

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Kathleen Marie Sweet

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

United States District Judge for the Western District of New York

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.

Gibson, McAskill & Crosby, LLP
69 Delaware Avenue, Suite 900
Buffalo, New York 14202

Residence: Orchard Park, New York

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

1965; Buffalo, New York

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.

1987 – 1990, Villanova University School of Law; J.D., 1990

1983 – 1987, Boston College; B.A., 1987

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.

1997 – present
Gibson, McAskill & Crosby, LLP
69 Delaware Avenue, Suite 900

Buffalo, New York 14202
Partner (1998 – present)
Associate (1997 – 1998)

Spring 2010
State University of New York Buffalo Law School
John Lord O'Brian Hall
Buffalo, New York 14260
Adjunct Professor

1993 – 1997
The Tarantino Law Firm (formerly Brown & Tarantino LLP)
1500 Rand Building
14 Lafayette Square
Buffalo, New York 14203
Partner (1995 – 1997)
Associate (1993 – 1995)

Summer 1989, 1992 – 1993
Barclay Damon LLP (formerly Damon & Morey LLP)
Avant Building, Suite 1200
200 Delaware Avenue
Buffalo, New York 14202
Associate (1992 – 1993)
Summer Associate (1989)

1990 – 1992
New York State Supreme Court
Appellate Division, Fourth Department
M. Dolores Denman Courthouse
50 East Avenue, Suite 200
Rochester, New York 14604
Confidential Law Clerk

1987 – 1990
Villanova University
800 Lancaster Avenue
Villanova, Pennsylvania 19085
Volunteer Graduate Assistant Coach for Women's Basketball

Summer 1988
Hon. James E. Hunter III (deceased)
United States Court of Appeals for the Third Circuit
James A. Byrne United States Courthouse
601 Market Street
Camden, New Jersey 08101

Summer Law Clerk

Other Affiliations (uncompensated unless otherwise indicated):

2009 – present

United States District Court for the Western District of New York
Alternative Dispute Resolution Program
Robert H. Jackson United States Courthouse
Two Niagara Square
Buffalo, New York 14202
Certified Federal Court Mediator

2001 -- 2015

Main Court LLC (dissolved 2015)
432 Main Street
Buffalo, New York 14202
Member (Uncompensated until return of investment upon dissolution of the corporation)

1979 – 2015

Main Seneca Corporation (dissolved 2015)
237 Main Street
Buffalo, New York 14202
Director and Secretary (I received occasional interest payments on loans to the corporation)

2008 – 2013

Bar Association of Erie County
438 Main Street, Sixth Floor
Buffalo, New York 14202
President (2012 – 2013)
Vice President (2011 – 2012)
Director (2008 – 2010)

2011 – 2012

Volunteer Lawyers Project, Inc.
237 Main Street, Suite 1000
Buffalo, New York 14203
Director

2006 – 2008

Western New York Trial Lawyers Association
70 Niagara Street, Suite 404
Buffalo, New York 14202
Secretary

1998 – 2002

Orchard Park Residents for Smart Growth
Now defunct
Orchard Park, New York
Treasurer

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

I have not served in the military. I was not required to register for selective service.

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

Best Lawyers in America (2007 – present)

New York SuperLawyers (2007 – present)

Western New York Defense Trial Lawyers Association, Lawyer of the Year (2015)

New York SuperLawyers “Top 25 Upstate Women Lawyers” (2009 – 2015)

Buffalo *Business First* “Legal Elite” in Western New York (2005, 2008 – 2011, 2013 – 2015)

Buffalo *Business First* “Woman of Influence” in Western New York (2013)

American College of Trial Lawyers, Fellowship (2012) (only woman recipient in Buffalo)

Best Lawyers in America “Buffalo Lawyer of the Year Medical Malpractice Defense” (2012)

“Legend of the Atlantic Coast Conference” (2012)

M. Dolores Denman Lady Justice Award for Lifetime Achievement, Women’s Bar Association of the State of New York, Western New York Chapter (2008)

Buffalo *Business First* Magazine “Forty Under 40” (2004)

Boston College Varsity Club Hall of Fame (2004)

Pro Bono Honor Roll, New York State Bar Association (1992)

Chair, Villanova Moot Court Board (1990)

John Marshall National Moot Court Competition, Best Respondent's Brief (1990)

Herman Mitchell Schwartz Award, Villanova Law School (1990)

Moot Court Board Distinguished Service Award, Villanova Law School (1990)

Boston College Award for Athletic Achievement (1987)

Empire State Games Western Women's Open Basketball Team, Silver Medal (1983),
Gold Medal (1986, 1987)

Big East Conference All-Rookie Second Team All-Conference Teams (1984 – 1987)

All-Rookie Team (1984)

Second Team All-Conference (1986)

Second Team All-Conference (1987)

Scholar Athlete of the Year (1987)

Charles Stoner Scholarship Winner (1987)

Boston College – Full Athletic Scholarship (1983 – 1987)

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 (1997 – present)

American Bar Foundation (2011 – present)

American College of Trial Lawyers (2012 – present)

New York-Upstate Nominating Committee (2013 – present)

Bar Association of Erie County (1992 – present)

President (2012 – 2013)

Vice President (2011 – 2012)

Director (2008 – 2010)

Nominating Committee Chair (2012 – 2013)

Health Care Law Committee, Board Liaison (2011 – 2013), Member (2001 – 2015)

Judges' Committee, Board Liaison (2011 – 2013)

Volunteer Lawyers Project, Designee (2011 – 2012)

Audit & Finance Committee, Member (2011 – 2013)

Committee on Veterans & Service Members Committee, Board Liaison (2009 – 2010)

Young Lawyers Committee (2009 – 2010)
Awards Committee (2008 – 2010, 2012 – 2013)
Judicial Election Oversight Committee (2008 – 2010, 2012 – 2013)
Appellate Practice Committee, Board Liaison (2007 – 2009)
Banking Law Committee, Board Liaison (2007 – 2008)

Independent Judicial Election Qualification Commission, New York State Supreme Court
Appellate Division, Eighth Judicial District (2014 – present)

Litigation Counsel of America (2015 – present)

New York Bar Foundation (2013 – present)

New York State Academy of Trial Lawyers (2014 – present)

New York State Bar Association (1991 – present)
House of Delegates (2011 – 2015)
Nominating Committee (2014 – present)
Leadership Development Committee (2013 – present)
Task Force on Criminal Discovery Reform (2012 – 2014)
Physicians and Licensed Health Care Committee (2011 – 2013)
Professional Discipline Committee (2000 – present)
Committee on Children and the Law (1992 – 1994)

New York State Supreme Court Appellate Division, Eighth Judicial District
Character and Fitness Committee (2013 – present)

U.S. District Court Western District of New York Magistrate Merit Selection Committee
(2014)

Upstate Tri-County Bar Association Commission on Judicial Appointments
Founding Chair (2013)

Volunteer Lawyers Project, Inc.
Director (2011 – 2012)

Western New York Trial Lawyers Association
Secretary (2006 – 2008)

Women's Bar Association of the State of New York, Western New York Chapter (1992 –
present)
Judiciary Committee (approximately 2005 – 2010)
Judges & Lawyers Breast Cancer Alert (approximately 1992 – 2003)

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.

New York, 1991
Massachusetts, 1990

There have been no lapses in membership. My license in Massachusetts is inactive as I do not practice there.

- 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 District Court for the Western District of New York, 1992
United States Bankruptcy Court for the Western District of New York, 1992

There have been no lapses in membership.

