D. La. Mar. 20, 2007)

In re Ceasar, 364 B.R. 257 (Bankr. W.D. La. 2007)

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In re Deaton, No. 06-50623, 2006 WL 3873272 (Bankr. W.D. La. Oct. 31, 2006)

- 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. *In re American International Petroleum*, Nos. 04-21331, 04-21331 (Bankr. W.D. La.)

This case involved the bankruptcy of a large oil and gas producer and an affiliated refinery. The case included several large adversary proceedings. I ruled on numerous procedural and dispositive motions and entered judgment in one of the cases after a two-day bench trial. After extensive litigation in the underlying case, my predecessor, Judge Gerald Schiff, confirmed plans of reorganization that created a liquidating trust to pursue causes of action for the benefit of former equity holders and unsecured creditors. I issued the following opinions in connection with the adversary proceedings brought by the liquidating trust: *Searcy v. Knight (In re American Int'l Refinery, Inc.)*, 402 B.R. 728 (Bankr. W.D. La. 2008); *Waldron v. Adams and Reese, LLP (In re American Int'l Refinery, Inc.)*, Ch. 11 Case Nos. 04-21331, 04-21332, Adv. No. 06-2015, 2008 WL 5145792 (Bankr. W.D. La. Sept. 26, 2008); *Waldron v. Adams and Reese, LLP (In re American Int'l Refinery, Inc.)*, Ch. 11 Case Nos. 04-21331, 04-21332, Adv.

No. 06-02015, 2009 WL 8247774 (Bankr. W.D. La. Mar. 24, 2009); *Searcy v. Knight (In re American Int'l Refinery, Inc.)*, Ch. 11 Nos. 04-21331, 04-21332, Adv. No. 06-2018, 2009 WL 8602809 (Bankr. W.D. La. December 22, 2009); *Waldron v. Adams & Reese LLP (In re American Int'l Refinery, Inc.)*, 436 B.R. 364 (Bankr. W.D. La. 2010).

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2. *In re Central Louisiana Grain Co-op., Inc.*, No. 08-80475 (Bankr. W.D. La.)

This case involved the bankruptcy of a large grain cooperative in Alexandria, Louisiana. The case involved a number of adversary proceedings brought by the bankruptcy trustee. The presiding judge assigned to the main bankruptcy case recused himself from these adversary proceedings and I was assigned the adversary proceedings. Ultimately, the adversary proceedings were resolved with settlements and, in some cases, by summary judgment. The main bankruptcy case is still pending before United States Bankruptcy Judge John Kolwe. I issued opinions in the associated adversary proceedings: *Willson v. Vanderlick (In re Central La. Grain Coop., Inc.)*, 467 B.R. 390 (Bankr. W.D. La. 2012); *Willson v. McPhersons P'ship (In re Central La. Grain Coop., Inc.)*, 497 B.R. 229 (Bankr. W.D. La. 2013); *Nichols v. Central La. Grain Coop., Inc. (In re Central La. Grain Coop., Inc.)*, Ch. 7 No. 08-80475, Adv. No. 09-08007, 2014 WL 4345268 (Bankr. W.D. La. August 28, 2014).

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3. *In re Gulf Fleet Holdings, Inc.*, No. 10-50713 (Bankr. W.D. La.)

This case involved the bankruptcy of a company that owned and operated a fleet of fast supply vessels supporting offshore oil and gas operations in the Gulf of Mexico and internationally. I ultimately confirmed a Chapter 11 plan that created a liquidating trust to pursue claims on behalf of creditors. After confirmation, I tried over ten adversary proceedings asserting avoidance claims to final judgment. Below are the significant opinions I issued in the associated adversary proceedings: *Goodman v. H.I.G. Capital, LLC (In re Gulf Fleet Holdings, Inc.)*, 491 B.R. 747 (Bankr. W.D. La. 2013); *Goodman v. Triple "C" Marine Salvage, Inc. (In re Gulf Fleet Holdings, Inc.)*, 485 B.R. 329 (Bankr. W.D. La. 2013); *Goodman v. Triple "C" Marine Salvage, Inc. (In re Gulf Fleet Holdings, Inc.)*, Ch. 11 Case Nos. 10-50713, et. al., Adv. No. 12-05024, 2013 WL 968146 (Bankr. W.D. La. March 12, 2013); *Goodman v. Southern Crane & Hydraulics, LLC (In re Gulf Fleet Holdings, Inc.)*, Ch. 11 Case No. 10-50713, Adv. No. 12-05048, 2013 WL 1755490 (Bankr. W.D. La. Apr. 23, 2013); *Goodman v. Candy Fleet, LLC (In re Gulf Fleet Holdings, Inc.)*, Ch. 11 Case No. 10-50713, Adv. No. 12-05010, 2014 WL 1168885 (Bankr. W.D. La. Mar. 21, 2014).

