UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

   Amul Roger Thapar (Amul Thapar)

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

   United States Circuit Judge for the Sixth Circuit

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.

   Office: United States District Court for the Eastern District of Kentucky
   35 W. Fifth Street
   Covington, KY 41011

   Residence: Edgewood, KY

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

   1969; Troy, Michigan (Detroit Suburb)

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.

   Boalt Hall School of Law, University of California, Berkeley; August 1992 to May 1994; Juris Doctorate, May 1994

   Ohio State University College of Law; August 1991 to May 1992; no degree (transferred)

   Boston College; September 1987 to May 1991; Bachelor of Science, May 1991

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.

Affiliations (Compensated):

January 2008 to Present
United States District Court for the Eastern District of Kentucky
35 W. Fifth Street
Covington, KY 41011
Position: District Judge

January 2013 to Present
University of Virginia School of Law
580 Massie Road
Charlottesville, VA 22903
Position: Adjunct Professor

October 2011; October 2015 and March 2017
Vanderbilt University Law School
131 21st Avenue
Nashville, TN 37203
Position: Adjunct Professor

2009; 2012 to Present
Salmon P. Chase College of Law
University Drive
Newport, KY 41099
Position: Adjunct Professor

March 2006 to January 2008
United States Attorney's Office for the Eastern District of Kentucky
260 W. Vine Street, Suite 300
Lexington, KY 40507
Position: United States Attorney

May 2002 to March 2006
United States Attorney's Office for the Southern District of Ohio
221 E. Fourth Street, Suite 400
Cincinnati, OH 45202
Position: Assistant United States Attorney

August 2001 to May 2002
Squire, Sanders & Dempsey
312 Walnut Street, Suite 3500
Cincinnati, OH 45202
Position: Associate

December 2000 to August 2001
Equalfooting.com (a/k/a Equidity, Inc.)

22977 Eaglewood Court
Sterling, VA 20166 (last known address / no longer in existence)
Position: General Counsel

January 1999 to December 2000
United States Attorney's Office for the District of Columbia
555 4th Street, NW
Washington, D.C. 20530
Position: Assistant United States Attorney

July 1997 to January 1999
Williams & Connolly LLP
725 Twelfth Street, NW
Washington, D.C. 20005
Position: Associate

July 1996 to July 1997
Honorable Nathaniel R. Jones
United States Court of Appeals for the Sixth Circuit
432 United States Courthouse
100 E. Fifth Street
Cincinnati, OH 45202
Position: Law Clerk

August 1994 to July 1996
Honorable S. Arthur Spiegel
United States District Court for the Southern District of Ohio
838 United States Courthouse
100 E. Fifth Street
Cincinnati, OH 45202
Position: Law Clerk

May 1994 to July 1994
Jenner & Block
One IBM Plaza
Chicago, IL 60611
Position: Summer Associate

August 1993
Modrall, Sperling, Roehl, Harris & Sisk
500 4th Street, Suite 1000
Albuquerque, NM 87103
Position: Summer Associate

May 1993 to August 1993
Jenner & Block

One IBM Plaza
Chicago, IL 60611
Position: Summer Associate

May 1992 to August 1992
Modrall, Sperling, Roehl, Harris & Sisk
500 4th Street, Suite 1000
Albuquerque, NM 87103
Position: Summer Associate

May 1991 to August 1991
Frische-Mullin Heating and Air Conditioning
5132 Enterprise Drive
Toledo, OH 43612
Position: Truck Driver

Other Affiliations (Uncompensated):

January 2017 to Present
Heyburn Initiative for Excellence in the Judiciary
University of Kentucky College of Law
Position: Board Member

August 2015 to Present
Covington Catholic High School
1600 Dixie Highway
Park Hills, KY 41011
Position: Mock Trial Coach

2008 to Present
South Asian Bar Association of North America
No physical address (participate via phone)
Position: National Advisory Council Member

January 2010 to December 2013
Catholic Charities, Diocese of Covington
3629 Church Street
Covington, KY 41015
Position: Board Member

March 2006 to January 2008
Appalachia HIDTA
P.O. Box 5070
London, KY 40745-5070
Position: Board Member and Vice-Chairman

May 2004 to January 2006
Northern Kentucky Montessori School
2625 Anderson Road
Crescent Springs, KY 41017
Position: Board Member and Vice President/Secretary

August 2002 to December 2006; September 1995 to July 1997
University of Cincinnati College of Law
2600 Clifton Avenue, Cincinnati, OH 45221
Position: Adjunct Professor

December 2001 to May 2002
The Conservative Forum
121 Wessex Place
Fort Thomas, KY 41075
Position: Board Member

December 2001 to May 2002
Commonwealth Political Action Committee
8304 Woodcreek Drive
Florence, KY 41042
Position: Board Member

September 1999 to December 2000
Georgetown University Law Center
600 New Jersey Avenue, NW
Washington, D.C. 20001
Position: Trial Advocacy Instructor

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 have registered 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.

Green Bag Almanac & Reader, Exemplary Legal Writing 2015 Honoree, *Wagner v. Sherwin-Williams Co.*, No. 7:14-cv-00178-ART, 2015 WL 5174130 (E.D. Ky. Sept. 2, 2015), *aff'd*, 647 F. App'x 645 (6th Cir. 2016)

National Asian Pacific American Bar Association, 40 Under 40 Award

National Asian Pacific American Bar Association, 2015 Daniel K. Inouye Trailblazer Award

South Asian Bar Association, Pioneer Award

United States Attorney's Office, Special Achievement Award for Outstanding Work

Boalt Hall School of Law, University of California, Berkeley, Moot Court Board

Boston College, National Honor Society

During my tenure as a prosecutor, I was recognized by numerous federal law enforcement agencies—including the Federal Bureau of Investigation, the United States Secret Service, the United States Postal Inspection Service, and the Internal Revenue Service—for my prosecutive efforts. I have also been recognized by several other agencies—including Operation UNITE (Unlawful Narcotics Investigations, Treatment, and Education) and the Rural Law Enforcement Technology Center—for supporting their efforts.

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.

Federal Judges Association, 2013 to Present

Advisory Committee on Bankruptcy Rules, 2013 to Present

Sixth Circuit Criminal Pattern Jury Instructions Committee, 2010 to 2012

South Asian Bar Association of North America, National Advisory Council, 2008 to Present

During my tenure at Williams & Connolly LLP and at Squire, Sanders & Dempsey, I maintained bar memberships with the American Bar Association, the D.C. Bar Association, and the Federal Bar Association. At Squire, Sanders & Dempsey I also maintained a bar membership with the Kentucky Bar Association. I never held office in any of those Bar Associations and do not recall when the memberships expired. I am not currently an active member of any of the state bar or other bar associations. When I became a member of the Illinois, Maryland, and Ohio bars, they may have given me a complimentary membership in their bar for the first year.

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.

Kentucky
Admitted December 15, 2005

Ohio
Admitted May 20, 2002

District of Columbia
Admitted September 11, 1998

Maryland
Admitted December 18, 1997

Illinois
Admitted November 10, 1994

I am no longer an active member of the bar in the District of Columbia, Illinois, Maryland, or Ohio. In each of these jurisdictions I am in good standing, but have voluntarily selected inactive or retired status.

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.

Federal Courts:

United States Court of Appeals for the District of Columbia Circuit
Admitted January 11, 2000

United States Court of Claims
Admitted December 3, 1998

United States Court of Appeals for the Sixth Circuit
Admitted April 23, 1997

United States District Court for the Southern District of Ohio
Admitted September 13, 1996

Since becoming a judge, I have generally not sought to renew my court admissions, as I no longer litigate.

State Courts:

Kentucky Supreme Court
Admitted December 15, 2005 (Active)

Supreme Court of Ohio
Admitted May 20, 2002 (Inactive)

District of Columbia Court of Appeals
Admitted September 11, 1998 (Retired)

Maryland Court of Appeals
Admitted December 18, 1997 (Inactive)

Illinois Supreme Court
Admitted November 10, 1994 (Retired)

There have been no lapses in membership. I have not been an active member of the bar in Illinois, the District of Columbia, Maryland, and Ohio since prior to 2007. In each of these jurisdictions, I voluntarily selected inactive or retired status. While I am not required by judicial guidelines to maintain active status in Kentucky, I have chosen to do so because I am a judge in Kentucky.

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.

Heyburn Initiative for Excellence in the Judiciary, 2017 to Present
Five Seasons Sports Club, 2016 to Present
Sixth Circuit Standing Committee on Judicial Conference Planning, 2015
Advisory Committee on Bankruptcy Rules, 2013 to Present
(Subcommittee on Business Issues, 2014 to Present)
Summit Hills Country Club, 2013 to 2016
Fort Mitchell Country Club, 2011 to 2013
Catholic Charities, Diocese of Covington, 2010 to 2013
Sixth Circuit Criminal Pattern Jury Instructions Committee, 2010 to 2012
South Asian Bar Association of North America, 2008 to Present
Appalachia HIDTA, March 2006 to January 2008
Attorney General's Advisory Committee ("AGAC"), 2007 to 2008
AGAC Terrorism Subcommittee, 2007 to 2008
AGAC Controlled Substances and Asset Forfeiture Subcommittee, 2006 to 2008
(Chairperson, 2007 to 2008)
AGAC Violent Crime Subcommittee, 2006 to 2008
AGAC Child Exploitation and Obscenity Working Group, 2006 to 2008
Appalachia High Intensity Drug Trafficking Area Executive Board, 2006 to 2008
(Vice-Chairman, 2007 to 2008)

Kentucky Association of Chiefs of Police, 2006 to 2008
International Association of Chiefs of Police, 2006 to 2008
President's Identity Theft Task Force Subcommittee, 2006
The Federalist Society, 2005 to 2008
Silverlake Family Recreation Center, 2005 to 2008 (gap in membership in 2006)
Newport Aquarium, 2004 to 2008 (there was a gap in membership)
Northern Kentucky Montessori School, 2004 to 2006
Ashley Green Homeowners' Association, 2002 to Present
St. Pius X Church, 2001 to Present
The Conservative Forum, 2001 to 2002
The Cincinnati Zoo, 2001 and 2008 (intermittent family membership)
Traditions Golf Club, 2001 to 2002
Commonwealth Political Action Committee, 2001 to 2002
Beckett Fund for Religious Liberty, 1998 to 1999
Mother of God Church, 1996 to 1997

As United States Attorney, I served on numerous law enforcement task forces, such as the Anti-Terrorism Advisory Council, the Kentucky Homeland Security Task Force, and the Kentucky School Safety Task Force. Operation UNITE (Unlawful Narcotics Investigations, Treatment, and Education) also lists the United States Attorney as an honorary non-voting 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 these organizations discriminates or formerly discriminated on the basis of race, sex, religion, or national origin either through formal membership requirements or the practical implementation of membership policies.