11. Memberships:

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

AIDS Community Services, Volunteer Ambassador "Dining Out for Life" (2010 – 2014)

Main Court LLC (2001 – 2015)

Main Seneca Corporation
Director and Secretary (1979 – 2015)

Medical Society of County of Erie
Affiliate Member, Unpaid panelist, Lecturer (2012 – 2013)
Health Law Committee

Orchard Park Residents for Smart Growth
Treasurer (1998 – 2002)

Orchard Park Country Club
Affiliate Member (2014 – 2015)

YWCA Institute for Public Leadership (Class of 2003)

- 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.

From approximately August 2012 through May 2013, I wrote a *President's Letter*, appearing in the BAR ASSOCIATION OF ERIE COUNTY BULLETIN. Copies supplied.

March Madness Draws Near, Becomes Madder Still!, BAR ASSOCIATION OF ERIE COUNTY BULLETIN, March 2011. Copy supplied.

Letters to the Editor: The Point Is Moot Court: Response, THE DOCKET, (VILLANOVA LAW SCHOOL), October 1989. 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.

Task Force on Criminal Discovery Final Report, New York State Bar Association, Approved by the House of Delegates, January 30, 2015. As a member of the Task Force in 2015, I voted with the Task Force Majority to approve the final report. 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.

Impact of Sequestration on the Federal Judiciary, New York State Bar Association Letter to Congressional Delegation, November 20, 2012. Copy supplied.

Planning Board Meeting #16, Regular Meeting #12, Planning Board of the Town of Orchard Park, S4295 South Buffalo Street, Erie County. December 10, 2003. Minutes supplied.

Planning Board Meeting #13, Regular Meeting #12, Planning Board of the Town of Orchard Park, S4295 South Buffalo Street, Erie County. December 13, 2000. Minutes supplied.

Planning Board Meeting #1, Regular Meeting #1, Planning Board of the Town of Orchard Park, S4295 South Buffalo Street, Erie County. January 12, 2000. Minutes 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.

I have searched my files as well as public databases to create as comprehensive a response to this question as possible. However, it is possible there have been events I have been unable to identify or recall.

March 2014, April 2015 and April 2016: Guest Lecturer, *Medical Malpractice, An Introduction*, State of New York at Buffalo School of Medicine, Buffalo, New York. 2016 PowerPoint supplied.

May 3, 2014: Speaker, "Liability Risks: A Case Study," *Mini-Law School for Physicians*, Erie County Medical Society and the Bar Association of Erie County, Buffalo, New York. Outline (prepared by co-presenter Gregory T. Miller, Esq.) supplied.

April 11, 2014: Speaker, *Basic Lessons on Ethics and Civility*, New York State Bar Association, Buffalo, New York. I presented on civility in everyday lawyering and the basic lessons to be learned. I have no notes, transcript, or

recording. The address for the New York State Bar Association is One Elk Street, Albany, New York 12207.

March 28, 2014: Speaker, *Medical Malpractice Litigation: Technique, Strategy and Procedure – Preparing the Defendant for Deposition*, New York State Bar Association, Buffalo, New York. Outline supplied.

2011 – 2013: Speaker, Various Events, Bar Association of Erie County, Buffalo, New York. As Vice President and President of the Bar Association of Erie County, I was frequently called upon to make brief introductory remarks and announce award recipients at bar association events, such as the Association's Annual Dinner or the Law Day Luncheon. Copies of my remarks are supplied where available.

April 12, 2013: Speaker, *Lessons on Ethics and Civility*, New York State Bar Association, Buffalo, New York. Outline supplied.

Approximately March 3, 2012: Panelist, 2012 Athletic Coast Conference Legends Championship Tournament Luncheon, Athletic Coast Conference, Greensboro, North Carolina. I participated on a panel of women honored as ACC legends. I have no notes, transcript, or recording. The address of the Athletic Coast Conference is 4512 Weybridge Lane, Greensboro, North Carolina 27407.

September 25 – 26, 2009: Panel, *The Art of Civil and Criminal Trial Advocacy*, Erie Institute of Law, Buffalo, New York. I spoke on jury selection. I have no notes, transcript, or recording. The address for the Erie Institute of Law is 438 Main Street, Sixth Floor, Buffalo, New York 14202.

July 14, 2009: Speaker, *Medical Records Law 2009*, Lorman Education Services, Buffalo, New York. I spoke on the Health Insurance Portability and Accountability Act and its application in civil litigation. I have no notes, transcript, or recording. The address for Lorman Education Services is 2510 Alpine Road, Eau Claire, Wisconsin 54703.

May 8, 2009: Panelist, *Women in the Law Part III: Building and Maintaining Your Practice*, Women's Bar Association of the State of New York, Western New York Chapter, Buffalo, New York. My role on the panel was to offer advice on business development. I have no notes, transcript, or recording, but press coverage is supplied. The address of the Women's Bar Association of the State of New York, Western New York Chapter is P.O. Box 1012, Buffalo, New York 14201.

September 24, 2008: Speaker, Award Recipient, Annual Installation Dinner, Women's Bar Association of the State of New York, Western New York Chapter, Buffalo, New York. I made remarks upon accepting the M. Dolores Denman Lady Justice Award. I have no notes, transcript, or recording. The address of the

Women's Bar Association of the State of New York, Western New York Chapter is P.O. Box 1012, Niagara Square Station, Buffalo, New York 14201.

July 29, 2008: Speaker, *Medical Records Law 2008*, Lorman Education Services, Buffalo, New York. I spoke on the Health Insurance Portability and Accountability Act and its application in civil litigation. I have no notes, transcript, or recording. The address for Lorman Education Services is 2510 Alpine Road, Eau Claire, Wisconsin 54703.

October 19, 2007: Speaker, *Prosecuting and Defending Medical Malpractice Claims*, New York State Bar Association, Buffalo, New York. Outline supplied.

October 14, 2005: Speaker, *Medical Malpractice Litigation*, New York State Bar Association, Buffalo, New York. I spoke on topics including the Health Insurance Portability and Accountability Act; interviews and subsequent treaters; and the admissibility of Office of Professional Medical Conduct evidence. I have no notes, transcript, or recording. The address for the New York State Bar Association is One Elk Street, Albany, New York 12207.

September 30, 2004: Speaker, *State Civil Litigation*, Lorman Education Services, Buffalo, New York. Outline supplied.

June 15, 2004, July 12, 2004 and July 15, 2004: Speaker, *2004 Judicial Seminar*, New York State Judicial Institute, Buffalo, Albany, and Syracuse, New York. 2004 PowerPoint supplied.

March 2, 2002: Speaker, *Physicians' Survival: Critical Care for Physicians and Their Lawyers*, Erie Institute of Law, Buffalo, New York. Handout supplied.

September 7, 1989: Speaker, Appellate Advocacy Forum, Villanova Law School, Villanova, Pennsylvania. As the chair of the Moot Court Board, I introduced the guest speakers, Temple Law School professor Mark C. Rahdert and Pennsylvania Superior Court president judge Vincent A. Cirillo. I have no notes, transcript, or recording. The address of Villanova Law School is 299 North Spring Mill Road, Villanova, Pennsylvania 19085.

- 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.

I searched my files as well as publically available Internet sources to create as comprehensive a response to this question as possible, but I may have given other interviews that I am unable to recall or identify.

Barclay Damon Merger Leads to Office Space Questions, Lawyer Shuffle,

BUFFALO BUSINESS FIRST, June 1, 2015. Copy supplied.

Emma Sapon, *Western New York's Women in Charge*, BUFFALO NEWS, January 26, 2014. Copy supplied.

The Bar Around the Corner: Bar Association of Erie County, STATE BAR NEWS, New York State Bar Association, November/December 2013. Copy supplied.