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4. *Harvest Oil & Gas/Saratoga Resources*, Nos. 09-50397, 15-50748 (Bankr. W.D. La.)

This case involved a large offshore oil and gas exploration company that filed Chapter 11 cases in 2009 and 2015. In the first case, I presided over a three-day trial on valuation and ultimately confirmed a plan of reorganization. The second case involved extensive litigation over corporate governance issues. I ultimately confirmed a Chapter 11 plan in the second case. The Administrative Office of the United States Courts classified the first case as a "mega" bankruptcy case under their administrative classification rules. I issued the following opinion in an associated adversary proceeding: *Harvest Gp., LLC v. Salsbury (In re Harvest Oil & Gas, LLC)*, 448 B.R. 444 (Bankr. W.D. La. 2011).

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5. *In re Knight Energy Holdings, LLC*, No. 17-51014 (Bankr. W.D. La.)

This case involves the bankruptcy of a large oil and gas service company with international operations. I ultimately confirmed a plan of reorganization and the debtor emerged from bankruptcy.

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6. *Louisiana Pellets, Inc.*, No. 16-80162 (Bankr. W.D. La.)

This case involved the bankruptcy of the Louisiana subsidiary of a German wood pellet manufacturer. I ultimately confirmed a plan of reorganization. The case included a ruling on a dispute between the debtor and a United Kingdom-based energy supplier. My opinion addressed the scope of the safe harbor created by 11 U.S.C. § 556 and whether a long-term wood pellet supply agreement falls within that safe harbor. I ruled that the safe harbor did not apply to the parties' agreement. *See Louisiana Pellets, Inc.*, Case No. 16-80162, 2016 WL 4011318 (Bankr. W.D. La. July 22, 2016).

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7. *New Louisiana Holdings*, No. 14-50756 (Bankr. W.D. La.)

This case involved the bankruptcy of a holding company and affiliates that operated nursing homes in Louisiana and Texas. The company also had operations in Florida and other states. I ultimately confirmed a plan and the debtors emerged from bankruptcy.

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8. *Piccadilly Restaurants, LLC*, No. 12-51127 (Bankr. W.D. La.)

This case involved the bankruptcy of a large chain of self-serve cafeterias located throughout the Southeastern United States. I presided over a two-day valuation trial and confirmation hearing. I ruled on the valuation of the debtor and confirmed a plan of reorganization. My ruling on valuation and confirmation was made orally on the record.

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Brent R. McIlwain
Holland & Knight, LLP
200 Crescent Court, Suite 1600
Dallas, Texas 75201
(214) 964-9481

9. *In re PWK Timberland, LLC*, No. 13-20242 (Bankr. W.D. La.)

This case involved multiple disputes between the principals of a family real estate and oil and gas business. The primary dispute centered on the contractual right of minority membership owners to obtain an accounting and buy-out. The case was ultimately resolved by a settlement. I issued two opinions in this case: *In re PWK Timberland, LLC*, 549 B.R. 366 (Bankr. W.D. La. 2015); *In re PWK Timberland, LLC*, 549 B.R. 451 (Bankr. W.D. La. 2015).

Counsel for Debtors:

Gerald J. Casey
613 Alamo Street
Lake Charles, Louisiana 70601
(337) 474-5005

A. J. Gray, III
The Gray Law Firm, APLC
Post Office Box 1467
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(337) 494-0694

Counsel for Minority LLC Members:

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(337) 436-2541

J. Michael Veron
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(337) 310-1600

Counsel for Virginia "Ginger" Pruitt:

Scott J. Scofield
Post Office Drawer 3028
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(337) 433 9436

10. *In re Sunnyside Timber, LLC*, Nos. 00-51233, 00-51234 (Bankr. W.D. La.)

This case involved the bankruptcy of two affiliated companies: a land development company with property in Utah and a related timber development company. The case was filed before my appointment, and was converted from Chapter 11 to Chapter 7 in 2003. I presided over a number of disputes that arose after conversion. The Chapter 7 trustee ultimately made final distributions and was released from the case in 2013. I issued the following opinions in connection with the bankruptcy case and an adversary proceeding: *In re Sunnyside Timber, LLC*, Nos. 00-51233, 00-51234, 2008 WL 5146650 (Bankr. W.D. La. June 26, 2008); *Sunnyside Land, LLC v. Sims (In re Sunnyside Timber, LLC)*, 413 B.R. 352 (Bankr. W.D. La. 2009).