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

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

"The Prescription Drug Epidemic: A Federal Judge's Perspective," Partnership for Drug-Free Kids, May 6, 2011. Copy supplied.

"Law Enforcement Needs Everyone's Help to Stop Predators," Ky. L. Enforcement, Winter 2007 (co-authored with Ray Larson and Larry Roberts). Copy supplied.

"Prescription Drug Abuse and Our Teens," Ky. L. Enforcement, Summer 2007. Copy supplied.

As a member of the Ecology Law Quarterly, I regularly reviewed and assisted in reviewing articles that were ultimately published in the law journal. Those reviews were for style, not substance. I have no current recollection of the articles I reviewed.

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

I have served on the Advisory Committee on Bankruptcy Rules and the Sixth Circuit Criminal Pattern Jury Instructions Committee. To my recollection and through searches of publicly available databases, I am supplying materials related to my service on these committees in Appendix 12(b).

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.

On October 24, 2007, I testified before the United States Senate Judiciary Committee at my confirmation hearing to be a United States District Judge for the Eastern District of Kentucky. I also answered Questions for the Record. Copies of my confirmation hearing testimony and responses to the written questions are available at: https://www.gpo.gov/fdsys/pkg/CHRG-110shrg47206/pdf/CHRG-110shrg47206.pdf.

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.

The following list reflects my best efforts to identify the speeches or talks that I have delivered. With assistance, I compiled this list by searching my records, conducting

Internet searches, and speaking with others. It is possible that there are some speeches or talks that I have been unable to recall or identify. When giving speeches or talks, I often speak without notes or outlines. On those occasions where I relied on notes or an outline, I frequently used the same notes or outline. For the speeches where I relied on the same notes or outline, I have supplied those oft-used notes or outlines once in Appendix 12(d) (and have not supplied multiple copies of the same notes or outlines for each occasion where I relied on them).

March 22, 2017: Speaker, Question and Answer Session with Undergraduate Students. The McConnell Center at the University of Louisville, Louisville, KY. I have no notes, transcript, or recording. The address of the McConnell Center at the University of Louisville is 2215 S. 3rd Street, Louisville, KY 40208.

February 24–26, 2017: Volunteer Judge, William Minor Lile Moot Court Competition, University of Virginia School of Law. I have no notes, transcript, or recording. The address of the University of Virginia School of Law is 580 Massie Road, Charlottesville, VA 22903.

February 10, 2017: Panel Moderator, "Reflections on Justice Thomas and Criminal Procedure." Federalist Society Conference "Celebrating Justice Thomas: 25 Years on the Supreme Court," Yale Law School, New Haven, CT. I have no notes, transcript, or recording. The address of the Yale Law School is 127 Wall Street, New Haven, CT 06511.

January 24, 2017: Speaker, "Imperfect and Speedy Discovery: We Can Only Hope." The Federalist Society, Central Kentucky Chapter, Lexington, KY. Notes supplied.

January 10, 2017: Speaker, "Indigent Criminal Defense." Vanderbilt University Law School, Nashville, TN. Notes on indigent defense supplied.

November 7, 2016: Speaker, "Can Judges Speak: The First Amendment and the Courts." University of California, Berkeley, Boalt Hall School of Law, Berkeley, CA. Notes on the First Amendment supplied.

November 5, 2016: Panelist, "Pearls of Wisdom from APA 'Firsts' on the Bench" and "An Informal Conversation with Asian Pacific Federal Judges." National Asian Pacific American Bar Association ("NAPABA") Convention, San Diego, CA. I have no notes, transcript, or recording. The address of NAPABA is 1612 K Street, NW, Suite 510, Washington, D.C. 20006.

October 24, 2016: Speaker, "Can Judges Speak? The First Amendment and the Courts." Federalist Society, Columbia Law School, New York, NY. Notes on the First Amendment supplied.

September 30, 2016: Speaker, Naturalization Ceremony. Beechwood High School, Fort Mitchell, KY. Notes for naturalization ceremonies supplied.

September 16, 2016: Speaker, "Can Judges Speak? The First Amendment and the Courts." Notre Dame Law School, Constitution Day Celebration, Notre Dame, IN. Notes on the First Amendment supplied.

May 12, 2016: Speaker, "The Just, Speedy, and Inexpensive Determination of Every Action: Federal Efforts to Improve Civil Litigation." Kentucky Bar Association Annual Convention, Louisville, KY. Notes supplied.

April 21, 2016: Speaker, "Zealous Advocacy and Testing Boundaries: The Role of a Criminal Defender." Ohio Northern University, Pettit College of Law, Ada, OH. Notes on indigent defense supplied.

April 22, 2016: Panel Moderator, "Drug Courts in Kentucky." Judicial Fellows Program for Law Students, United States District Court for the Eastern District of Kentucky, Covington, KY. I have no notes, transcript, or recording. The address of the United States District Court for the Eastern District of Kentucky is 35 W. Fifth Street, Covington, KY 41011.

April 14, 2016: Speaker, Indigent Defense. Federalist Society, Yale Law School, New Haven, CT. Notes on indigent defense supplied.

April 8–10, 2016: Volunteer Judge, William Minor Lile Moot Court Competition, University of Virginia School of Law. Recording available at: https://www.youtube.com/watch?v=Al6zGgF-Aqk.

March 11, 2016: Remarks, Naturalization Ceremony. Transylvania University, Lexington, KY. I have no independent recollection of giving remarks at this naturalization ceremony since there were multiple judges present, however, my notes for naturalization ceremonies are supplied.

February 27, 2016: Moderator, Debate on Immigration Restrictions and the Constitution. Federalist Society Symposium on Poverty, Inequality, and the Law, University of Virginia School of Law, Charlottesville, VA. Recording available at: http://www.fed-soc.org/multimedia/detail/immigration-restrictions-and-the-constitution-event-audiovideo.

November 19, 2015: Panelist, Multidistrict Litigation. Salmon P. Chase Inn of Court, Highland Heights, KY. I have no notes, transcript, or recording. The address of the Chase Inn of Court is 521 Nunn Hall, Highland Heights, KY, 41099.

November 2, 2015: Speaker, "Booking After Booker: The Hopes and Perils of Sentencing Reform." Columbia Law School, New York, NY. Notes on sentencing reform and press coverage supplied.

October 15, 2015: Speaker, Question and Answer Session with Professor Tracey George on "How to Love Your Legal Career and Succeed at the Same Time." Vanderbilt University Law School, Nashville, TN. I have no notes, transcript, or recording. The address of Vanderbilt Law School is 131 21st Ave. South, Nashville, TN 37203.

September 25, 2015: Speaker, Naturalization Ceremony. Covington Catholic High School, Park Hills, KY. Notes for naturalization ceremonies supplied.

August 7, 2015: Speaker, Closing Remarks. Judicial Fellows Program for Law Students, United States District Court for the Eastern District of Kentucky, Covington, KY. I have no notes, transcript, or recording. The address of the United States District Court for the Eastern District of Kentucky is 35 W. Fifth Street, Covington, KY 41011.

April 16, 2015: Speaker, Overcriminalization. Federalist Society, Yale Law School, New Haven, CT. Notes on overcriminalization supplied.

April 10, 2015: Speaker, Diversity in the Legal Field. Kentucky Bar Association Diversity and Inclusion Summit, Louisville, KY. I have no notes, transcript, or recording. The address of the Kentucky Bar Association is 514 West Main Street, Frankfort, KY 40601.

April 7, 2015: Speaker, Q&A, "An Evening with Judge Amul Thapar." Asian Pacific American Bar Association (APABA) of Southwest Ohio, Cincinnati, OH. I have no notes, transcript, or recording. The address of the Southwest Ohio Chapter of APABA is 312 Walnut Street, 14th Floor, Cincinnati, OH 45202.

April 1, 2015: Volunteer Judge, Moot Court Competition, Harvard Law School. I have no notes, transcript, or recording. The address of Harvard Law School is 1585 Massachusetts Ave, Cambridge, MA 02138.

October 20, 2014: Speaker, "Indigent Criminal Defense, Some Thoughts on Innovative Approaches, and the Perils of the Current System." Columbia University Law School, New York, NY. Notes on indigent defense supplied.

August 8, 2014: Panel Moderator, "A Conversation with Judge Nathaniel R. Jones"; Speaker, Closing Remarks. Judicial Fellows Program for Law Students, United States District Court for the Eastern District of Kentucky, Covington, KY. I have no notes, transcript, or recording. The address of the United States District Court for the Eastern District of Kentucky is 35 W. Fifth Street, Covington, KY 41011.

July 18, 2014: Speaker, Remarks. Judicial Fellows Program for Law Students, United States District Court for the Eastern District of Kentucky, Lexington, KY. I have no notes, transcript, or recording. The address of the United States District Court for the Eastern District of Kentucky is 101 Barr Street, Lexington, KY 40507.

April 25, 2014: Panel Moderator, "The Practitioner's Perspective" and "The Litigation Strategist's Perspective." Judicial Fellows Program for Law Students, United States District Court for the Eastern District of Kentucky, Covington, KY. I have no notes, transcript, or recording. The address of the United States District Court for the Eastern District of Kentucky is 35 W. Fifth Street, Covington, KY 41011.

April 10, 2014: Speaker, Indigent Defense. Federalist Society, Yale Law School, New Haven, CT. Notes on indigent defense supplied.

April 4–6, 2014: Volunteer Judge, William Minor Lile Moot Court Competition, University of Virginia School of Law. Recording available at: https://www.youtube.com/watch?v=epkvQxMjgbI&t=81s.

March 4, 2014: Speaker, How to Become a United States Attorney. University of California, Berkeley, Boalt Hall School of Law, Berkeley, CA. Recording available at: http://www.kaltura.com/index.php/extwidget/preview/partner_id/1368891/uiconf_id/22823042/entry_id/0_ytmtbhux/embed/auto?.

February 3, 2014: Speaker, Sentencing Reform. Federalist Society, Indiana University, Maurer School of Law, Bloomington, IN. Notes on sentencing reform supplied.