Disaster Recovery Manual Now Available, BAR ASSOCIATION OF ERIE COUNTY BULLETIN, November 2013. Copy supplied.

Bar Association of Erie County Launches New Website, BAR ASSOCIATION OF ERIE COUNTY BULLETIN, September 2013. Copy supplied.

Denise M. Champagne, *Ryan Settles into Bar Association of Erie County Presidency*, DAILY RECORD OF ROCHESTER, August 4, 2013. Copy supplied.

Law Day: 'Equality for All', BUFFALO BUSINESS FIRST, May 6, 2013. Copy supplied.

Ferraro-Zaffram Named 2013 Lawyer of the Year, BAR ASSOCIATION OF ERIE COUNTY BULLETIN, May 2013. Copy supplied.

Erie Bar Presents Law Day Awards, DAILY RECORD OF ROCHESTER, April 29, 2013. Copy supplied.

Matt Chandler, *Erie County Bar Sets Law Day Awards*, BUFFALO BUSINESS FIRST, April 26, 2013. Copy supplied.

Robert J. McCarthy, *BLOG: Politics Now: Bar Association to Honor Grisanti with Liberty Bell Award*, BUFFALO NEWS, April 25, 2013. Copy supplied (reprinted in multiple outlets).

Matt Chandler, *Five Questions with . . . Kathleen Sweet*, BUFFALO BUSINESS FIRST, March 4, 2013. Copy supplied.

Stephen T. Watson, *A 'Buyers' Market' for Law Firms Seeking to Hire*, BUFFALO NEWS, March 3, 2013. Copy supplied.

Appellate Practice Committee Creates Moot Court Panel, BAR ASSOCIATION OF ERIE COUNTY BULLETIN, January 2013. Copy supplied.

Western New York Is 'A Tight Market' for Young Lawyers Out of School, BUFFALO BUSINESS FIRST, November 23, 2012. Copy supplied.

Sweet Aims to Raise the Bar for Lawyers in Erie County, BUFFALO NEWS,

October 7, 2012. Copy supplied.

Stephen T. Watson, *Law Firm Thinks New Phone Number Is Right Call*, BUFFALO NEWS, August 9, 2012. Copy supplied.

Denise M. Champagne, *Erie Bar Celebrates 125th Anniversary*, DAILY RECORD OF ROCHESTER, July 16, 2012. Copy supplied.

Denise M. Champagne, *Erie Women Are Making Their Own Mark*, DAILY RECORD OF ROCHESTER, July 16, 2012. Copy supplied.

Jennifer Scharf, *Ten Questions with Kathleen M. Sweet, Esq., President, Bar Association of Erie County*, WOMEN'S BAR ASSOCIATION OF THE STATE OF NEW YORK, WESTERN NEW YORK CHAPTER NEWSLETTER, Summer 2012. Copy supplied.

Snapshot: Kathleen M. Sweet, BAR ASSOCIATION OF ERIE COUNTY BULLETIN, Summer 2012. Copy supplied.

Denise M. Champagne, *Buffalo's Zimmermann a "Lawyer's Lawyer"*, DAILY RECORD OF ROCHESTER, June 26, 2012. Copy supplied.

The Month Before April Madness Is Upon Us!, BAR ASSOCIATION OF ERIE COUNTY BULLETIN, March 2012. Copy supplied.

ACC Legends: Kathleen Sweet of Boston College, ACC NEWS, February 14, 2012. Copy supplied.

Don't Miss March Madness at the Bar!, BAR ASSOCIATION OF ERIE COUNTY BULLETIN, February 2011. Copy supplied.

Sweet Life for Lawyer-Turned-Landlord, BUFFALO BUSINESS FIRST, September 23, 2010. Copy supplied.

Annemarie Franczyk, *Med-Malpractice Mavens from Both Sides*, BUFFALO BUSINESS FIRST, May 10, 2010. Copy supplied (reprinted in multiple outlets).

M. Dolores Denman Lady Justice Award Recipient: Kathleen M. Sweet, Esq., WOMEN'S BAR ASSOCIATION OF THE STATE OF NEW YORK, WESTERN NEW YORK CHAPTER NEWSLETTER, Summer 2008. Copy supplied.

Elizabeth Stull, *Commentary: Hormone Therapy Case Time Barred*, DAILY RECORD OF ROCHESTER, May 5, 2008. Copy supplied.

The Woman Is a Lawyer, BUFFALO BUSINESS FIRST, March 24, 2003. Copy supplied.

Elmer Ploetz, *Subdivision Project Moves Ahead*, BUFFALO NEWS, February 13, 2003. Copy supplied.

Steven Condon, *Plotzke Succeeds with Eagles*, BOSTON COLLEGE HEIGHTS, February 2, 1987. Copy supplied.

Rob Shaw, *Boston College Tops Northeastern University for City Bragging*, BOSTON COLLEGE HEIGHTS, December 8, 1986. 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.

I have never held judicial office.

- a. Approximately how many cases have you presided over that have gone to verdict or judgment? _____
 - i. Of these, approximately what percent were:

jury trials:	_____%
bench trials:	_____% [total 100%]
civil proceedings:	_____%
criminal proceedings:	_____% [total 100%]
- b. Provide citations for all opinions you have written, including concurrences and dissents.
- 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).
- 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.
- e. Provide a list of all cases in which certiorari was requested or granted.
- f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the

opinions.

- 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.
- 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.
- 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.

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:

I have never held judicial office.

- 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.

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.

None.

- 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 been a member of an election committee for any candidate and have never played a role in a political campaign, with the exception of making fewer than ten calls on behalf of then Senator Obama during the presidential campaign in 2008. I have never been a paid campaign staff member for any candidate.

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 1990 to 1992, I was a confidential law clerk to the New York State Supreme Court, Appellate Division Fourth Judicial Department. For approximately the last nine months of that time I served as personal law clerk to the Honorable David O. Boehm, Associate Justice for the New York State Supreme Court, Appellate Division Fourth Judicial Department.

- 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.

1992 – 1993

Barclay Damon LLP (formerly Damon & Morey LLP)
The Avant Building, Suite 1200
200 Delaware Avenue
Buffalo, New York 14202
Associate

1993 – 1997

The Tarantino Law Firm (formerly Brown & Tarantino LLP)
1500 Rand Building
14 Lafayette Square
Buffalo, New York 14203
Associate (1993 – 1995)

Partner (1995 – 1997)

1997 – present

Gibson, McAskill & Crosby, LLP

69 Delaware Avenue, Suite 900

Buffalo, New York 14202

Associate (1997 – 1998)

Partner (1998 – present)

- 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 been assigned as a mediator in the following matters:

Carter v. Southwest, 1:12-cv-0955A. In this personal injury action, a paraplegic alleged that he sustained injury on a jet way due to unsafe, negligent behavior of airline employees. The parties reached a confidential settlement.

Levy v. Harrington, 1:09-cv-0720. This was a civil rights action against a City of Buffalo police officer based on a claim of unlawful detention and physical abuse by officers responding to a call at the home of plaintiff's aunt. After the initial mandatory mediation session, the parties declined to participate in further mediation.

Tooley v. Rubin Yates, 1:13-cv-0792. In this matter, an individual sued for damages, alleging unfair collection practices by defendant. After the initial mandatory mediation session, the parties declined to participate in further mediation.

Toth v. The Automobile Insurance Company, 1:08-cv-00694. In this action involving an insurance claim by a homeowner, defendant counterclaimed that the homeowner was ineligible to recover under the policy due to arson. After the initial mandatory mediation session, the case was dismissed.