Counsel for Sims and S.C. of Okaloosa Corp.:

Robin B. Cheatham
Adams & Reese LLP
4500 One Shell Square
New Orleans, Louisiana 70139
(504) 581-3234

Counsel for Debtor:

Steven G. Durio
Durio, McGoffin, Stagg & Ackerman
220 Heymann Blvd
Lafayette, Louisiana 70503
(337) 233-0300

Counsel for Trustee:

John W. Luster
Post Office Box 488
Natchitoches, Louisiana 71458-0488
(318) 352-3602

- 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. *In re Ceasar*, 364 B.R. 257 (Bankr. W.D. La. 2007)

Counsel for Debtors:

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(337) 474-5005

Counsel for Trustee:

Hamilton Chauvin
700 St John Street, Suite 400
Lafayette, Louisiana 70501
(337) 233-4413

2. *Goodman v. H.I.G. Capital, LLC (In re Gulf Fleet Holdings, Inc.)*, 491 B.R. 747 (Bankr. W.D. La. 2013)

Counsel for Trustee:

Hugh Massey Ray, III
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Counsel for Michael Hillman:

Timothy S. Madden
King, Krebs & Jurgens, PLLC
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Counsel for H.I.G. Capital:

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Brandon W. Letulier
Jed Michel Mestayer
NeunerPate
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Lafayette, Louisiana 70503
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3. *Goodman v. Triple "C" Marine Salvage, Inc. (In re Gulf Fleet Holdings, Inc.)*, 485 B.R. 329 (Bankr. W.D. La. 2013)

Counsel for Trustee:

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Counsel for Defendant:

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4. *Harvest Gp., LLC v. Salsbury (In re Harvest Oil & Gas, LLC)*, 448 B.R. 444
(Bankr. W.D. La. 2011)

Counsel for Debtors:

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Adams & Reese LLP
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Phone: (225) 336-5200

Counsel for Defendants:

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(504) 503-1500

Douglas S. Draper
Heller, Draper, Patrick, Horn & Dabney, LLC
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New Orleans, Louisiana 70130
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5. *In re Louisiana Oilfield Contractors Ass'n Ins. Fund*, 549 B.R. 457
(Bankr. W.D. La. 2016)

Counsel for the Debtor:

H. Kent Aguillard
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Eunice, Louisiana 70535
(337) 457-9331

6. *In re PWK Timberland, LLC*, 549 B.R. 451 (Bankr. W.D. La. 2015)

Counsel for Debtors:

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Counsel for Minority LLC Members:

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(337) 310-1600

Counsel for Virginia "Ginger" Pruitt:

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7. *In re PWK Timberland, LLC*, 549 B.R. 366 (Bankr. W.D. La. 2015)

Counsel for Debtors:

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8. *Searcy v. Knight (In re American Intern. Refinery)*, 402 B.R. 728 (Bankr. W.D. La. 2008)

Liquidating Trustee (served as own counsel):
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Joshua Searcy
Searcy & Searcy
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Longview, Texas 75605
(903) 757-3399

Counsel for Caspian Gas, Bridge Hydrocarbons, and PetroCaspian:
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Jeffer, Mangels, Butler & Mitchell LLP
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Counsel for Individual Defendants:
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(504) 299-3300

9. *Waldron v. Adams & Reese, LLP (In re American Intern. Refinery, Inc.)*, 436 B.R. 364 (Bankr. W.D. La. 2010)

Counsel for Adams & Reese LLP:
David S. Rubin
Kantrow Spaht Weaver & Blitzer

445 North Boulevard, Suite 300
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(225) 383-4703

Liquidating Trustee (served as own counsel):

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Joshua Searcy
Searcy & Searcy
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Counsel for Robbye Waldron:

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10. *Willson v. Vanderlick (In re Central La. Grain Co-op., Inc.)*, 467 B.R. 390
(Bankr. W.D. La. 2012)

Counsel for Trustee:

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(318) 445-5600

Thomas R. Willson (trustee)
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(318) 442-8658

Counsel for Defendants:

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Robert A. Cheney
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Maureen O'Connor Sullivan
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- e. Provide a list of all cases in which certiorari was requested or granted.

Bell v. Bell Family Trust, No. 13-0639, 2013 WL 9805802 (W.D. La. Sept. 16, 2013) (magistrate report and recommendation), *adopted*, 2013 WL 9805803 (W.D. La. Oct. 11, 2013), *aff'd*, 575 F. App'x 229 (2014), *denying motion to direct clerk to file petition for writ of certiorari out of time*, 135 S. Ct. 772 (2014)

- 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 re Vidalier, No. 06-50205, 2006 WL 3873268 (Bankr. W.D. La. Dec. 22, 2006), *rev'd*, *Vidalier v. United States Dep't of the Treasury*, No. 07-545, 2008 WL 4003671 (W.D. La. Aug. 29, 2008).