July 31, 2013: Speaker, Remarks. Kentucky Association of Chiefs of Police (KACP) Annual Conference, Lexington, KY. I have no notes, transcript, or recording. The address of the KACP is 2230 Deep Creek Drive, Madisonville, KY 42431.

November 9, 2013: Speaker, Remarks Introducing Hon. Sri Srinivasan. National Asian Pacific American Bar Association Convention, Kansas City, MO. Recording available at: https://www.youtube.com/watch?v=0p4uht4pWko.

October 28, 2013: Speaker, "Rethinking Sentencing in Federal Courts: A Judge's Perspective." Columbia University Law School, New York, NY. Notes on sentencing reform supplied.

October 15, 2013: Moderator, Special Recognition of the Honorable S. Arthur Spiegel. Potter Stewart American Inn of Court, Cincinnati, OH. Notes supplied.

October 10, 2013: Speaker, Upward Mobility and Mentoring. Columbus Bar Association, Managing Partners Diversity Initiative Advisory Committee Annual Meeting, Columbus, OH. I have no notes, transcript, or recording. The address of the Columbus Bar Association is 175 South Third Street, Suite 1100, Columbus, OH 43215.

September 13, 2013: Speaker, Naturalization Ceremony. St. Pius X Catholic Church and School, Edgewood, KY. Notes for naturalization ceremonies supplied.

August 2, 2013: Moderator, "A Conversation with Judge Nathaniel R. Jones"; Speaker, Closing Remarks. Judicial Fellows Program for Law Students, United States District Court for the Eastern District of Kentucky, Covington, KY. I have no notes, transcript, or recording. The address of the United States District Court for the Eastern District of Kentucky is 35 W. Fifth Street, Covington, KY 41011.

July 25, 2013: Speaker, Annual Federal Law Seminar Hosted by the United States Attorney's Office for the Southern District of Ohio, Oxford, OH. I have no notes, transcript, or recording. The address of the United States Attorney's Office for the Southern District of Ohio is 303 Marconi Boulevard, #200, Columbus, OH 43215.

June 21, 2013: Speaker, Question and Answer Session with Summer Associates on Judicial Clerkships. Williams & Connolly LLP, Washington, D.C. I have no notes, transcript, or recording. The address of Williams & Connolly is 725 Twelfth Street, NW, Washington, D.C. 20005.

June 21, 2013: Speaker, Question and Answer Session with Summer Associates on Judicial Clerkships. Hogan Lovells, Washington, D.C. I have no notes, transcript, or recording. The address of Hogan Lovells is 555 Thirteenth Street, NW, Washington, D.C. 20004.

June 14, 2013: Speaker, Naturalization Ceremony. United States District Court for the Eastern District of Kentucky, Covington, KY. Notes for naturalization ceremonies supplied.

April 16, 2013: Speaker, Unknown Legal Topic. Federalist Society, Yale Law School, New Haven, CT. I have no notes, transcript, or recording. The address of Yale Law School is 127 Wall Street, New Haven, CT 06511.

April 2, 2013: Speaker, Overcriminalization and Federalism. Duke University School of Law, Durham, NC. Notes on overcriminalization supplied.

February 22–24, 2013: Volunteer Judge, William Minor Lile Moot Court Competition, University of Virginia School of Law. I have no notes, transcript, or recording. The address of the University of Virginia School of Law is 580 Massie Road, Charlottesville, VA 22903.

February 12, 2013: Speaker, Overcriminalization and Federalism. Notre Dame Law School, Notre Dame, IN. Notes on overcriminalization supplied.

February 11, 2013: Speaker, The Role of Judges in the Criminal Justice System. Federalist Society, University of Chicago Law School, Chicago, IL. I have no notes, transcript, or recording. The address of Chicago Law is 1111 East 60th Street, Chicago, IL 60637.

November 16, 2012: Panelist, Complex Litigation. National Asian Pacific American Bar Association (NAPABA) Conference, Washington, D.C. I have no notes, transcript, or recording. The address of NAPABA is 1612 K Street NW, Suite 510, Washington, D.C. 20006.

November 16, 2012: Speaker, Question and Answer Session on Judicial Clerkships and Legal Careers. Georgetown University Law Center (GULC), Washington, D.C. I have no notes, transcript, or recording. The address of GULC is 600 New Jersey Avenue NW, Washington, D.C. 20001.

October 1, 2012: Speaker, "Judicial Philosophy—Does it Matter at the District Court Level?" Columbia University Law School, New York, NY. Notes on judicial philosophy supplied.

July 20, 2012: Speaker, Introductory Remarks; Panel Moderator, "Effective Appellate Advocacy" and "Effective Legal Writing"; Speaker, Question and Answer Session on Judicial Clerkships and Legal Careers. Judicial Fellows Program for Law Students, United States District Court for the Eastern District of Kentucky, Covington, KY. I have no notes, transcript, or recording. The address of the United States District Court for the Eastern District of Kentucky is 35 W. Fifth Street, Covington, KY 41011.

June 30 to July 1, 2012: Panelist, Re-argument of the Supreme Court's Decision in *United States v. Virginia.* South Asian Bar Association of North America (NASABA) Convention, Philadelphia, PA. I have no notes, transcript, or recording. The address of NASABA is 800 Great American Parkway, Suite 310, Santa Clara, CA 95054.

June 29, 2012: Speaker, Question and Answer Session with Summer Associates on Judicial Clerkships. Latham & Watkins LLP, Washington, D.C. I have no notes, transcript, or recording. The address of Latham & Watkins LLP is 555 Eleventh Street, NW, Washington, D.C. 20004.

June 29, 2012: Speaker, Question and Answer Session with Summer Associates on Judicial Clerkships. Williams & Connolly LLP, Washington, D.C. I have no notes, transcript, or recording. The address of Williams & Connolly LLP is 725 Twelfth Street, NW, Washington, D.C. 20005.

May 18, 2012: Speaker, Northern Kentucky Police Memorial. Northern Kentucky Police Chiefs Association, Covington, KY. Notes supplied.

April 23, 2012: Speaker, Chase College of Law's Curriculum, Center for Excellence in Advocacy Banquet. Northern Kentucky University, Chase College of Law, Covington, KY. Notes supplied.

April 19, 2012: Speaker, Public Corruption & Federalism. Yale Law School, New Haven, CT. Notes on public corruption and federalism supplied.

April 2, 2012: Volunteer Judge, Henry M. Campbell Moot Court Competition, University of Michigan Law School. I have no notes, transcript, or recording. The address of the University of Michigan Law School is 625 South State Street Ann Arbor, MI 48109.

April 2, 2012: Speaker, Public Corruption & Federalism. University of Michigan Law School, Ann Arbor, MI. Notes on public corruption and federalism supplied.

February 27, 2012: Speaker, Legal Research. Northern Kentucky University, Chase College of Law Research Class, Highland Heights. I have no notes, transcript, or recording. The address of Chase College of Law is Nunn Hall, Highland Heights, KY, 41099.

February 17–19, 2012: Volunteer Judge, William Minor Lile Moot Court Competition, University of Virginia School of Law. I have no notes, transcript, or recording. The address of the University of Virginia School of Law is 580 Massie Road, Charlottesville, VA 22903.

November 14, 2011: Speaker, Introductory Remarks and Panelist, "Federal Criminal Defense: Issues and Updates." Seminar for Criminal Justice Act Attorneys Hosted by the United States District Court for the Eastern District of Kentucky, Covington, KY. I have no notes, transcript, or recording. The address of the United States District Court for the Eastern District of Kentucky is 35 W. Fifth Street, Covington, KY 41011.

August 31, 2011: Speaker, Federalist Society Semester Kickoff. University of Kentucky College of Law, Lexington, KY. I have no notes, transcript, or recording. The address of the University of Kentucky College of Law is 620 South Limestone, Lexington, KY 40508.

August 5, 2011: Speaker, Judicial Fellows Program for Law Students, United States District Court for the Eastern District of Kentucky, Covington, KY. I have no notes, transcript, or recording. The address of the United States District Court for the Eastern District of Kentucky is 35 W. Fifth Street, Covington, KY 41011.

August 1, 2011: Speaker, Career Advice. Congressional Leadership Program, Paul Brown Stadium, Cincinnati, OH. Notes supplied.

July 29, 2011: Speaker, Keynote for the Asian American Bar Association of Kansas City (AABAKC) Annual Dinner, Kansas City, MO. I have no notes, transcript, or recording. The address of AABAKC is 920 Southwest Boulevard, Kansas City, MO 64108.

July 22, 2011: Speaker, Judicial Fellows Program for Law Students, United States District Court for the Eastern District of Kentucky, Covington, KY. I have no notes, transcript, or recording. The address of the United States District Court for the Eastern District of Kentucky is 35 W. Fifth Street, Covington, KY 41011.

July 5, 2011: Speaker, Question and Answer Session with Summer Associates on Judicial Clerkships. Latham & Watkins LLP, Washington, D.C. I have no notes, transcript, or recording. The address of Latham & Watkins LLP is 555 Eleventh Street, NW, Washington, D.C. 20004.

July 5, 2011: Speaker, Question and Answer Session with Summer Associates on Judicial Clerkships. Williams & Connolly LLP, Washington, D.C. I have no notes, transcript, or recording. The address of Williams & Connolly LLP is 725 Twelfth Street, NW, Washington, D.C. 20005.

July 5, 2011: Speaker, Question and Answer Session with Summer Associates on Judicial Clerkships. O'Melveny & Myers, Washington, D.C. I have no notes, transcript, or recording. The address of O'Melveny & Myers is 1625 I Street, NW, Washington, D.C. 20006.

July 5, 2011: Speaker, Question and Answer Session with Summer Associates on Judicial Clerkships. Kirkland & Ellis LLP, Washington, D.C. I have no notes, transcript, or recording. The address of Kirkland & Ellis is 655 Fifteenth Street, NW, Washington, D.C. 20005.

June 21, 2011: Speaker, Federal Courts Resolving Conflict. Henry Clay Center for Statesmanship, Transylvania University, Lexington, KY. Notes supplied.

March 8, 2011: Speaker, Unknown Legal Topic. Yale Law School, New Haven CT. I have no notes, transcript, or recording. The address of Yale Law School is 127 Wall Street, New Haven, CT 06511.

March 7, 2011: Speaker, Public Interest Meeting. New York University (NYU) School of Law, New York, NY. I have no notes, transcript, or recording. The address of NYU Law is 40 Washington Square S, New York, NY 10012.