Gardner v. Price, 1:15-cv-00606. This is a pending action for money damages based on the defendants' alleged unauthorized removal of a tree from plaintiff's vacation property.

b. Describe:

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

From 1992 to 1993, I worked on general insurance defense litigation, including toxic tort, products liability, and medical malpractice matters. From 1993 to 2015, I have worked on matters involving medical malpractice defense, healthcare law, and administrative agency/professional discipline. I have also served as a mediator.

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

Throughout my practice, I have represented large professional liability insurance companies, hospitals, medical centers, physicians, and other healthcare professionals.

- 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.

100% of my practice is in litigation. Throughout my career, I have appeared in court almost daily.

- i. Indicate the percentage of your practice in:

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

- 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.

I have tried approximately 25 cases to verdict as sole trial counsel and two as associate counsel.

- i. What percentage of these trials were:

- 1. jury: 100%
- 2. non-jury: 0%

- 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) *Oakes v. Patel, M.D., Mongia, M.D., Sobie, M.D., Buffalo Otolaryngology Group, P.C., Kaleida Health as Successor in Interest to Millard Fillmore Hosp. d/b/a Millard Fillmore Suburban Hosp. and Nigam, M.D.*, No. 009788/2000 (N.Y. Sup. Ct., Erie Cty.)

I represented the defendant Dr. Nigam, the attending radiologist in this medical malpractice action. The plaintiff suffered headache symptoms that led the various defendant physicians to evaluate him for a possible brain bleed. Before the diagnosis was made, the plaintiff sustained a catastrophic stroke and was profoundly disabled. He required around-the-clock care. After a 13-week trial, where I was sole trial counsel for Dr. Nigam, the jury found in favor of some defendants, including my client, but against others. The jury awarded \$5 million. There were several appeals by the other parties, and another trial on damages followed. The plaintiff eventually withdrew his appeal as to the verdict in Dr. Nigam's favor in exchange for a waiver of the statutory bill of costs.

Dates of Representation: 2006 – 2009

Presiding Judge: Hon. Timothy J. Drury

Co-Counsel:

Brian J. Weidner (for defendant Patel, M.D.)
The Tarantino Law Firm
1500 Rand Building
14 Lafayette Square
Buffalo, New York 14203
(716) 849-6500

Gregory T. Miller (for defendant Mongia, M.D.)

Roach, Brown, McCarthy & Gruber, P.C.
1920 Liberty Building
Buffalo, New York 14202
(716) 852-0400

Michael J. Roach (for defendants Sobie, M.D. and Buffalo Otolaryngology Group, P.C.)
Connors LLP
1000 Liberty Building
Buffalo, New York 14202
(716) 852-5533

Barbara L. Schifeling (retired) (for defendant Kaleida Health)

Counsel for Plaintiffs:

Francis Letro
Ronald Wright
The Dun Building
110 Pearl Street, Tenth Floor
Buffalo, New York 14202
(716) 852-1234

Kathleen J. Martin
Goldberg Segalla
665 Main Street, Suite 400
Buffalo, New York 14203
(716) 844-3424

2) *Purvis v. Leary, M.D., Surgical Assoc. of Western N.Y., P.C., Cromwell, M.D., Steinig, M.D., and Southtowns Surgical Assoc., P.C.*, No. 01015/2008 (N.Y. Sup. Ct, Erie Cty.)

This was a medical malpractice action in which a woman suddenly lost sensation in one of her legs and was taken to the hospital in the middle of the night. I represented Dr. Cromwell and Dr. Steinig, the surgeon and interventional radiologist who came in to the hospital and evaluated her. The plaintiff ultimately had an above-the-knee amputation. She claimed that the defendants should have recommended or performed surgery rather than administer thrombolytics. After a four-week trial where I was sole trial counsel for the defendants, the jury found in favor of the defendants.

Dates of Representation: 2004 – 2012

Presiding Judge: Hon. Patrick H. NeMoyer, J.S.C.

Counsel for Plaintiff:

Edward L. Smith, III
Dolce Panepinto
1260 Delaware Avenue
Buffalo, New York 14209
(716) 852-1888

Mark H. Cantor
Cantor, Fink & Taub
43 Court Street, Suite 930
Buffalo, New York 14202
(716) 848-8000

3) *Duncan, as Temp. Admin. of the Estate of Lewis, Deceased, v. Mount St. Mary's Hosp. of Niagara Falls, Bishara, M.D., Lee, M.D., Central Anesthesia Servs., Rice, M.D., Bax, M.D., Alfred J. Bax, M.D., P.C., Bull, Jr., M.D., Fitzgerald, C.R.N.A., and Macaluso, M.D.*, No. 005423/1992 (N.Y. Sup. Ct., Niagara Cty.)

In this medical malpractice action, a man was scheduled for gall bladder surgery. My client, Dr. Bull, was the primary care doctor who cleared him for surgery. While anesthesia was being administered, the patient sustained a severe bronchospasm which led to brain damage and death. The plaintiff alleged that negligence by the defendants caused the patient's injuries and death. After a six-week jury trial, during which I was sole trial counsel for Dr. Bull, a verdict was returned in favor of all defendants.

Dates of Representation: 1992 – 1998

Presiding Judge: Hon. Rose H. Sconiers (retired)

Co-Counsel:

Carmen P. Tarantino (deceased) (for defendants Bax, M.D., Rice, M.D. and Macaluso, M.D.)

Daniel T. Roach (deceased) (for defendants Bishara, M.D. and Fitzgerald, CRNA)

Philip G. Spellane (for defendant Mount St. Mary's Hospital of Niagara Falls)
Harris Beach
99 Garnsey Road
Pittsford, New York 14534
(585) 419-8638

Counsel for Plaintiff:

John J. Fromen, Sr.
John J. Fromen Attorneys at Law, PC
4367 Harlem Road

Snyder, New York 14226
(716) 855-1222

4) *Damiani v. Celik and Buffalo Gen. Hosp.*, No. 005434/1996 (N.Y. Sup. Ct., Erie Cty.)

Mr. Damiani required surgery for repair of an abdominal aortic aneurysm. Blood clot complications from the surgery eventually led to bilateral amputation of his legs. At a four-week jury trial I represented the hospital and the senior surgical resident who assisted at the surgeries. I was sole trial counsel for these defendants. At the close of the plaintiff's proof, the court directed a verdict in favor of my clients.

Dates of Representation: 1996 – 2000

Presiding Judge: Hon. James B. Kane (retired)

Co-Counsel:

Brian J. Weidner (for defendant Celik, M.D.)
The Tarantino Law Firm LLP
1500 Rand Building
14 Lafayette Square
Buffalo, New York 14203
(716) 849-6500

Counsel for Plaintiff:

David Mark Wexler (deceased)

5) *E. Pilecki, as Mother and Natural Guardian of C. Pilecki v. Cromwell, M.D., Children's Hosp. of Buffalo, Schueckler, M.D., Karande, M.D., Cholhan, M.D., Bryant Street Anesthesiologists, P.C., Chudy, III, M.D., Catz, M.D., Brummer, R.N., and Craw, R.N.*, No. 006240/1996 (N.Y. Sup. Ct., Erie Cty.)

E. Pilecki delivered C. Pilecki by emergency cesarean section at Children's Hospital under the care of the defendants, including my client, Dr. Chudy, an anesthesiologist. C. Pilecki has cerebral palsy and is nearly blind. The claim was that an earlier delivery would have resulted in a neurologically normal baby. After a nine-week trial, during which I was sole trial counsel for Dr. Chudy and Bryant Street Anesthesiologists, P.C., the jury returned a verdict in favor of the defendants. The plaintiff appealed and a new trial was ordered. The plaintiff discontinued her claims against my client before the retrial.