In 2006, the debtor filed late tax returns for the 2000, 2001, 2002, 2003, 2004 and 2005 tax years using "married filing jointly" filing status. The debtor's spouse had passed away in 2005. I concluded that the text of 26 U.S.C. § 6013(a) limits the ability of a surviving spouse to file a joint return to the tax year during which the decedent passed away and that the debtor was not entitled to claim the married filing jointly status for tax years 2000, 2001, 2002, 2003, and 2004. The district court disagreed with my reading of 26 U.S.C. § 6013(a) and reversed.

Joyner v. Liprie (In re Liprie), Ch. 7 Case No. 10-21281, Adv. No. 11-02003, 2012 WL 1144614 (Bankr. W.D. La. Apr. 04, 2012), *report and recommendation adopted in part, rejected in part*, *Joyner v. S.F.L. & S.I.L., LLC*, 485 B.R. 538 (W.D. La. 2013).

This was a state court action by a former business partner of the debtor that was removed to federal court. I ruled that causes of action asserted by the former business partner were estate claims and that only the trustee had standing to assert the claims. I declined to remand the case to state court on this basis. On appeal, the district court treated my decision as a report and recommendation under 28 U.S.C. § 157(c)(1). *See Stern v. Marshall*, 564 U.S. 462 (2011). The district court adopted my report in part, but declined to adopt the portions of my report denying remand and my ruling that certain claims were property of the estate.

The district court remanded the case to state court.

Axis Surplus Ins. Co. v. Flugence (In re Flugence), Ch. 13 Case No. 04-52152, Adv. No. 11-5001 (Bankr. W.D. La. Oct. 11, 2001), *aff'd in part, rev'd in part sub nom., Flugence v. Axis Surplus Ins. Co.*, Nos. 11-2020, et. al., 2012 WL 6726692 (W.D. La. Dec. 27, 2012), *rev'd sub nom., Flugence v. Axis Surplus Ins. Co. (In re Flugence)*, 738 F.3d 126 (5th Cir. 2013).

I granted summary judgment in an oral ruling and entered a judgment declaring that the doctrine of judicial estoppel did not bar the trustee from pursuing recovery of the debtor's personal injury claims on behalf of the debtor's creditors, but that the doctrine barred the debtor from recovering any settlement proceeds over the amount necessary to pay creditors. I held, however, that settlement proceeds could be used to pay the debtor's medical and living expenses that were advanced by her counsel. A copy of the transcript of my ruling has been supplied. The debtor appealed the judicial estoppel ruling and Axis Surplus Insurance cross-appealed my ruling that settlement funds could be applied to medical expenses for the benefit of the debtor. The district court reversed my ruling on the ground that judicial estoppel did not bar the debtor's recovery of any surplus settlement proceeds. On further appeal to the United States Court of Appeals for the Fifth Circuit, the appellate court reversed the district court on the grounds that I did not err in finding that judicial estoppel applied to the debtor and that I correctly ruled that the settlement proceeds could be used to pay the debtor's medical and living expenses. The court rendered judgment reinstating my original judgment.

In re Miller, No. 07-20542 (Bankr. W.D. La. Jan. 24, 2008), *rev'd*, 570 F.3d 633 (5th Cir. 2009)

In an oral ruling on the record, I held that the "hanging paragraph" in 11 U.S.C. § 1325 prevented a creditor subject to that provision from bifurcating its claim under 11 U.S.C. § 506 and seeking an unsecured deficiency claim. In a direct appeal to the United States Court of Appeals for the Fifth Circuit, the court rejected my interpretation of 11 U.S.C. § 1325 and reversed. There is no written transcript available for my ruling.

Waldron v. Adams & Reese LLP (In re American Intern. Refinery, Inc.), 436 B.R. 364 (Bankr. W.D. La. 2010), *aff'd sub nom., Waldron v. Adams & Reese LLP*, No. 2:11-CV-074, 2011 WL 1636938 (W.D. La. April 28, 2011), *aff'd*, 676 F.3d 455 (5th Cir. 2012).

This proceeding involved a complaint filed by a liquidating trust against the former counsel for the debtor in possession. The trust asserted fraud, fraudulent concealment, breach of fiduciary duty, and disgorgement claims grounded on the allegation that the debtors' former counsel had a disqualifying conflict of interest. After a trial on the merits, I ruled that counsel's failure to satisfy the disclosure

requirements of Rule 2014(a) of the Federal Rules of Bankruptcy Procedure warranted disgorgement of \$135,000 in fees. I ruled against the trust on its other claims and entered judgment. On appeal by the trustee, the United States District Court for the Western District of Louisiana affirmed in all respects. On further appeal by the trustee, the United States Court of Appeals for the Fifth Circuit also affirmed in all respects. The Fifth Circuit concluded that a factual finding supporting one aspect of my decision was incorrect, but, nevertheless, concluded that record supported my conclusion with respect to that aspect of my ruling.