March 3, 2011: Panelist, Federal Sentencing Issues. Federalist Society, Cincinnati, OH. I have no notes, transcript, or recording. The address of the Federalist Society is 1776 I Street, NW, Suite 300, Washington, D.C. 20006.

February 17–20, 2011: Volunteer Judge, William Minor Lile Moot Court Competition, University of Virginia School of Law. I have no notes, transcript, or recording. The address of the University of Virginia School of Law is 580 Massie Road, Charlottesville, VA 22903.

November 18–21, 2010: Panelist, Judicial Clerkships and Volunteer Judge, Thomas Tang Moot Court Competition. National Asian Pacific American Bar Association (NAPABA), Los Angeles, CA. I have no notes, transcript, or recording. The address of NAPABA is 1612 K Street NW, #1400, Washington, D.C. 20006.

October 18, 2010: Panelist, Sentencing. The Ohio State University, Moritz College of Law, Columbus, OH. I have no notes, transcripts, or recording. The address of Ohio State Law is 55 W. Twelfth Avenue, Columbus, OH 43210.

October 18, 2010: Speaker, Asian/Pacific American Law Students Association. The Ohio State University, Moritz College of Law, Columbus, OH. I have no notes, transcripts, or recording. The address of Ohio State Law is 55 W. Twelfth Avenue, Columbus, OH 43210.

October 1, 2010: Speaker, Investiture of Magistrate Judge Hanly A. Ingram. United States District Court for the Eastern District of Kentucky, London, KY. I have no notes, transcript, or recording. The address of the United States District Court for the Eastern District of Kentucky is 310 S. Main Street, London, KY 40741.

September 25, 2010: Panelist, Judicial Panel. Indian American Bar Association (IABA) of Chicago Conference and Korean American Bar Association of Chicago Conference, Chicago, IL. I have no notes, transcript, or recording. The address of IABA is 1222 Chicago Avenue, #305, Evanston, IL 60202.

July 2, 2010: Speaker, Question and Answer Session with Summer Associates on Judicial Clerkships. Williams & Connolly LLP, Washington, D.C. I have no notes, transcript, or recording. The address of Williams & Connolly is 725 Twelfth Street, NW, Washington, D.C. 20005.

June 24–27, 2010: Speaker, Unknown Legal Topic. North American South Asian Bar Association (NASABA) Conference, Boston, MA. I have no notes, transcript, or recording. The address of NASABA is 800 Great American Parkway, Suite 310, Santa Clara, CA 95054.

June 21, 2010: Speaker, Unknown Legal Topic. Transylvania University, Lexington, KY. I have no notes, transcript, or recording. The address of Transylvania University is 300 North Broadway, Lexington, KY 40508.

March 29, 2010: Speaker, Federal Courts and Jurisdiction. University of Kentucky College of Law, Lexington, KY. I have no notes, transcript, or recording. The address of Kentucky Law is 620 S. Limestone, Lexington, KY 40506-0048.

February 19 – 21, 2010: Volunteer Judge, William Minor Lile Moot Court Competition, University of Virginia School of Law. I have no notes, transcript, or recording. The address of the University of Virginia School of Law is 580 Massie Road, Charlottesville, VA 22903.

November 19, 2009: Speaker, Judicial Modesty. Federalist Society, Louisville, KY. Notes on judicial philosophy supplied.

August 27, 2009: Speaker, Judicial Philosophy and Judicial Clerkships. Federalist Society, University of Kentucky College of Law, Lexington, KY. Notes supplied.

August 12, 2009: Speaker, Judicial Clerkships and Legal Careers. Fayette County Bar Association's Women Lawyers' Association Luncheon, Lexington, KY. Notes supplied.

July 7, 2009: Speaker, Question and Answer Session with Summer Associates on Judicial Clerkships. Williams & Connolly LLP, Washington, D.C. I have no notes, transcript, or recording. The address of Williams & Connolly is 725 Twelfth Street, NW, Washington, D.C. 20005.

July 6, 2009: Speaker, Question and Answer Session with Summer Associates on Judicial Clerkships. Hogan & Hartson, Washington, D.C. I have no notes, transcript, or recording. The address of Hogan & Hartson (now Hogan Lovells LLP) is 555 Thirteenth Street, NW, Washington, D.C. 20004.

June 22, 2009: Speaker, Opening Ceremony. Congressional Leadership Program, Covington, KY. Notes supplied.

June 18, 2009: Speaker, Question and Answer Session with Summer Associates on Judicial Clerkships. Frost Brown Todd Law Firm, Louisville, KY. I have no notes, transcript, or recording. The address of Frost Brown Todd is 400 West Market Street, #3200, Louisville, KY 40202.

April 30, 2009: Speaker, Unknown Legal Topic. American Bar Association, Litigation Section Annual Conference, Atlanta, GA. I have no notes, transcript, or recording. The address of the American Bar Association is 1050 Connecticut Avenue NW, #400, Washington, D.C. 20036.

April 28, 2009: Volunteer Judge, Barristers' Union Mock Trial Competition, Yale Law School. I have no notes, transcript, or recording. The address of Yale Law School is 127 Wall Street, New Haven, CT 06511.

April 3, 2009: Speaker, Naturalization Ceremony. Unknown Location, Covington, KY. Notes for naturalization ceremonies and press coverage supplied.

April 1, 2009: Speaker, Judicial Clerkships and My Career. Federalist Society and the South Asian Law Students Association, Duke University School of Law, Durham, NC. I have no notes, transcript, or recording. The address of Duke University School of Law is 210 Science Drive, Durham, NC 27708.

March 26–27, 2009: Speaker, South Asian Law Student Association Banquet. University of Pennsylvania Law School, Philadelphia, PA. I have no notes, transcript, or recording. The address of Penn Law is 3501 Sansom Street, Philadelphia, PA 19104.

March 18, 2009: Speaker, Unknown Legal Topic. Federalist Society, New England Law School, Boston, MA. I have no notes, transcript, or recording. The address of New England Law is 154 Stuart Street, Boston, MA 02116.

February 23, 2009: Speaker, Unknown Legal Topic. The Ohio State University, Moritz College of Law, Columbus, OH. I have no notes, transcript, or recording. The address of Ohio State Law is 55 W. Twelfth Avenue, Columbus, OH 43210.

January 23, 2009: Speaker, South Asian Law Student Association. Washington and Lee University School of Law, Lexington, VA. I have no notes, transcript, or recording. The address of Washington and Lee is 1 Denny Circle, Lexington, VA 24450.

November 21, 2008: Speaker, Remarks on the Life of a Judge. National Asian Pacific American Bar Association (NAPABA) Convention, Seattle, WA. I have no notes, transcript, or recording. The address of NAPABA is 1612 K Street, NW, Suite 510, Washington, D.C. 20006.

October 8–10, 2008: Speaker, Introduction of Award Recipients. Asian American Justice Center (AAJC) Conference, Washington, D.C. I have no notes, transcript, or recording. The address of the AAJC is 1620 L Street NW, #1050, Washington, D.C. 20036.

October 2–3, 2008: Speaker, Legal Careers. South Asian Bar Association of Washington (SAPBAW) Banquet, University of Washington School of Law, Seattle, WA. I have no notes, transcript, or recording. The address of SAPBAW is 41 First Avenue N, Seattle, WA 98109. The address of the University of Washington School of Law is 4293 Memorial Way NE, Seattle, WA 98195.

September 25, 2008: Speaker, "Judicial Interpretation and the Role of a Judge." Northern Kentucky University, Chase College of Law, Newport, KY. Notes on judicial philosophy supplied.

September 26, 2008: Speaker, Naturalization Ceremony. Radisson Hotel Cincinnati Riverfront, Covington, KY. Notes for naturalization ceremonies supplied.

August 8, 2008: Speaker, Naturalization Ceremony. United States District Court for the Eastern District of Kentucky, Covington, KY. Notes for naturalization ceremonies supplied.

July 23–25, 2008: Speaker, Dinner Remarks. United States District Court for the Southern District of Ohio Federal Court Practice Seminar, Cincinnati, OH. I have no notes, transcript, or recording. The address of the United States District Court for the Southern District of Ohio is 100 East Fifth Street, Cincinnati, OH 45202.

June 27, 2008: Speaker, Unknown Legal Topic. North American South Asian Bar Association (NASABA) Convention, Chicago, IL. I have no notes, transcript, or recording. The address of NASABA is 1612 K Street, NW, Suite 510, Washington, D.C. 20006.

June 11, 2008: Speaker, Unknown Legal Topic. South Asian Bar Association (SABA) of Connecticut Convention, New Haven, CT. I have no notes, transcript, or recording. The address of SABA of Connecticut is P.O. Box 230436, Hartford, CT 06123.

April 25, 2008: Presiding Judge, Naturalization Ceremony. Northern Kentucky Convention Center, Covington, KY. Notes for naturalization ceremonies supplied.

April 23, 2008: Speaker, Advice on a Legal Career. Asian Pacific American Bar Association of Central Ohio, The Ohio State University, Moritz College of Law, Columbus, OH. Notes supplied.

April 11, 2008: Speaker, Debate on Federal vs. State Law Enforcement. Federalist Society, Cincinnati, OH. I have no notes, transcripts, or recording. The address of the Federalist Society is 1776 I Street, NW, Suite 300, Washington, D.C. 20006.

February 22, 2008: Speaker, Investiture Ceremony, Devou Park, Park Hills, Kentucky. Notes supplied.

February 16, 2008: Speaker, Banquet Remarks. North American South Asian Law Students Association (NASALSA) Annual Conference, Los Angeles, CA. I have no notes, transcript, or recording. The address of NASALSA is P.O. Box 653, Rodeo, CA 94572.

November 14–18, 2007: Volunteer Judge, Thomas Tang Moot Court Competition, National Asian Pacific American Bar Association ("NAPABA"). I have no notes, transcript, or recording. The address of NAPABA is 1612 K Street, NW, Suite 510, Washington, D.C. 20006.

November 14–18, 2007: Speaker, Keynote. National Asian Pacific American Bar Association Convention (NAPABA), Las Vegas, Nevada. I have no notes, transcript, or recording. The address of NAPABA is 1612 K Street, NW, Suite 510, Washington, D.C. 20006.

June 28–30, 2007: Speaker, North American South Asian Bar Association (NASABA) Convention, San Francisco, California. I have no notes, transcript or

recording, but press coverage supplied. The address of NASABA is 800 Great American Parkway, Suite 310, Santa Clara, CA 95054.