Dates of Representation: 1998 – 2002

Presiding Judge: Hon. John A. Michalek

Co-Counsel:

J. Mark Gruber (for defendant Cromwell, M.D.)
Roach, Brown, McCarthy & Gruber, P.C.
1920 Liberty Building
Buffalo, New York 14202
(716) 852-0400

Barbara L. Schifeling (retired) (for defendants, Children's Hospital of Buffalo,
Schueckler, M.D., Karande, M.D., Cholhan, M.D., Catz, M.D., Brummer, R.N. and
Craw, R.N.)

Counsel for Plaintiff:

Patrick J. Maloney
Law Offices of Dempsey & Dempsey
561 Franklin Street
Buffalo, New York 14202
(716) 885-8645

Ellen Krebs (retired)

6) *Guido v. Chazen, M.D., Main Urology Assoc., P.C., Hudson, M.D., Buffalo
Anesthesia Assoc., P.C., CGF Health Sys., Inc. and Buffalo Gen. Hosp.*, No.
001163/2000, (N.Y. Sup. Ct., Erie Cty.)

A young man with chronic urethral strictures elected to undergo urethroplasty surgery. Postoperatively he had no further urological symptoms, but had severe neurological complaints. He claimed that negligence by the defendants in positioning him for the surgery caused his permanent nerve injuries. I represented the referring urologist, who was an assistant at the surgery. After a five-week trial during which I was sole trial counsel for Dr. Chazen and Main Urology Associates, the jury returned a verdict in favor of the defendants.

Dates of Representation: 2000 – 2004

Presiding Judge: Hon. John P. Lane (retired)

Co-Counsel:

John P. Danieu (for defendant Buffalo General Hospital)
Roach, Brown, McCarthy & Gruber, P.C.
1920 Liberty Building
Buffalo, New York 14202
(716) 852-0400

James J. Navagh (for defendant Hudson, M.D.)
Law Offices of John Wallace
60 Lakefront Boulevard, Suite 102
Buffalo, New York 14202
(716) 855-5718

Counsel for Plaintiff:

Stuart B. Shapiro
Solo Practitioner
Law Offices of Stuart B. Shapiro
3407 Delaware Avenue, Suite Six
Kenmore, New York 14127
(716) 432-8257

Daniel R. Connors
Cohen & Lombardo, P.C.
343 Elmwood Avenue
Buffalo, New York 14222
(716) 262-8428

7) *Boccanera v. Mount St. Mary's Hosp., Macaluso, M.D., and Kivi, M.D.*, No. 107720/2001 (N.Y. Sup. Ct., Niagara Cty.)

Ms. Boccanera was evaluated for complaints of chest pain in the emergency department at Mount St. Mary's Hospital. My client was a consulting cardiologist who admitted her overnight and arranged for her to be transferred to Buffalo General Hospital the next day to have an angiogram. The plaintiff alleged that her condition worsened and that she sustained permanent heart damage due to the defendants' negligent delay in transferring her for the diagnostic angiography. After a four-week trial where I was sole trial counsel for Dr. Macaluso, the jury returned a verdict in favor of all defendants.

Dates of Representation: 2001 – 2005

Presiding Judge: Hon. Richard C. Kloch, Sr.

Co-Counsel:

John M. Visco (for defendant Mount St. Mary's Hospital)
Ricotta Visco
496 Main Street
Buffalo, New York 14202
(716) 854-6424

J. Mark Gruber (for defendant Kivi, M.D.)
Roach, Brown, McCarthy & Gruber, P.C.

1920 Liberty Building
Buffalo, New York 14202
(716) 852-0400

Counsel for Plaintiff:

John M. Dempsey
Law Offices of Dempsey & Dempsey
561 Franklin Street
Buffalo, New York 14202
(716) 885-8645

8) *Giza v. Smith, Miner, O'Shea & Smith, LLP and Miner, Esq.*, No. 1:13-cv-00589
(W.D.N.Y.)

In this legal malpractice action, the infant plaintiff, a Pennsylvania resident, sustained a serious elbow fracture at a friend's house in Pennsylvania. He had surgery at a children's hospital in Delaware, and his parents retained a Buffalo law firm to investigate a possible medical malpractice claim against the surgeon, because the infant was left with almost no use of his arm and hand. The Buffalo lawyers missed the statute of limitations in Delaware. I represented the lawyers and litigated the case for two years. In early 2015, it was successfully mediated to settlement.

Dates of Representation: 2013 – 2015

Presiding Judge: Hon. William M. Skretny

Counsel for Plaintiff:

Dionysus G. Rassias
The Beasley Firm
1125 Walnut Street
Philadelphia, Pennsylvania 19107
(215) 592-1000

9) *Patten v. Hamburg OB/GYN Group, P.C.*, 50 A.D.3d 1624 (N.Y. Sup. Ct., App. Div. 4th Dept. 2008)

At issue in this medical malpractice action was the application of the continuous treatment doctrine in New York to a case involving a breast cancer patient who was prescribed hormone therapy for menopausal symptoms. The trial court granted partial summary judgment for my clients, the defendants. I drafted the brief and argued the appeal before the Appellate Division, which affirmed in favor of the defendants. The case was resolved by settlement while it was pending before the New York Court of Appeals.

Dates of Representation: 2004 – 2008

Trial Judge: Hon. Donna B. Siwek

Appellate Division Panel: Hon. Jerome P. Gorski, Hon. Salvatore R. Martoche,
Hon. Robert J. Lunn, Hon. Elizabeth W. Pine, Hon. Erin M. Peradotto

Counsel for Plaintiff:

Allan Zelikovic
Jillian Rosen
Weitz & Luxenburg
700 Broadway
New York, New York 10003
(212) 558-5500

10) *Drechsel v. Narby, M.D.*, No. 010053/2001, (N.Y. Sup. Ct., Erie Cty.)

In this medical malpractice action, a college student contracted mononucleosis while on a dig with her college geology class in Utah. Upon being diagnosed, she returned home to the care of her primary physician, my client. Over the next ten days she developed a permanent rare complication of mononucleosis – transverse myelitis – which resulted in paraplegia. The case was tried for three weeks, but a mistrial was declared due to an evidentiary issue that arose. The case was later dismissed on motion.

Dates of Representation: 2001 – 2010

Presiding Judge: Hon. John M. Curran

Counsel for Plaintiff:

Gregory Stamm
The Stamm Law Firm
1127 Wehrle Drive #100
Amherst, New York 14221
(716) 259-1626

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.)

My career has been entirely in the area of litigation and trial practice.

I was nominated and elected to serve as Vice President (from 2011 to 2012) and President (from 2012 to 2013) of the Bar Association of Erie County. In that role I presided over numerous meetings of an elected and diverse Board of Directors. I supervised the leadership of many standing committees, appointed chairs, and intervened as necessary on matters affecting the association and the legal community in general.

I was an invited member of the New York State Bar Association's Task Force on criminal discovery reform. I participated in numerous lengthy teleconferences and in particular was asked to contribute to the discussion of reform to discovery practice and procedure with regard to expert witnesses.

I have never 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.

In Spring 2010, I taught a course entitled "New York Practice" at the State University at New York at Buffalo Law School. The course was an introduction level class on New York's Civil Practice Law & Rules. Syllabus 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 a Gibson, McAskill & Crosby, LLP, capital/equity account, which would be paid out to me after my partnership is terminated in accordance with my partnership agreement.

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

I do not have any such plans, commitments, or agreements if confirmed.