- g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.

I enter written orders and written opinions. I have issued approximately 113 written opinions. All of my written opinions are available electronically on Westlaw or LEXIS. West then selects certain written opinions for publication in the West Bankruptcy Reporter. Approximately 23 of my written opinions have been published in the West Bankruptcy Reporter.

Written orders are not ordinarily picked up by West or LEXIS because of the volume of orders signed. I also issue rulings orally on the record, which is digitally recorded. Oral rulings are not available in a hardcopy transcript format unless ordered by a party. Approximately 70% of my rulings are entered orally and the remaining 30% are issued in a written opinion.

- h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.

Goodman v. H.I.G. Capital, LLC (In re Gulf Fleet Holdings, Inc.), Ch. 11 Case Nos. 10-50718, et. al., Adv. No. 11-05006, 2014 WL 4560441 (Bankr. W.D. La. Apr. 2, 2014)

Goodman v. Candy Fleet, LLC (In re Gulf Fleet Holdings, Inc.), Ch. 11 Case No. 10-50713, Adv. No. 12-05010, 2014 WL 1168885 (Bankr. W.D. La. Mar. 21, 2014), *aff'd sub. nom., Candy Fleet, LLC v. Goodman*, No. 6:14-1799, 2014 WL 5808357 (W.D. La. Sept. 26, 2014)

Joyner v. Liprie (In re Liprie), Ch. 7 Case No. 10-21281, Adv. No. 11-02003, 2012 WL 1144614 (Bankr. W.D. La. Apr. 04, 2012), *report and recommendation adopted in part, rejected in part, Joyner v. S.F.L. & S.I.L., LLC*, 485 B.R. 538 (W.D. La. 2013)

Searcy v. Knight (In re American Int'l Refinery), Chap. 11 Case Nos. 04-21331, 04-21332, Adv. No. 06-2018, 2012 WL 293005 (Bankr. W.D. La. Jan. 31, 2012)

Willson v. Vanderlick (In re Central La. Grain Coop., Inc.), 467 B.R. 390 (Bankr. W.D. La. 2012), *appeal denied*, 489 B.R. 403 (W.D. La. 2012).

Searcy v. Knight (In re American Int'l Refinery), Chap. 11 Case Nos. 04-21331, 04-21332, Adv. No. 06-2018, 2009 WL 8602809 (Bankr. W.D. La. Dec. 22, 2009)

- 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 on a federal court of appeals by designation.

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.

When I took the bench, I recused myself from cases involving my former law firm, Weil, Gotshal & Manges LLP, for a period of three years. This occurred only once, in *In re Communications Corp. of Am.*, No. 06-50410 (Bankr. W.D. La. filed June 6, 2006), and I recused myself *sua sponte*.

I denied a motion to recuse in *In re Bell Family Trust*, No. 02-50477 (Bankr. W.D. La.). The movant had previously filed numerous motions and improper pleadings, and I ruled accordingly. The motion to recuse was plainly based upon dissatisfaction with rulings on the improper pleadings and without merit. My ruling was affirmed by the district court on appeal. *Bell v. Bell Family Trust*, No. 13-0639, 2013 WL 9805802 (W.D. La. Sept. 16, 2013) (magistrate report and recommendation), *adopted*, 2013 WL 9805803 (W.D. La. Oct. 11, 2013).

15. **Public Office, Political Activities and Affiliations:**

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

I have held no public offices other than my current judicial position.

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

I have never held a position or played a role in a political campaign.

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

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

From 1994 to 1995, I served as a law clerk to the Hon. W. Eugene Davis, United States Court of Appeals for the Fifth Circuit.

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

I have 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.

1995 – 2006
Weil, Gotshal & Manges LLP
200 Crescent Court, Suite 300
Dallas, Texas 75201
Associate (1995 – 2002)
Partner (2003 – 2006)

2006 – present
United States Bankruptcy Court
Western District of Louisiana

214 Jefferson Street, Suite 120
Lafayette, Louisiana 70501
United States Bankruptcy Judge (2006 – present)
Chief Bankruptcy Judge (2009 – 2017)

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

I have not served as a mediator or arbitrator as a private practitioner.

b. Describe:

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

While at Weil, Gotshal & Manges LLP, my practice consisted primarily of complex commercial litigation, such as class actions, multidistrict litigation, intellectual property litigation, employment disputes, and antitrust litigation. I also had a securities litigation practice consisting of federal securities class actions and Delaware merger and corporate litigation. I was involved in all stages of litigation, from initial investigation and discovery to motion practice and, in some cases, to final judgments after a jury or bench trial.

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

While at Weil, Gotshal & Manges LLP, I represented a broad array of large and medium-size businesses, corporations, partnerships, and limited liability companies in the types of legal matters previously described. I also represented individuals and non-profit organizations 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.