June 21, 2007: Speaker, Young Lawyers Section Luncheon. Kentucky Bar Association Annual Convention, Lexington, KY. I have no notes, transcript, or recording. The address of the Kentucky Bar Association is 514 West Main Street, Frankfort, KY 40601.

While serving as the United States Attorney, I was frequently called upon to speak regarding law enforcement issues or the work of the office (I was sometimes asked to do this as an Assistant United States Attorney as well). I have no notes, transcripts, or recordings of these remarks. A search of the Westlaw News database revealed articles in which some of these remarks were recorded, copies of which are provided in Appendix 12(e). I have also spoken at my children's schools and other schools about education and careers. These are usually Q and A sessions. I have no notes, transcripts, or recordings from those events.

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.

While serving as the United States Attorney, I frequently gave interviews about federal cases and law enforcement matters to newspapers and to radio and television stations. Sometimes I also spoke at formal press conferences. As an Assistant United States Attorney, I sometimes spoke with the media or provided a comment for a press release. I have also done a few interviews as a judge. With assistance, I have sought to identify all responsive interviews and to locate all responsive articles, press releases, clips, and transcripts. In some instances, an article did not make clear whether it was quoting from my in-court statements or from one of my press releases; I have included these articles out of an abundance of caution. Despite our efforts, there may be other materials that we have been unable to identify.

January 13, 2015: "U.S. Federal Judge, Professor Teach Course Offering UVA Law Students Insight on Judicial Decisions," Targeted News Service. Copy supplied.

May 30, 2009: "Sitting Judge Can't Sit Still," The Cincinnati Enquirer. Copy supplied.

Fall 2008: "A Shining Star in an Often Overlooked Galaxy: The Honorable Amul R. Thapar (E.D. Ky.)," NAPABA Lawyer. Copy supplied.

December 28, 2007: "Amul Thapar Named U.S. Federal Judge," India-West. Copy supplied.

December 13, 2007: "Crack Ruling May Free 70 Now," Kentucky Post. Copy supplied.

October 13, 2007: "Accused Rapist Pleads Guilty to Gun Charges," Kentucky Post. Copy supplied.

August 18, 2007: "Assistant Police Chief in Clay Admits Guilt; Roberts Says He Helped Set Up Arson in Conspiracy Case," Lexington Herald-Leader. Copy supplied.

August 17, 2007: "Manchester Corruption Case Ends with Final Guilty Plea," Lexington Herald-Leader. Copy supplied.

July 9, 2007: "Ky. Utility Settles for $1.4M," Waste News. Copy supplied.

May 26, 2007: "Book Smart, Street Smart," Kentucky Post. Copy supplied.

April 13, 2007: "FBI Has Fewer Agents in State; Bureau Says that Won't Slow Efforts," Lexington Herald-Leader. Copy supplied.

March 16, 2007: "Judge-Executive Convicted in Election Fraud Case," Associated Press State & Local Wire. Copy supplied.

June 14, 2007: "Prescription Drug Abuse Gaining among Teenagers; Parents to Get Help Giving Advice," Lexington Herald-Leader. Copy supplied.

March 1, 2007: "Feds, County Join Up in Crime Fight," Cincinnati Enquirer. Copy supplied.

February 8, 2007: "Information Issued by U.S. Attorney's Office for the Eastern District of Kentucky on Feb. 8: U.S. Attorney General Gonzales Appoints Amul Thapar to 2007 Advisory Committee of U.S. Attorneys," U.S. Federal News. Copy supplied.

January 26, 2007: "Former Lincoln County Teacher Sentenced to 87 Months in Prison for Child Pornography Charges," U.S. Newswire. Copy supplied.

Winter 2006: "Child Safety," Kentucky Law Enforcement Magazine. Copy supplied.

November 24, 2006: "Editorial; Drug Bust's Regional Scope," Courier-Journal. Copy supplied.

November 21, 2006: "News Briefs From Around Kentucky at 5:58 a.m. EST," Associated Press State & Local Wire. Copy supplied.

November 21, 2006: "Drug Sweep Nets more than 50, Including 2 Pharmacists," Associated Press State & Local Wire. Copy supplied.

November 21, 2006: "115 Charged in Drug Sweep," Courier-Journal. Copy supplied.

November 21, 2006: "70 Seized in E. Kentucky Drug Sweep; 2 Licensed Pharmacists among Those Accused," Lexington Herald-Leader. Copy supplied.

November 20, 2006: "News Briefs from around Kentucky at 5:58 p.m. EST," Associated Press State & Local Wire. Copy supplied.

November 20, 2006: "Drug Sweep Nets More Than 50, Including 2 Pharmacists, in Ky.," Associated Press State & Local Wire. Copy supplied.

November 20, 2006: "FOX 56 News at 10:00 p.m.," FOX. Copy supplied.

November 20, 2006: "LEX18 News at 6:00 p.m.," NBC. Copy supplied.

November 20, 2006: "LEX18 News at 5:00 p.m.," NBC. Copy supplied.

November 2, 2006: "LEX18 News at 6:00 p.m.," NBC. Copy supplied.

November 2, 2006: "LEX18 News at 5:00 p.m.," NBC. Copy supplied.

October 30, 2006: "LEX18 News at 6:00 p.m.," NBC. Copy supplied.

October 30, 2006: "Action News36 at 6:00 p.m.," ABC. Copy supplied.

October 30, 2006: "LEX18 News at 5:00 p.m.," NBC. Copy supplied.

October 25, 2006: "Officials Meet to Combat Voter Fraud Issues," U.S. Federal News. Copy supplied.

September 1, 2006: "The U.S. Attorney's Office Warns Lawyers Against Contacting Families," Lexington Herald-Leader. Copy supplied.

September 1, 2006: "The Crash of Flight 5191; Families May Report Any Solicitation," Courier-Journal. Copy supplied.

Fall 2006: "Serving All Kentuckians," Kentucky Law Enforcement Magazine. Copy supplied.

August 31, 2006: "Justice Department and Commonwealth of Kentucky Reach Settlement Regarding Conditions at the Communities at Oakwood Developmental Center," U.S. Newswire. Copy supplied.

August 31, 2006: "DOJ, State Reach Agreement for Improvements at Oakwood," Associated Press State & Local Wire. Copy supplied.

August 31, 2006: "Action News36 at 12:00 p.m.," ABC. Copy supplied.

August 23, 2006: "Grant Boosts Efforts Against Net Predators," Lexington Herald-Leader. Copy supplied.

July 15, 2006: "Several Counties May Be Investigated for Vote Fraud," Lexington Herald-Leader. Copy supplied.

May 19, 2006: "AP Interview: U.S. Attorney Says Kentuckians Deserve 'Fair Shake' at Government," Associated Press State & Local Wire. Copy supplied.

April 17, 2006: "Action News36 at 5:00 p.m.," ABC. Copy supplied.

April 3, 2006: "New U.S. Attorney Works Hard; Amul Thapar: 'Our No. 1 Priority Is Obviously Homeland Security and Terrorism,'" Lexington Herald-Leader. Copy supplied.

March 14, 2006: "Information Issued by U.S. Attorney's Office for the Eastern District of Kentucky on March 14," U.S. Federal News. Copy supplied.

December 12, 2005: "Mortgage Fraud Thrives in Ohio," Journal-News. Copy supplied.

October 26, 2005: "4 More Sentenced in 'Flipping' Cases," Cincinnati Enquirer. Copy supplied.

October 25, 2005: "'Flippers' Headed to Prison," Cincinnati Enquirer. Copy supplied.

October 21, 2005: "Fraud Earns 5 Years," Cincinnati Enquirer. Copy supplied.

August 12, 2005: "Most Fake ID Charges Resolved," Cincinnati Enquirer. Copy supplied.

February 25, 2005: "Fake IDs Bring 15 Indictments," Cincinnati Enquirer. Copy supplied.

November 24, 2004: "Prison Likely in Fraud Case," Cincinnati Post. Copy supplied.

October 23, 2003: "Government's Investigation Could Last Years," Associated Press State & Local Wire. Copy supplied.

October 22, 2003: "Government Says Probe of Mortgage Scams Widening," Associated Press State & Local Wire. Copy supplied.

October 17, 2003: "Third Plea Deal in Flipping," Cincinnati Enquirer. Copy supplied.

September 2, 2003: "Victims of Mortgage Schemes Tell Their Stories," Associated Press State & Local Wire. Copy supplied.

August 31, 2003: "Special Report," Cincinnati Enquirer. Copy supplied.

July 23, 2003: "FBI Raids Focus on Real Estate Flipping," Cincinnati Enquirer. Copy supplied.

In an effort to keep the public informed of the work done by the United States Attorney's Office, the office routinely issued press releases on matters. In Appendix 12(e), I have supplied what I believe to be a complete list of press releases that were released during my tenure as United States Attorney, as well as copies of those releases.

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 served as a United States District Judge for the Eastern District of Kentucky since January 2008. A United States District Court is an Article III court that exercises jurisdiction consistent with the Constitution and statutes of the United States.

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

As a United States District Judge, I have presided over approximately 100 cases to verdict or judgment.

i. Of these, approximately what percent were:

jury trials:	98%
bench trials:	2% [total 100%]
civil proceedings:	10%
criminal proceedings:	90% [total 100%]

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

Citations for all opinions I have written, including concurrences and dissents, are provided in Appendix 13(b), which was generated based on Westlaw searches.

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. *Asher v. Unarco Material Handling, Inc.*, No. 6:06-cv-00548-ART (E.D. Ky. 2006). Opinion deciding choice-of-law question published at 737 F. Supp. 2d 662.

Walmart employees were exposed to carbon monoxide after contractors used an unventilated generator while doing repair work inside the freezer section of the store. The employees sued the contractors; multiple parties then joined, including an insurance company for one of the contractors. By the time the case was transferred to me, Judge Danny Reeves had already dismissed some claims and granted summary judgment on others, and the parties had called experts from around the country to testify at trial about the cause of the plaintiffs' injuries. I held over twenty *Daubert* hearings on complex issues of causation. The case went to trial, and after six weeks of testimony the parties settled the night before closing arguments. One contractor still had claims lingering for indemnification against the other contractor and for breach of contract against the insurance company. I decided that Kentucky (rather than Illinois) law applied to these claims. *Asher v. Unarco Material Handling, Inc.*, 737 F. Supp. 2d 662 (E.D. Ky. 2010). I granted summary judgment to the contractor for indemnification, *see Asher v. Unarco Material Handling, Inc.*, No. 6:06-00548-ART, 2011 WL 3104084 (E.D. Ky. July 26, 2011), and to the insurance company on the breach-of-contract claim, *see Asher v. Unarco Material Handling, Inc.*, 862 F. Supp. 2d 551 (E.D. Ky. 2012).