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 the 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 the attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

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

My husband works for Hatch Mott MacDonald, an international engineering consulting firm. If Hatch Mott MacDonald were ever a party in a case assigned to me, I would recuse myself. I would recuse myself from presiding over litigation involving Kaleida Health or Roswell Park Cancer Institute. Both are current clients and I consider their general counsels to be personal friends. I would address all other conflict issues as required by the Code of Conduct for United States Judges, Canon 3.

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

Other than actions where my law firm represents a party, I am unaware of any potential conflict of interest. Where a matter involving my firm is concerned, I would recuse myself without exception. In other hypothetical areas of potential conflict I would follow the recusal and disqualification rules as set forth in the Code of Conduct for United States Judges, 28 U.S.C. § 455, and all applicable policies and procedures of the United States Courts.

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

As a young lawyer, I handled a few cases for the Bar Association of Erie County's Volunteer Lawyers Project, the most significant of which was a child custody case in Erie County Family Court. I represented an indigent grandmother seeking custody of two young children and achieved a successful outcome for my client. In more recent years, I have devoted significant time to professional activities that promote pro bono interests, such as serving on the Volunteer Lawyers Project Board of Directors. I have been involved in community service efforts such as breast cancer awareness through the Judges & Lawyers Breast Cancer Alert and have served for many years as a volunteer

ambassador for AIDS Community Services.

26. **Selection Process:**

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

On July 2, 2014, I submitted a questionnaire to Senator Schumer's Judicial Screening Committee. On July 17, 2014, I was interviewed by the Committee in New York, New York. On July 25, 2014, I was interviewed by Senator Schumer in New York, New York. I was contacted by Senator Schumer's office on November 17, 2015, and advised that he planned to forward my name to the White House for consideration. Since November 18, 2015, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On January 28, 2016, I interviewed with attorneys from the White House Counsel's Office and the Department of Justice in Washington, D.C. On March 15, 2016, 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.

FINANCIAL DISCLOSURE REPORT NOMINATION FILING

Report Required by the Ethics
in Government Act of 1978
(5 U.S.C. app. §§ 101-111)

1. Person Reporting (last name, first, middle initial) Sweet, Kathleen M.	2. Court or Organization United States District Court	3. Date of Report 03/18/2016
4. Title (Article III judges indicate active or senior status; magistrate judges indicate full- or part-time) District Judge, Full Time	5a. Report Type (check appropriate type) ☒ Nomination Date 3/15/2016 ☐ Initial ☐ Annual ☐ Final 5b. ☐ Amended Report	6. Reporting Period 1/1/2015 to 3/15/2016
7. Chambers or Office Address 69 Delaware Avenue, Suite 900 Buffalo, New York 14202		
IMPORTANT NOTES: The instructions accompanying this form must be followed. Complete all parts, checking the NONE box for each part where you have no reportable information.		

I. POSITIONS. (Reporting individual only; see pp. 9-13 of filing instructions.)

☐ NONE (No reportable positions.)

<u>POSITION</u>	<u>NAME OF ORGANIZATION/ENTITY</u>
1. Partner	Gibson, McAskill & Crosby LLP
2.	
3.	
4.	
5.	

II. AGREEMENTS. (Reporting individual only; see pp. 14-16 of filing instructions.)

☒ NONE (No reportable agreements.)

<u>DATE</u>	<u>PARTIES AND TERMS</u>
1.	
2.	
3.	

FINANCIAL DISCLOSURE REPORT

Page 2 of 10

Name of Person Reporting

Sweet, Kathleen M.

Date of Report

03/18/2016

III. NON-INVESTMENT INCOME. *(Reporting individual and spouse; see pp. 17-24 of filing instructions.)***A. Filer's Non-Investment Income**☐ NONE *(No reportable non-investment income.)*

<u>DATE</u>	<u>SOURCE AND TYPE</u>	<u>INCOME</u> (yours, not spouse's)
1. 2014	Gibson McAskill & Crosby LLP/Partner Draw	\$482,220.00
2. 2015	Gibson McAskill & Crosby LLP/Partner Draw	\$543,065.00
3. 2016	Gibson McAskill & Crosby LLP/Partner Draw	\$29,166.00
4. 1/21/2016	Main Court, LLC/Member Income	\$131,697.00

B. Spouse's Non-Investment Income - *If you were married during any portion of the reporting year, complete this section.**(Dollar amount not required except for honoraria.)*☐ NONE *(No reportable non-investment income.)*

<u>DATE</u>	<u>SOURCE AND TYPE</u>
1. 2015	Hatch Mott MacDonald Holdings, Inc./Salary
2. 2016	Hatch Mott MacDonald Holdings, Inc./Salary
3.	
4.	

IV. REIMBURSEMENTS -- *transportation, lodging, food, entertainment.**(Includes those to spouse and dependent children; see pp. 25-27 of filing instructions.)*☐ NONE *(No reportable reimbursements.)*

<u>SOURCE</u>	<u>DATES</u>	<u>LOCATION</u>	<u>PURPOSE</u>	<u>ITEMS PAID OR PROVIDED</u>
1. Exempt				
2.				
3.				
4.				
5.				

FINANCIAL DISCLOSURE REPORT

Page 3 of 10

Name of Person Reporting

Sweet, Kathleen M.

Date of Report

03/18/2016

V. GIFTS. *(Includes those to spouse and dependent children; see pp. 28-31 of filing instructions.)*☐NONE *(No reportable gifts.)*

	<u>SOURCE</u>	<u>DESCRIPTION</u>	<u>VALUE</u>
1.	Exempt		
2.			
3.			
4.			
5.			

VI. LIABILITIES. *(Includes those of spouse and dependent children; see pp. 32-33 of filing instructions.)*☐NONE *(No reportable liabilities.)*

	<u>CREDITOR</u>	<u>DESCRIPTION</u>	<u>VALUE CODE</u>
1.	American Express	Credit Card	J
2.			
3.			
4.			
5.			

FINANCIAL DISCLOSURE REPORT

Page 4 of 10

Name of Person Reporting

Sweet, Kathleen M.

Date of Report

03/18/2016

VII. INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

☐ NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets) Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
1. MONY Rollover IRA					Exempt				
2. -Rowe Growth Stock	A	Dividend	J	T					
3. -Janus Aspen Enterprise	A	Dividend	J	T					
4. -Fidelity VIP Contrafund	A	Dividend	K	T					
5. Schwab #1 (IRA)									
6. -Jacobs Small Cap Growth	A	Dividend	J	T					
7. Schwab #2									
8. -Oakmark Select	A	Dividend	J	T					
9. Schwab #3									
10. -Janus Fund	A	Dividend	J	T					
11. -Neuberger Berman Genesis	A	Dividend	J	T					
12. -Oakmark Fund	A	Dividend	J	T					
13. -Oakmark Select Fund	A	Dividend	K	T					
14. -Selected Am Shares	A	Dividend	J	T					
15. -Wilshire 5000 Index Fund	A	Dividend	J	T					
16. Schwab #4									
17. -Janus Fund	A	Dividend	J	T					

1. Income Gain Codes:
(See Columns B1 and D4)

A = \$1,000 or less
F = \$50,001 - \$100,000

2. Value Codes
(See Columns C1 and D3)

J = \$15,000 or less
N = \$250,001 - \$500,000
P3 = \$25,000,001 - \$50,000,000

3. Value Method Codes
(See Column C2)

Q = Appraisal
U = Book Value

B = \$1,001 - \$2,500
G = \$100,001 - \$1,000,000

K = \$15,001 - \$50,000
O = \$500,001 - \$1,000,000

R = Cost (Real Estate Only)
V = Other

C = \$2,501 - \$5,000
H1 = \$1,000,001 - \$5,000,000

L = \$50,001 - \$100,000
P1 = \$1,000,001 - \$5,000,000

P4 = More than \$50,000,000
S = Assessment
W = Estimated

D = \$5,001 - \$15,000
H2 = More than \$5,000,000

M = \$100,001 - \$250,000
P2 = \$5,000,001 - \$25,000,000

T = Cash Market

E = \$15,001 - \$50,000

FINANCIAL DISCLOSURE REPORT

Page 5 of 10

Name of Person Reporting

Sweet, Kathleen M.