During my tenure as an associate and partner at Weil, Gotshal, & Manges, my practice was almost entirely litigation, and I appeared frequently in court in motions practice, bench trials, and jury trials.

- i. Indicate the percentage of your practice in:
- | | |
|----------------------------|-------------|
| 1. federal courts: | <u>75</u> % |
| 2. state courts of record: | <u>25</u> % |
| 3. other courts: | <u>0</u> % |

4. administrative agencies: 0 %

ii. Indicate the percentage of your practice in:

1. civil proceedings: 100 %

2. criminal proceedings: 0 %

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

During my tenure at Weil, Gotshal & Manges LLP, I tried approximately five matters to verdict, judgment or final decision after a jury or bench trial. I was chief counsel in one of these cases. In the remainder, I was associate counsel.

i. What percentage of these trials were:

1. jury: 20%

2. non-jury: 80%

- 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 appeared before the Supreme Court of the United States.

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

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

1. *Boeing-Hughes Electronics Purchase Price Arbitration.*

From 2001 to 2004, I represented the defendant, Hughes Electronics, in a large private arbitration before a firm of certified public accountants. The arbitration involved over \$1 billion in claims arising from the sale of Hughes' satellite

business to Boeing. I was involved in managing extensive discovery, experts, and the production of submissions to the arbitrator. The case ultimately settled.

Counsel for Boeing:

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Brad Brian
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Co-counsel for Hughes:

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Formerly of Weil, Gotshal & Manges LLP

2. *In re Capstead Mortg. Secs. Litig.*, 258 F. Supp. 2d 533 (N.D. Tex. 2003), *recon. denied*, *In re Capstead Mortg. Corp. Secs. Litig.*, No. 98-CV-1716-L, 2003 WL 22221320 (Sept. 19, 2003).

From 1998 to 2003, I represented defendant Ernst & Young in a proposed class action involving federal securities claims asserted against Capstead Mortgage Corporation and an array of professionals and individuals. I managed the day-to-day representation of Ernst & Young, including participating in status conferences and monitoring the pleadings filed in the case. Ernst & Young was not a primary defendant, so we reviewed, provided comments for, and ultimately joined in motions filed by the primary defendants. The court ultimately granted motions to dismiss with prejudice. United States District Judge Samuel Lindsey presided over the case. The court issued one other opinion in this litigation: *Netzky v. Capstead Mortg. Corp.*, No. 98-CV-1716-L, 2000 WL 964935 (Jul. 12, 2000).

Counsel for Plaintiffs:

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Counsel for Capstead:
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(214) 651-5000

3. *Chromalloy Gas Turbine Corp. v. United Tech. Corp.*, No. 95-CI-12541 (Bexar County, Tex. filed 1995)

From 1995 to 1996, I represented plaintiff Chromalloy Gas Turbine Corporation in an antitrust suit against United Technologies Corporation. This case involved novel antitrust claims brought under the Texas state antitrust statute. I was a member of the trial team. The case resulted in a favorable verdict on liability. Texas District Judge John Specia presided over the case.

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Co-Counsel for Chromalloy:
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(212) 310-8000

Debra Goldstein
Retired

4. *In re G-I Holdings*, Nos. 01-30135 (RG), 01-38790 (RG) (Bankr. D.N.J. 2001)

From 2003 to 2006, I represented the debtor, G-I Holdings, Inc., in a bankruptcy proceeding. This bankruptcy case involved extensive litigation over the debtor's asbestos liability, including claims estimation, fraudulent transfer, and alter ego cases. I managed discovery and the motions practice in the bankruptcy court and the district court. I also participated in oral argument in front of the presiding bankruptcy judge and the presiding district judge. G-I reached a global settlement with the committee representing asbestos claimants after the court granted G-I's motion requiring the committee to turn over documents and other information supporting the committee's estimate of its claims. The bankruptcy court ultimately confirmed a plan of reorganization. United States Bankruptcy Judge Rosemary Gambardella presided over the proceedings in bankruptcy court, and United States District Judge William Bassler presided over the proceedings in the United States District Court for the District of New Jersey. The court issued the following significant opinions in this case while I was involved: *In re G-I Holdings*, Nos. 01-30135, 01-38790, 2006 WL 2403531 (Bankr. D.N.J. Aug. 11, 2006); *Official Committee of Asbestos Claimants v. Bank of New York (In re G-I Holdings, Inc.)*, Nos. 01-30135, 01-38790, 2006 WL 1751793 (D.N.J. June 21, 2006); *In re G-I Holdings*, 323 B.R. 583 (Bankr. D.N.J. 2005).