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2. *Barnette v. Grizzly Processing, Inc.*, No. 7:10-cv-00077-ART (E.D. Ky. 2010). Opinion granting in part and denying in part defendant's motion to dismiss, motion for summary judgment, and motion to exclude expert testimony published at 809 F. Supp. 2d 636.

The plaintiffs lived near a coal-processing plant. They alleged that dust from the plant had drifted into and polluted their neighborhood, covering their homes and their bodies whenever they went outside. So they sued the plant for nuisance, trespass, and assault and battery. At the summary-judgment stage, I faced a novel question whether the plaintiffs could prove their trespass and nuisance claims—more specifically, whether the dust on their homes actually came from the plant—without any expert witnesses. I held that the plaintiffs' own testimony was sufficient to raise a material issue of disputed fact as to causation and therefore allowed the case to proceed to trial, while also granting in part and denying in part the plant's motions for summary judgment on particular claims. I then severed the case into five separate trials, with ten or eleven homeowners per suit. Each jury returned a defense verdict.

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3. *Bentley v. Highlands Hosp. Corp.*, No. 7:15-cv-00097-ART (E.D. Ky. 2015).

Opinion denying summary judgment available at 2016 WL 7234757. Opinion granting in part and denying in part the defendants' motions in limine available at 2016 WL 7446910.

Robyn Bentley sought medical treatment for her severe back pain. Unfortunately, hers was no run-of-the-mill pain; she was suffering from a rare form of spinal-cord inflammation known as post-infectious transverse myelitis. But doctors failed to spot the condition, and soon it paralyzed her from the chest down. More than a year after first seeking treatment, Bentley sued the hospitals she had visited and the doctors she had seen for medical malpractice. Once she had gathered her experts, the defendants brought numerous *Daubert* challenges against them, raising complicated issues. One of the most complicated was whether medical doctors could reliably testify that a cutting-edge treatment would have improved Bentley's condition if she had received it in time. I held that they could. *Bentley v. Highlands Hosp. Corp.*, No. 7:15-cv-00097-ART, 2016 WL 7446910 (E.D. Ky. Dec. 27, 2016). The defendants also moved for summary judgment, raising another complicated issue about the statute of limitations: When should Bentley have known that the doctors might have injured her? Because that issue was a material one of disputed fact, I denied summary judgment. *Bentley v. Highlands Hosp. Corp.*, No. 7:15-cv-00097-ART, 2016 WL 7234757 (Dec. 27, 2016). The case settled two days before trial was set to begin.

Counsel for the Plaintiff

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4. *Sergent v. McKinstry*, Nos. 7:11-cv-00129-ART, 7:11-cv-00133-ART (E.D. Ky. 2011). Opinion vacating and reversing in part the bankruptcy court's abstention and remand decisions is published at 472 B.R. 387.

When the Black Diamond Coal Company went bankrupt, the trustee for the bankruptcy sued the owner of the company, its financial advisors, and its restructuring officers for breach of fiduciary duty and gross negligence. The case started in state court; the defendants removed it to federal court; and I referred it to the bankruptcy court, which remanded some claims to state court and kept others. This circuitous route inevitably spawned many difficult issues. One was whether the trustee's claims were core or non-core bankruptcy proceedings, a distinction that would determine the kind of authority the bankruptcy court had over them. I held that the claims were core, but that the trustee had a right to have a jury hear some of them and thus that it would be unconstitutional for the bankruptcy court to enter a final judgment on those claims. I also held that the bankruptcy court had erred in abstaining from the claims that it had sent back to the state court. I therefore held that the claims would stay referred to the bankruptcy court until that court had dealt with the remaining pretrial matters and certified that the case was trial-ready. *Sergent v.*

McKinstry, 472 B.R. 387 (E.D. Ky. 2012). After I had resolved these issues and many motions in limine, the parties settled the lawsuit on the eve of trial.

Counsel for Harold E. Sergent (appellant):

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5. *United States v. Arny*, No. 7:12-cr-00011-ART (E.D. Ky. 2012). Opinion setting aside the jury verdict published at 137 F. Supp. 3d 981 (E.D. Ky. 2015), *aff'd*, 831 F.3d 725 (6th Cir. 2016).

A jury convicted the defendant, a doctor, for participating in a conspiracy to distribute oxycodone. Before sentencing, the defendant retained new counsel, who reviewed the record and determined that the defendant's previous counsel had been ineffective, specifically by (1) failing to call a critical witness (the doctor who had issued the oxycodone prescriptions but who was never prosecuted); (2) calling an expert who actually aided the government's case; (3) failing to call any of the doctor's patients, who were willing to testify in his favor; and (4) lying to the defendant about the government's intent to prosecute another doctor. New counsel therefore moved to set aside the verdict. After a long hearing, I granted the motion. The government appealed and the Sixth Circuit affirmed my decision. The case has now been remanded for a new trial.

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6. *United States v. Benge*, No. 6:12-cr-00059-ART (E.D. Ky. 2012), *United States v. Delph*, No. 6:14-cr-00039 (E.D. Ky. 2014), and *United States v. Sizemore*, 6:15-cr-00001 (E.D. Ky. 2015).

Defendant Jimmy Benge and others participated in a drug conspiracy. Benge would pay others to travel to out-of-state pain clinics and obtain oxycodone, which he then distributed. The government also alleged that Benge had ordered two other defendants to kill a federal informant. The government originally sought the death penalty against the defendants involved in committing the murder. I conducted extensive hearings on the defendants' motions, including a motion to sever the capital defendants and various motions for the government to produce evidence and one for spoliation of evidence. Eventually, all three capital defendants pled guilty to binding plea agreements with specified prison sentences.

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7. *United States ex rel. Griffith v. Conn*, No. 7:11-cv-00157-ART, 2016 WL 4803970 (E.D. Ky. Sept. 9, 2016).

In this ongoing qui tam action, the plaintiffs allege that a social-security lawyer, an administrative law judge, and others defrauded the Social Security Administration by submitting false claims. The alleged scheme worked like this: The lawyer would file cases for people seeking social-security benefits and supplement their claims with false medical evidence; the judge would assign those cases to himself and grant benefits regardless of the merits; and the lawyer would then request attorney's fees from the Social Security Administration for bringing those cases. Many complex issues have arisen thus far. The United States moved to stay this qui tam action after it had already declined to intervene; I held that the False Claims Act (FCA) did not authorize the stay. *United States ex rel. Griffith v. Conn*, 2013 WL 620259 (E.D. Ky. Feb. 19, 2013). The United States moved to reseal the case after the relators amended their complaint; I held that the FCA's seal requirement does not apply to the amended complaint. *United States ex rel. Griffith v. Conn*, 2013 WL 3935074 (E.D. Ky. July 30, 2013). The lawyer moved to dismiss; I granted the motion in part and denied it in part, holding among other things that although the complaint was based on publicly disclosed information, which usually deprives a court of jurisdiction over a qui tam action, the case could proceed because one of the relators was the original source of that information. *United States ex rel. Griffith v. Conn*, 117 F. Supp. 3d 961 (E.D. Ky. 2015). Most recently, the United States moved to stay this case until its concurrent criminal case against the defendants is resolved; I held that although the FCA does not preclude a district court from using its inherent stay power, the interests of justice did not justify granting a stay. *United States ex rel. Griffith v. Conn*, 2016 WL 4803970 (E.D. Ky. Sept. 9, 2016). The lawyer defendant appealed. The Sixth Circuit denied his motion to stay my order. He then stipulated to dismissing the appeal in favor of mediation.

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8. *United States v. Dadanovic*, No. 6:09-cr-00063-ART (E.D. Ky. 2009), *aff'd sub nom. United States v. Dugalic*, 489 F. App'x 10 (6th Cir. 2012), *cert. denied sub nom. Hamilton v. United States*, 133 S. Ct. 669 (2012).

Emir Dadanovic, who was based in Indianapolis, Indiana, ran a large-scale international drug trafficking organization that brought large quantities of cocaine into the United States from Mexico. They conspirators delivered the cocaine (as well as marijuana) in Tennessee, Kentucky, West Virginia, Pennsylvania, Ohio, and Illinois. They also engaged in money laundering. After several weeks of trial involving numerous legal and factual issues, the jury convicted all of the defendants. I wrote two opinions about the issues that the defendants had raised. First, the DEA used a wiretap to determine, among other things, the participants in the conspiracy; I denied the defendants' motions to suppress the information that the government learned that way. *United States v. Dadanovic*, No. 6:09-cr-00063-ART, 2010 WL 3620251 (E.D. Ky. Sept. 10, 2010). Second, because most of the tapped conversations were in a foreign dialect, the government had to use translators to prepare transcripts; I denied the defendants' motions to exclude those transcripts from trial. *United States v. Dadanovic*, No. 6:09-cr-00063-ART, 2010 WL 3620319 (E.D. Ky. Sept. 13, 2010).

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9. *United States v. Slone*, No. 6:12-cr-00028-ART (E.D. Ky. 2012). Opinion denying request for a scheduling order published at 969 F. Supp. 2d 830.

The government charged multiple defendants with conspiring to distribute oxycodone. It also charged one defendant, Eugene Slone, with murdering two federal informants, which made him eligible for the death penalty. Per the Department of Justice's internal policies and procedures, however, Slone was allowed to present mitigating evidence before the government actually sought the death penalty. One of the issues that arose in this case was whether the courts could police the Department's internal procedures, specifically by changing the date that the Department had set for Slone's mitigation presentation. I wrote an opinion explaining that such policing would violate the separation of powers and therefore denying Slone's request for a new schedule. *United States v. Slone*, 969 F. Supp. 2d 830 (E.D. Ky. 2013). Ultimately, the government chose not to seek the death penalty and Slone entered a binding plea agreement.

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10. *United States v. Walli*, No. 3:12-cr-00107-ART (E.D. Tenn. 2012). Opinion denying the defendants' motions for acquittal and for a new trial published at 976 F. Supp. 2d 998 (E.D. Tenn. 2013), *aff'd in part, rev'd in part, and remanded*, 785 F.3d 1080 (6th Cir. 2015).