Date of Report

03/18/2016

VII. INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

☐ NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets) Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
18. -Oakmark Fund	A	Dividend	J	T					
19. -Oakmark Select Fund	A	Dividend	K	T					
20. Custodial Account #1									
21. -Mairs & Powers Growth Fund	A	Dividend	J	T					
22. Custodial Account #2									
23. -Mairs & Powers Growth Fund	A	Dividend	J	T					
24. Vanguard Custodial Account #1									
25. -FTSE Social Index Fund	A	Dividend	J	T					
26. Vanguard Custodial Account #2									
27. -FTSE Social Index Fund	A	Dividend	J	T					
28. Transamerica 401k									
29. -TA Vanguard Total Stock		None	M	T					
30. -Morgan Stanley Growth Ret Acct MSEGX	C	Dividend	N	T					
31. -SSgA Russel Small Cap Index		None	K	T					
32. -Oakmark International Ret. Acct OAKIX		None	M	T					
33. -TA Vanguard 2030 Target Ret.		None	J	T					
34. Schwab 401k									

1. Income Gain Codes:

(See Columns B1 and D4)

2. Value Codes

(See Columns C1 and D3)

3. Value Method Codes

(See Column C2)

A = \$1,000 or less

F = \$50,001 - \$100,000

J = \$15,000 or less

N = \$250,001 - \$500,000

P3 = \$25,000,001 - \$50,000,000

Q = Appraisal

U = Book Value

B = \$1,001 - \$2,500

G = \$100,001 - \$1,000,000

K = \$15,001 - \$50,000

O = \$500,001 - \$1,000,000

R = Cost (Real Estate Only)

V = Other

C = \$2,501 - \$5,000

H1 = \$1,000,001 - \$5,000,000

L = \$50,001 - \$100,000

P1 = \$1,000,001 - \$5,000,000

P4 = More than \$50,000,000

S = Assessment

W = Estimated

D = \$5,001 - \$15,000

H2 = More than \$5,000,000

M = \$100,001 - \$250,000

P2 = \$5,000,001 - \$25,000,000

T = Cash Market

E = \$15,001 - \$50,000

FINANCIAL DISCLOSURE REPORT

Page 6 of 10

Name of Person Reporting

Sweet, Kathleen M.

Date of Report

03/18/2016

VII. INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

☐ NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets) Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
35. -American Funds Washington Mutual	A	Dividend	K	T					
36. -MainStay Large Cap Growth I	C	Dividend	M	T					
37. -Schwab S&P 500 Index	C	Dividend	L	T					
38. -Wasatch Small Cap Growth		None	J	T					
39. -First Eagle Overseas A	B	Dividend	L	T					
40. -Oakmark Equity & Income I	A	Dividend	K	T					
41. -Wells Fargo Advanage Core Bond Ins	B	Dividend	K	T					
42. -Morley Stable Value Fund	A	Dividend							
43. T.Rowe Rollover IRA									
44. -TRP Capital Opportunity	A	Dividend	J	T					
45. -TRP Health Sciences	B	Dividend	J	T					
46. -TRP Media & Telecommunications	A	Dividend	J	T					
47. -TRP Science & Technology	A	Dividend	J	T					
48. NY 529 Account #1, Mixed Portfolio									
49. -Aggressive Growth Portfolio		None	M	T					
50. -Developed Markets Index Portfolio		None	K	T					
51. -Mid-Cap Stock Index Portfolio		None	L	T					

1. Income Gain Codes:

(See Columns B1 and D4)

2. Value Codes

(See Columns C1 and D3)

3. Value Method Codes

(See Column C2)

A = \$1,000 or less

F = \$50,001 - \$100,000

J = \$15,000 or less

N = \$250,001 - \$500,000

P3 = \$25,000,001 - \$50,000,000

Q = Appraisal

U = Book Value

B = \$1,001 - \$2,500

G = \$100,001 - \$1,000,000

K = \$15,001 - \$50,000

O = \$500,001 - \$1,000,000

R = Cost (Real Estate Only)

V = Other

C = \$2,501 - \$5,000

H1 = \$1,000,001 - \$5,000,000

L = \$50,001 - \$100,000

P1 = \$1,000,001 - \$5,000,000

P4 = More than \$50,000,000

S = Assessment

W = Estimated

D = \$5,001 - \$15,000

H2 = More than \$5,000,000

M = \$100,001 - \$250,000

P2 = \$5,000,001 - \$25,000,000

T = Cash Market

E = \$15,001 - \$50,000

FINANCIAL DISCLOSURE REPORT

Page 7 of 10

Name of Person Reporting

Sweet, Kathleen M.

Date of Report

03/18/2016

VII. INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

☐ NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets) Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
52. -Small-Cap Stock Index Portfolio		None	K	T					
53. NY 529 Account #2, Moderate Growth		None	L	T					
54. NY 529 Account #3, Mixed Portfolio									
55. -Aggressive Growth Portfolio		None	M	T					
56. -Developed Markets Index Portfolio		None	K	T					
57. -Mid-Cap Stock Index Portfolio		None	L	T					
58. -Small-Cap Stock Index Portfolio		None	K	T					
59. NY 529 Account #4, Moderate Growth		None	L	T					
60. TIAA - CREF Account									
61. -TIAA Traditional	A	Dividend	M	T					
62. -CREF Stock P3	C	Dividend	L	T					
63. -CREF Inf-Linked Bond R3		None	K	T					
64. M&T Bank Accounts	B	Interest	O	T					
65. First Niagara Accounts	A	Interest	O	T					
66. Citizen Bank Accounts	A	Interest	L	T					
67. MONY Whole Life Insurance #1	A	Dividend	K	T					
68. MONY Whole Life Insurance #2	A	Dividend	K	T					

1. Income Gain Codes:

(See Columns B1 and D4)

2. Value Codes

(See Columns C1 and D3)

3. Value Method Codes

(See Column C2)

A=\$1,000 or less

F=\$50,001 - \$100,000

J=\$15,000 or less

N=\$250,001 - \$500,000

P3=\$25,000,001 - \$50,000,000

Q=Appraisal

U=Book Value

B=\$1,001 - \$2,500

G=\$100,001 - \$1,000,000

K=\$15,001 - \$50,000

O=\$500,001 - \$1,000,000

R=Cost (Real Estate Only)

V=Other

C=\$2,501 - \$5,000

H1=\$1,000,001 - \$5,000,000

L=\$50,001 - \$100,000

P1=\$1,000,001 - \$5,000,000

P4=More than \$50,000,000

S=Assessment

W=Estimated

D=\$5,001 - \$15,000

H2=More than \$5,000,000

M=\$100,001 - \$250,000

P2=\$5,000,001 - \$25,000,000

T=Cash Market

E=\$15,001 - \$50,000

FINANCIAL DISCLOSURE REPORT

Page 8 of 10

Name of Person Reporting

Sweet, Kathleen M.