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5. *Coates v. Heartland Wireless Comm'ns, Inc.*, 100 F. Supp. 2d 417 (N.D. Tex. 2000).

From 1998 to 2002, I represented defendants Heartland Wireless Communications, Inc. and six of its officers and directors in a case involving federal securities claims. I prepared and filed three rounds of motions to dismiss that were granted. I argued the final motion to dismiss in the district court, and the court dismissed the case with prejudice. On appeal, I argued to affirm the dismissal before a panel of the United States Court of Appeals for the Fifth Circuit. The case settled before a ruling by the appellate court and the appeal was dismissed. United States District Judge Sidney Fitzwater presided over proceedings in the district court. The appellate panel included United States Circuit Judges Patrick Higginbotham and Emilio Garza, and United States District Judge David Dowd, sitting by designation. The district court issued two other opinions in this proceeding: *Coates v. Heartland Wireless Comm'ns, Inc.*, 55 F. Supp. 2d 628 (N.D. Tex. 1999); *Coates v. Heartland Wireless Comm'ns, Inc.*, 26 F. Supp. 2d 910 (N.D. Tex. 1998).

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6. Hicks Muse/Del Monte Arbitration

From 1999 to 2001, I represented defendant Hicks Muse in a private arbitration arising out of Hicks Muse's purchase of the Mexican subsidiary of Del Monte. I was involved in discovery and motions practice. I also participated in mediation. The case ended in a settlement after mediation.

Counsel for Del Monte:

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Co-Counsel for Hicks Muse:

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7. Lemon v. CIGNA and Investors Life Ins. Co., 96-011994 (353rd JDC Travis County, Tex. filed Oct. 2, 1996)

From 1996 to 2001, I represented the defendant, Investors Life Insurance Company, in a state court class action involving alleged deceptive and fraudulent marketing of whole life insurance policies. The trial court ultimately denied class certification after a two-day contested hearing and the case settled. I was involved in discovery and motion practice, and I led the preparation and presentation of expert testimony on class certification. Texas District Judge Suzanne Covington presided over the case.

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8. *Schnelling ex rel. Bankruptcy Estate of Epic Resorts, LLC v. Prudential Securities, Inc.*, No. 03-6021, 2004 WL 1790175 (E.D. Pa. Aug. 9, 2004).

From 2003 to 2005, I represented Prudential as lead counsel in federal court litigation filed by the trustee of the Epic Resorts bankruptcy estate. Prudential provided Epic with a pre-petition credit facility, and the trustee's lender liability claims arose from Prudential's conduct in relation to that facility. Prudential also asserted counterclaims against Epic Resorts for breach of contract, fraud and fraudulent inducement, and negligent misrepresentation. I managed discovery and the preliminary motion practice. I also led the status and settlement conferences with the court on behalf of Prudential. The case was ultimately settled. United States District Judge Berle Schiller presided over the case. The court issued the following additional opinion in the litigation: *Schnelling v. Prudential Securities, Inc.*, No. 03-6021, 2004 WL 1243738 (E.D. Pa. Aug. 9, 2004).

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9. *Serratelli, Inc. v. Hat Brands, Inc.*, 94-cv-06349 (D.N.J. filed Dec. 29, 1994)

From 1995 to 1996, I represented the defendant, Hat Brands, Inc., in a federal court action involving claims of fraud, breach of contract, and breach of the duty of good faith and fair dealing. I oversaw the preparation and filing of a motion for summary judgment that resulted in the dismissal of the breach of good faith and fair dealing claim. The case culminated in a two-week jury trial that resulted in a verdict in favor of the plaintiff on the breach of contract claim. I was on the trial team. United States District Judge Stephen M. Orlofsky presided over the case.

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Co-Counsel for Hat Brands:
Stephen C. Carlin
Retired

10. *Schwartz v. TXU Corp.*, No. 3:02-CV-2243-K, 2004 WL 1732477 (N.D. Tex. July 30, 2004).

From 2003 to 2005, I represented the defendant underwriters in a proposed federal securities class action. I supervised the preparation and filing of a motion to dismiss the claims against the underwriters. I also participated in status conferences with the court. The case was settled on a class-wide basis before the court ruled on the motions. United States District Judge Edward Kinkeade presided over the case. The court also issued the following opinion in the litigation: *Schwartz v. TXU Corp.*, No. 3:02-CV-2243-K, 2005 WL 3148350 (N.D. Tex. Nov. 8, 2005).

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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.)

From 2014 to the present, I served on the board of the Acadiana/Lafayette Chapter of the Federal Bar Association. I am currently the President of the chapter. In that role, I have helped organize and oversee educational programs for the local federal bar, bench-bar receptions, and a new lecture series.