The defendants, including a Catholic nun, staged a non-violent protest inside the Y-12 National Security Complex in Oak Ridge, Tennessee. That complex produces and stores enriched uranium and components for nuclear weapons. The defendants entered it by cutting through four security fences. They then splashed human blood, hammered, and spray painted on the walls of the Highly Enriched Uranium Materials Facility, among other things. The government charged them with willful injury of a national defense premises with intent to harm the national defense and with destruction of government property. The jury convicted them of both counts, and I denied their motions for acquittal as to the first count and for a new trial. *United States v. Walli*, 976 F. Supp. 2d 998 (E.D. Tenn. 2013). I sentenced two of the defendants to sixty-two months in prison, and the third (the Catholic nun) to thirty-five months, although the government sought seventy and she had asked for life. On appeal, the Sixth Circuit vacated the conviction for willful injury of a national defense premises and affirmed the conviction for destruction of property. *United States v. Walli*, 785 F.3d 1080 (6th Cir. 2015).

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

1. *United States v. Solomon*, No. 6:13-cr-00040-ART-(5), (7), (8), 2016 WL 6435138 (E.D. Ky. Oct. 31, 2016).

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2. *Hicks v. Colvin*, —F. Supp. 3d—, No. 7:16-cv-00154-ART, 2016 WL 5944715 (E.D. Ky. Oct. 12, 2016).

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3. *United States ex rel. Griffith v. Conn*, No. 7:11-cv-00157-ART, 2016 WL 4803970 (E.D. Ky. Sept. 9, 2016).

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4. *United States v. Takhalov*, 827 F.3d 1307 (11th Cir. 2016).

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5. *Winter v. Wolnitzek*, 186 F. Supp. 3d 673 (E.D. Ky. 2016), *aff'd in part, rev'd in part, vacated and remanded in part*, 834 F.3d 681 (6th Cir. 2016).

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6. *Dillon v. Medtronic, Inc.*, 992 F. Supp. 2d 751 (E.D. Ky. 2014).

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7. *United States v. Slone*, 969 F. Supp. 2d 830 (E.D. Ky. 2013).

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8. *Sergent v. McKinstry*, 472 B.R. 387 (E.D. Ky. 2012).

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9. *Freeland v. Liberty Mut. Fire Ins. Co.*, 632 F.3d 250 (6th Cir. 2011).

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10. *Murriel-Don Coal Co. v. Aspen Ins. UK Ltd.*, 790 F. Supp. 2d 590 (E.D. Ky. 2011).

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

Donte Griffin v. United States, No. 2:15-cr-00001 (E.D. Ky.), *aff'd*, 663 F. App'x 439 (6th Cir. 2016), *cert. denied*, No. 16-7694, 2017 WL 416270 (Feb. 24, 2017).

United States v. Jones, No. 2:13-cr-00035-ART-(1) (E.D. Ky.), *aff'd*, 829 F.3d 476 (6th Cir. 2016) (per curiam), *cert. denied*, No. 16-6848, 2017 WL 69584 (Jan. 9, 2017).

United States v. Williams, No. 2:14-cr-00019-ART-(1) (E.D. Ky.), *aff'd*, No. 15-5134 (6th Cir. Mar. 30, 2016) (unpublished order), *cert. denied*, 137 S. Ct. 170 (2016).

United States v. Hodges, No. 7:13-cr-00021-ART-(1) (E.D. Ky.), *aff'd*, 641 F. App'x 529 (6th Cir. 2016), *cert. denied*, 137 S. Ct. 134 (2016).

United States v. Brown, 635 F. App'x 574 (11th Cir. 2015) (per curiam), *cert. denied*, 136 S. Ct. 1475 (2016).

United States v. Watson, 611 F. App'x 647 (11th Cir. 2015), *cert. denied*, 136 S. Ct. 1212 (2016).

Cope v. Beckstrom, No. 5:13-cv-00420-ART, 2014 WL 6684957 (E.D. Ky. Nov. 25, 2014), *certificate of appealability denied sub nom. Cope v. Meko*, No. 15-5074 (6th Cir. Aug. 14, 2015) (unpublished order), *cert. denied*, 136 S. Ct. 910 (2016).

Singh ex rel. Singh v. Carribbean Airlines Ltd., 798 F.3d 1355 (11th Cir. 2015), *cert. denied*, 136 S. Ct. 850 (2016).

Wadley v. Farley, No. 7:14-cv-00099-ART (E.D. Ky.), *aff'd*, No. 14-6045 (6th Cir. July 29, 2015) (unpublished order), *cert. denied*, 136 S. Ct. 603 (2015).

Saccoccia v. Farley, No. 7:12-cv-00134-ART (E.D. Ky.), *aff'd*, 573 F. App'x 483 (6th Cir. 2014), *cert. denied*, 135 S. Ct. 1000 (2015).

United States v. Dalton, 6:12-cr-00001-ART-(1) (E.D. Ky.), *aff'd*, 574 F. App'x 639 (6th Cir. 2014), *cert. denied*, 135 S. Ct. 414 (2014).

Fourstar v. Farley, No. 7:12-cv-00124-ART (E.D. Ky.), *aff'd*, No. 13-5669 (6th Cir. Jan. 8, 2014) (unpublished order), *cert. denied*, 135 S. Ct. 258 (2014), *reh'g denied*, 135 S. Ct. 1888 (2015).

Johnson v. Beckstrom, No. 6:08-cv-00194-ART, *aff'd*, No. 11-6074 (6th Cir. Jan. 9, 2014) (unpublished order), *cert. denied*, 134 S. Ct. 2707 (2014).

United States v. Barajas-Ramirez, No. 2:11-cr-02322 (W.D. Tex.), *aff'd*, 540 F. App'x 392 (5th Cir. 2013) (per curiam), *cert. denied*, 134 S. Ct. 1039 (2014).

United States v. Urbina-Abrego, No. 2:12-cr-00359 (W.D. Tex.), *aff'd*, 534 F. App'x 256 (5th Cir. 2013) (per curiam), *cert. denied*, 134 S. Ct. 461 (2013).

Redmond v. Hogsten, 6:10-cv-00200-ART (E.D. Ky.), *aff'd*, No. 10-6295 (6th Cir. Dec. 15, 2011) (unpublished order), *cert. denied*, 134 S. Ct. 457 (2013), *reh'g denied*, 134 S. Ct. 995 (2014).

United States v. Taylor, No. 6:09-cr-00043-ART (E.D. Ky.), *aff'd*, No. 11-5319 (6th Cir. May 17, 2013) (unpublished order), *cert. denied*, 134 S. Ct. 340 (2013).

Walker v. Hogsten, 6:10-cv-00276-ART, 2011 WL 2149098 (E.D. Ky. May 31, 2011), *aff'd*, No. 11-5755 (6th Cir. Mar. 15, 2013) (unpublished order), *cert. denied sub nom. Walker v. Holland*, 133 S. Ct. 2748 (2013).

Fields v. Henry Cty., 701 F.3d 180 (6th Cir. 2012), *cert. denied*, 133 S. Ct. 2036 (2013).

Marks v. Davis, 504 F. App'x 383 (6th Cir. 2012), *cert. denied sub nom. Marks v. Warren*, 133 S. Ct. 1834 (2013).

United States v. De Oleo, 697 F.3d 338 (6th Cir. 2012), *cert. denied*, 133 S. Ct. 1277 (2013).

United States v. Dugalic, No. 6:09-cr-00063-ART-(2), (4) (E.D. Ky.), *aff'd*, 489 F. App'x 10 (6th Cir.), *cert. denied sub nom. Hamilton v. United States*, 133 S. Ct. 669 (2012).

McDonald v. Warden, Lebanon Corr. Inst., 482 F. App'x 22 (6th Cir. 2012), *cert. denied sub nom. McDonald v. Brunsman*, 133 S. Ct. 618 (2012).

United States v. Cornett, 7:10-cr-00002-ART, 2010 WL 3394687 (E.D. Ky. Aug. 26, 2010), *aff'd*, 471 F. App'x 495 (6th Cir.) (per curiam), *cert. denied*, 133 S. Ct. 556 (2012).

United States v. Mateo-De Los Santos, Nos. 2:10-cr-1728, 2:10-cr-1291 (W.D. Tex.), *aff'd*, 472 F. App'x 331 (5th Cir.) (per curiam), *cert. denied*, 133 S. Ct. 494 (2012).

Parham v. Warren, 490 F. App'x 686 (6th Cir. 2012), *cert. denied*, 133 S. Ct. 445 (2012).

United States v. Kelso, 468 F. App'x 551 (6th Cir.), *cert. denied*, 133 S. Ct. 357 (2012).

United States v. Coleman, No. 7:09-cr-00030-ART, 2009 WL 4255545 (E.D. Ky. Nov. 24, 2009), *aff'd*, 675 F.3d 615 (6th Cir.), *cert. denied*, 133 S. Ct. 264 (2012).

United States v. Black, 465 F. App'x 510 (6th Cir.) (per curiam), *cert. denied*, 133 S. Ct. 257 (2012).

United States v. Green, 654 F.3d 637 (6th Cir. 2011), *cert. denied*, 132 S. Ct. 1056 (2012).

Frank v. Dana Corp., 646 F.3d 954 (6th Cir. 2011), *cert. denied sub nom. Burns v. Plumbers & Pipefitters Nat'l Pension Fund*, 132 S. Ct. 559 (2011).

United States v. Williams, 641 F.3d 758 (6th Cir.), *cert. denied*, 132 S. Ct. 348 (2011).

Baze v. Parker, 711 F. Supp. 2d 774 (E.D. Ky. 2010), *aff'd*, 632 F.3d 338 (6th Cir.), *cert. denied*, 565 U.S. 873 (2011).

United States v. Urena-Gonzalez, No. 2:09-cr-00955 (W.D. Tex.), *aff'd*, 407 F. App'x 853 (5th Cir.) (per curiam), *cert. denied*, 563 U.S. 983 (2011).

United States v. Clark, No. 6:08-cr-00128-ART (E.D. Ky.), *aff'd*, No. 10-5108 (6th Cir. Dec. 22, 2010), *cert. denied*, 563 U.S. 982 (2011).

United States v. Silva-Gaytan, No. 2:09-cr-00169 (W.D. Tex.), *aff'd*, 395 F. App'x 96 (5th Cir. 2010) (per curiam), *cert. denied*, 563 U.S. 939 (2011).

United States v. Guerrero-Montelongo, No. 2:09-cr-00566 (W.D. Tex.), *aff'd*, 402 F. App'x 912 (5th Cir. 2010) (per curiam), *cert. denied*, 563 U.S. 926 (2011).