Date of Report

03/18/2016

VII. INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

☐ NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets) Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1)	(2)	(1)	(2)	(1)	(2)	(3)	(4)	(5)
	Amount	Type (e.g.,	Value	Value	Type (e.g.,	Date	Value	Gain	Identity of
	Code 1 (A-H)	div., rent, or int.)	Code 2 (J-P)	Method Code 3 (Q-W)	buy, sell, redemption)	mm/dd/yy	Code 2 (J-P)	Code 1 (A-H)	buyer/seller (if private transaction)
69.									
70.									
71.									

1. Income Gain Codes:

(See Columns B1 and D4)

2. Value Codes

(See Columns C1 and D3)

3. Value Method Codes

(See Column C2)

A = \$1,000 or less

F = \$50,001 - \$100,000

J = \$15,000 or less

N = \$250,001 - \$500,000

P3 = \$25,000,001 - \$50,000,000

Q = Appraisal

U = Book Value

B = \$1,001 - \$2,500

G = \$100,001 - \$1,000,000

K = \$15,001 - \$50,000

O = \$500,001 - \$1,000,000

R = Cost (Real Estate Only)

V = Other

C = \$2,501 - \$5,000

H1 = \$1,000,001 - \$5,000,000

L = \$50,001 - \$100,000

P1 = \$1,000,001 - \$5,000,000

P4 = More than \$50,000,000

S = Assessment

W = Estimated

D = \$5,001 - \$15,000

H2 = More than \$5,000,000

M = \$100,001 - \$250,000

P2 = \$5,000,001 - \$25,000,000

T = Cash Market

E = \$15,001 - \$50,000

FINANCIAL DISCLOSURE REPORT

Page 9 of 10

Name of Person Reporting

Sweet, Kathleen M.

Date of Report

03/18/2016

VIII. ADDITIONAL INFORMATION OR EXPLANATIONS. *(Indicate part of report.)*

FINANCIAL DISCLOSURE REPORT

Page 10 of 10

Name of Person Reporting

Sweet, Kathleen M.

Date of Report

03/18/2016

IX. CERTIFICATION.

I certify that all information given above (including information pertaining to my spouse and minor or dependent children, if any) is accurate, true, and complete to the best of my knowledge and belief, and that any information not reported was withheld because it met applicable statutory provisions permitting non-disclosure.

I further certify that earned income from outside employment and honoraria and the acceptance of gifts which have been reported are in compliance with the provisions of 5 U.S.C. app. § 501 et. seq., 5 U.S.C. § 7353, and Judicial Conference regulations.

Signature: s/ Kathleen M. Sweet

NOTE: ANY INDIVIDUAL WHO KNOWINGLY AND WILLFULLY FALSIFIES OR FAILS TO FILE THIS REPORT MAY BE SUBJECT TO CIVIL AND CRIMINAL SANCTIONS (5 U.S.C. app. § 104)

Committee on Financial Disclosure
Administrative Office of the United States Courts
Suite 2-301
One Columbus Circle, N.E.
Washington, D.C. 20544

FINANCIAL STATEMENT

NET WORTH

Provide a complete, current financial net worth statement which itemizes in detail all assets (including bank accounts, real estate, securities, trusts, investments, and other financial holdings) all liabilities (including debts, mortgages, loans, and other financial obligations) of yourself, your spouse, and other immediate members of your household.

ASSETS				LIABILITIES			
Cash on hand and in banks	1	627	697	Notes payable to banks-secured			
U.S. Government securities				Notes payable to banks-unsecured			
Listed securities-see schedule	1	280	918	Notes payable to relatives			
Unlisted securities-see schedule		4	350	Notes payable to others			
Accounts and notes receivable: Firm Equity Account		401	800	Accounts and bills due		13	000
Due from relatives and friends				Unpaid income tax			
Due from others				Other unpaid income and interest			
Doubtful				Real estate mortgages payable-add schedule			
Real estate owned-see schedule		325	000	Chattel mortgages and other liens payable			
Real estate mortgages receivable				Other debts-itemize:			
Autos and other personal property		150	000				
Cash value-life insurance		42	000				
Other assets itemize:							
NY 529 Accounts-see schedule		670	050				
TIAA CREF Annuity		188	651	Total liabilities		13	000
				Net Worth	4	677	466
Total Assets	4	690	466	Total liabilities and net worth	4	690	466
CONTINGENT LIABILITIES				GENERAL INFORMATION			
As endorser, comaker or guarantor				Are any assets pledged? (Add schedule)	No		
On leases or contracts				Are you defendant in any suits or legal actions?	No		
Legal Claims				Have you ever taken bankruptcy?	No		
Provision for Federal Income Tax Quarterly Payments to IRS							
Other special debt							

FINANCIAL STATEMENT

NET WORTH SCHEDULES

Listed Securities

Rowe Growth Stock (EQ/T)	\$ 14,940
Janus Aspen Enterprise (JAAGX)	2,795
Fidelity VIP Contrafund (FAVCF)	15,542
Jacobs Small Cap Growth (JSIGX)	8,039
Oakmark Select (OAKLX)	14,306
Janus Fund (JANSX)	3,352
Neuberger Berman Genesis (NBGNX)	4,842
Oakmark Fund (OAKMX)	13,801
Oakmark Select Fund (OAKLX)	16,402
Selected Am. Shares (SLASX)	5,286
Wilshire 5000 Index Fund (WFIVX)	5,709
Janus Fund (JANSX)	3,352
Oakmark Fund (OAKMX)	12,253
Oakmark Select Fund (OAKLX)	15,231
Mairs & Powers Growth Fund (MPGFX)	13,744
Mairs & Powers Growth Fund (MPGFX)	13,642
FTSE Social Index Fund (VFTSX)	4,085
FTSE Social Index Fund (VFTSX)	4,085
American Funds Washington Mutual R4 (RWMEX)	34,525
MainStay Large Cap Growth I (MLRRX)	183,871
Schwab S&P 500 Index (SWPPX)	96,189
Wasatch Small Cap Growth (WAAEX)	1,374
First Eagle Overseas A (SGOIX)	67,697
Oakmark Equity & Income I (OAKBX)	16,635
Wells Fargo Advantage Core Bond Ins (MBFAX)	47,453
TA Vanguard Total Stock Market (VTSMX)	160,495
Morgan Stanley Growth Ret Acct (MSEGX)	319,770
SSgA Russel Small Cap Index Ret Acct (SVSCX)	43,208
Oakmark International Ret Account (OAKIX)	109,335
TA Vanguard Target Retirement (VTHR)	8,539
T. Rowe Price Capital Opportunity (PRCOX)	2,144
T. Rowe Price Health Sciences (PRHSX)	10,053
T. Rowe Price Media & Telecommunications (PRMTX)	6,900
T. Rowe Price Science & Technology (PRSCX)	1,324
Total Listed Securities	\$ 1,280,918

Unlisted Securities

Morley Stable Value CL 20-II	\$ 4,350
Total Unlisted Securities	\$ 4,350

Other Assets

NY 529 Mixed Portfolio	\$ 257,231
NY 529 Conservative Growth Portfolio	77,059
NY 529 Mixed Portfolio	258,130

NY 529 Moderate Growth Portfolio	77,630
Total Other Assets	<u>\$ 670,050</u>
<u>Real Estate Owned</u>	
Personal Residence	\$ 250,000
Undeveloped Land	<u>75,000</u>
Total Real Estate Owned	<u>\$ 325,000</u>

AFFIDAVIT

I, Kathleen M Sweet, do swear
that the information provided in this statement is, to the best
of my knowledge, true and accurate.

March 24, 2016
(DATE)

Kathleen M Sweet
(NAME)

Pendora W. Mangold
(NOTARY)

Pendora W. Mangold
Notary Public, State of New York
Qualified in Erie County
My Commission Expires March 30, 2018.