From 2012 to 2016, I served as the Fifth Circuit representative to the Bankruptcy Judges Advisory Group. The members of Bankruptcy Judges Advisory Group advise the Administrative Office of the United States Courts and relevant committees of the United States Judicial Conference on the administration of the bankruptcy system. For example, the Bankruptcy Judges Advisory Group provides feedback and advice to the Rules Committee of the Judicial Conference on proposed bankruptcy forms or amendments to the Federal Rules of Bankruptcy Procedure.

From 2010 to 2015, I served on the editorial advisory board of the American Bankruptcy Law Journal. In that role, I peer reviewed articles submitted to the journal for publication.

In or around 2000 to 2001, while at Weil, Gotshal & Manges LLP, I participated in a corporate investigation commissioned by the Board of Directors of a client involving alleged accounting irregularities and alleged violations of federal securities laws. As a part of the investigation, we reviewed accounting work papers and the client's corporate accounting records. We also interviewed approximately 12 officers and other employees of the client, and the client's outside auditors. We presented an oral report of our findings to the client's Board of Directors.

In or around 1997 to 1999, while at Weil, Gotshal & Manges LLP, I participated in an investigation involving purchase-price adjustment claims arising from the sale of a steel company to a large, diversified holding company. We represented the purchaser. The investigation involved extensive review of corporate documents pertaining to on-going steel erection projects. The investigation also involved numerous interviews of company employees. The culmination of the investigation was a settlement of the purchase-price adjustment claims.

I have never registered or acted 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.

Since 2013, I have taught a course at University of Louisiana at Lafayette entitled "Business Law II." The course addresses the sales article of the Uniform Commercial Code, secured credit, negotiable instruments, and bankruptcy. Syllabi supplied.

20. **Deferred Income/ Future Benefits:** List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

I have an interest in a partner retirement plan from Weil, Gotshal, & Manges LLP. The plan is managed independently, and I do not believe that the plan or my benefits are subject to the discretion of the firm.

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.

Time permitting, I would like to continue teaching at the University of Louisiana at Lafayette.

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

See attached Financial Disclosure Report.

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

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

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

If confirmed, I will recuse in any litigation where I have ever played a role. For a period of time, I anticipate recusing in all bankruptcy appeals in which I was bankruptcy judge. Lastly, I will evaluate any other real or potential conflict, or relationship that could give rise to appearance of conflict, on a case by case basis and determine appropriate action with the advice of parties and their counsel, including recusal where necessary.

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

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

25. **Pro Bono Work:** An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.

Weil, Gotshal & Manges LLP had an ongoing relationship with Legal Services of North Texas. I worked with a large group of attorneys representing a group of low-income

homeowners who were allegedly misled into buying homes with large undisclosed tax debts on onerous terms. And I also participated in several night-time legal clinics for disadvantaged Dallas residents organized by Legal Services of North Texas. Each clinic was approximately two to three hours. I served as chair of my firm's United Way Campaign in or around 2004. I spent at least 40 to 50 hours on the campaign over the course of two months. For this service, I received a Weil, Gotshal & Manges LLP Pro Bono Service Award in 2006.

I have also served on the boards of non-profit organizations, including Westminster Presbyterian Preschool and the Dallas Wind Symphony. As a board member, I have provided some pro bono legal services to these organizations as well as extensive non-legal advice and support. I spent over 100 hours per year serving these organizations over a three-year period.

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 December 2016, I emailed the Chiefs of Staff for Senator Bill Cassidy and former Senator David Vitter about my interest in a vacancy on the United States District Court for the Western District of Louisiana. In early February 2017, I sent letters to Senator Cassidy and Senator John N. Kennedy expressing my interest in the district court position. On March 21, 2017, I met with Senator Cassidy and his staff in Washington, D.C. about the district court position. Following this meeting, I also had discussions with Senator Cassidy's staff about a vacancy on the United States Court of Appeals for the Fifth Circuit. On May 15, 2017, I interviewed with a selection committee established by Senator Cassidy for the Court of Appeals vacancy. And on May 26, 2017, I interviewed with Senator Kennedy for the Court of Appeals vacancy. Senator Cassidy and Senator Kennedy then forwarded my name to the White House for consideration for the Court of Appeals vacancy. On June 20, 2017, I interviewed with members of the White House Counsel's Office and the Office of Legal Policy at the Department of Justice in Washington, D.C. During that interview, I expressed my interest in serving on the district court if I was not selected for the Court of Appeals vacancy. On June 29, 2017, I met with Senator Cassidy's selection committee regarding the district court vacancy. My name was then resubmitted to the White House for consideration for the district court vacancy. On January 24, 2018, the President submitted my nomination to the Senate.

- b. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any currently pending or specific case, legal issue or question in a manner that could reasonably be interpreted as seeking any express or implied assurances concerning your position on such case, issue, or question? If so, explain fully.

No.