United States v. Solis-Castillo, No. 2:09-cr-00531 (W.D. Tex.), *aff'd*, 398 F. App'x 988 (5th Cir. 2010) (per curiam), *cert. denied*, 562 U.S. 1261 (2011).

United States v. Chacon-Chinchilla, No. 2:09-cr-00383 (W.D. Tex.), *aff'd*, 399 F. App'x 939 (5th Cir. 2010) (per curiam), *cert. denied*, 562 U.S. 1261 (2011).

United States v. Ferguson, No. 2:09-cr-00315 (W.D. Tex.), *aff'd*, 384 F. App'x 361 (5th Cir. 2010) (per curiam), *cert. denied*, 562 U.S. 1182 (2011).

United States v. Contreras-Aguinaga, No. 2:09-cr-00297 (W.D. Tex.), *aff'd*, 392 F. App'x 324 (5th Cir. 2010) (per curiam), *cert. denied*, 562 U.S. 1156 (2011).

Hill v. Carlton, 399 F. App'x 38 (6th Cir. 2010), *cert. denied*, 562 U.S. 1154 (2011).

United States v. Aristondo-Magana, No. 2:09-cr-00317 (W.D. Tex.), *aff'd*, 389 F. App'x 410 (5th Cir.) (per curiam), *cert. denied*, 562 U.S. 1117 (2010).

United States v. Frechette, 583 F.3d 374 (6th Cir. 2009), *cert. denied*, 562 U.S. 1053 (2010).

Stolaj v. Holder, 577 F.3d 651 (6th Cir. 2009), *cert. denied*, 130 S. Ct. 3502 (2010).

United States v. Kratt, 579 F.3d 558 (6th Cir. 2009), *cert. denied*, 559 U.S. 1070 (2010).

United States v. Herrod, 342 F. App'x 180 (6th Cir. 2009), *cert. denied*, 558 U.S. 1158 (2010).

United States v. Wilson, 344 F. App'x 134 (6th Cir. 2009), *cert. denied*, 558 U.S. 1132 (2010).

United States v. Smith, No. 3:13-CR-00005-ART (E.D. Tenn.), *aff'd*, 582 F. App'x 590 (6th Cir. 2014), *vacated and remanded*, 135 S. Ct. 2930 (2015).

United States v. Zorn, 461 F. App'x 493 (6th Cir.), *vacated and remanded*, 133 S. Ct. 149 (2012).

Lovell v. Duffey, 629 F.3d 587 (6th Cir. 2011), *vacated and remanded*, 566 U.S. 902 (2012).

Ikharo v. Holder, 614 F.3d 622 (6th Cir. 2010), *vacated and remanded*, 132 S. Ct. 997 (2012).

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.

I am not aware of any opinions where my judgment was affirmed with significant criticism by a reviewing court. There may be instances where my decision was affirmed by two panel members with a third concurring or dissenting, but I have not listed those cases here:

Tallakoy, LP v. Black Fire Energy, Inc., No. 7:14-cv-00180-ART, D.E. 86 (E.D. Ky. 2015), *rev'd and remanded*, No. 15-6322, 2017 WL 781515 (6th Cir. 2017). After arbitration, the plaintiff moved to confirm the award. In response, the defendant argued that the award should be set aside. I ruled that the defendant had filed that request well after the 90-day deadline for seeking relief from the arbitration award. The Sixth Circuit disagreed with the date I used as the date of service. The Sixth Circuit remanded for me to consider the other dates the plaintiff suggested – including the date on which it had a certified mail receipt from the defendant.

Stiltner v. Brown, No. 5:13-cv-00203-ART, 2015 WL 7737494 (E.D. Ky. Nov. 30, 2015), *rev'd and remanded sub nom. Stiltner v. Hart*, 657 F. App'x 513 (6th Cir. 2016). I adopted a report and recommendation concluding that a habeas petition was untimely. The Sixth Circuit determined that the petitioner had diligently pursued his rights to the extent that he could understand them and was therefore entitled to equitable tolling of the statute of limitations. Judge McKeague dissented.

Hill v. Farley, 7:14-cv-00085-ART, D.E. 7 (E.D. Ky. Jan. 20, 2015), D.E. 11 (E.D. Ky. Feb. 27, 2015), *rev'd and remanded sub nom. Hill v. Masters*, 836 F.3d 591 (6th Cir. 2016). Following unpublished Sixth Circuit precedent, I dismissed a successive habeas petition brought under 28 U.S.C. § 2241 on the ground that the petitioner had not satisfied the requirements of the savings clause in 28 U.S.C. § 2255(e). The Sixth Circuit reversed, holding that the remedy afforded by § 2255 was "inadequate or ineffective" in this case because the prisoner had been sentenced under the mandatory pre-*Booker* guidelines and would otherwise be precluded from filing a successive § 2255 motion challenging his career-offender sentencing enhancement in light of subsequent Supreme Court authority.

Winter v. Wolnitzek, 186 F. Supp. 3d 673 (E.D. Ky. 2016), *rev'd in part, vacated in part, and remanded*, 834 F.3d 681 (6th Cir. 2016). Candidates for judicial office in Kentucky brought an action arguing that various sections of the Kentucky Code of Judicial Conduct infringed on their free speech rights. I entered an order granting in part the candidates' request to enjoin the challenged canons. The Sixth Circuit

affirmed with respect to several clauses, reversed as to two others, and remanded for further consideration of the meaning and validity of a third.

United States v. Walli, 976 F. Supp. 2d 998 (E.D. Tenn. 2013), *rev'd in part and remanded*, 785 F.3d 1080 (6th Cir. 2015). A jury convicted three defendants of violating the Sabotage Act, 18 U.S.C. § 2155(a), and of injuring government property, in violation of 18 U.S.C. § 1361. I denied the defendants' motions for a judgment of acquittal and for a new trial. On appeal, the Sixth Circuit determined that there was insufficient evidence that the defendants had acted with the intent necessary to violate the Sabotage Act and therefore vacated the defendants' § 2155(a) convictions. The court remanded for resentencing on the § 1361 counts. Judge Boggs dissented.

United States v. Badger, No. 7:13-cr-00003-ART, 2013 WL 5529329 (E.D. Ky. Oct. 1, 2013), *vacated in part and remanded*, 581 F. App'x 541 (6th Cir. 2014) (per curiam). As part of his sentence for possessing heroin while serving a life term, I imposed a $5,000 fine on Badger. To collect the fine, I ordered the Bureau of Prisons to seize one half of the funds in Badger's inmate account and half of any future deposits. The Sixth Circuit affirmed the sentence, but vacated the collection order on the ground that garnishment was not authorized until Badger defaulted.

United States v. Smith, No. 3:13-CR-00005, D.E. 74 (E.D. Tenn. Sept. 30, 2013), D.E. 75 (E.D. Tenn. Oct. 4, 2013), *aff'd*, 582 F. App'x 590 (6th Cir. 2014), *vacated and remanded*, 135 S. Ct. 2930 (2015). At sentencing, I held that Smith's prior conviction for common-law robbery in North Carolina qualified as a "crime of violence" under the residual clause of the career-offender guideline. The Sixth Circuit affirmed, but the Supreme Court later vacated and remanded for further consideration in light of *Johnson v. United States*, 135 S. Ct. 2551 (2015), which held that the Armed Career Criminal Act's analogous residual clause is unconstitutionally vague.

Sours v. Big Sandy Reg'l Jail Auth., 946 F. Supp. 2d 678 (E.D. Ky. 2013), *rev'd in part and remanded*, 593 F. App'x 478 (6th Cir. 2014). A pretrial detainee died from a complication of diabetes while in the custody of the Big Sandy Regional Jail. His estate sued the jail and several jail officials for deliberate indifference under 42 U.S.C. § 1983 and state-law negligence. I granted summary judgment in favor of the defendants. The Sixth Circuit reversed with respect to the estate's claims against the jail's nurse, but affirmed as to all other defendants.

Pikeville Energy Grp., LLC v. Spradlin, Nos. 7:12-cv-00113-ART, 7:12-cv-00127-ART, 2013 WL 1718801 (E.D. Ky. Apr. 19, 2013), *vacated in part and remanded sub nom. Spradlin v. Richard*, 572 F. App'x 420 (6th Cir. 2014). In a series of appeals from a bankruptcy proceeding, I held that the bankruptcy court lacked subject-matter jurisdiction over one party's cross-claims and reversed the bankruptcy court's dismissal of those claims for failure to state a claim. The Sixth Circuit concluded that, because the bankruptcy court lacked jurisdiction over those claims,

the district court also lacked jurisdiction to review other issues related to them. The Sixth Circuit therefore vacated portions of my ruling that addressed two motions related to these claims.

Turner v. Astrue, 764 F. Supp. 2d 864 (E.D. Ky. 2010), *rev'd and remanded sub nom. Turner v. Comm'r of Soc. Sec.*, 680 F.3d 721 (6th Cir. 2012). A social security claimant sought judicial review of the Commissioner's decision denying his application for disability insurance benefits. After I reversed the decision and remanded, the claimant moved for attorney fees under the Equal Access to Justice Act ("EAJA"). I denied the motion, holding that the claimant had not yet "incurred" attorney fees within the meaning of the EAJA because he was not required by his representation agreement to pay his attorney until he received a benefits award. The Sixth Circuit held that the claimant had already "incurred" attorney fees because his representation agreement contained an express or implied legal obligation to pay over any award to his attorney.

Hill v. Lappin, No. 6:09-cv-00007-ART, 2009 WL 1036127 (E.D. Ky. Apr. 17, 2009), *rev'd and remanded*, 630 F.3d 468 (6th Cir. 2010). On initial screening pursuant to 28 U.S.C. §§ 1915(e), 1915A, I dismissed this *Bivens* action for failure to state a claim. The Sixth Circuit reversed, holding that the *pro se* complaint sufficiently pleaded a First Amendment retaliation claim.

While technically not responsive, I disclose the following because the Sixth Circuit disagreed with me about whether they should consider this issue on an interlocutory basis:

Adler v. Elk Glenn, LLC, 7:12-cv-00085-ART, 2013 WL 6632057 (E.D. Ky. Dec. 17, 2013), *appeal dismissed*, 758 F.3d 737 (6th Cir. 2014) (per curiam). I granted summary judgment for an insurer on the ground that it was not required to defend Elk Glenn against the plaintiff's breach-of-contract claims. I entered final judgment for the insurer pursuant to Fed. R. Civ. P. 54(b), and Elk Glenn appealed. The Sixth Circuit dismissed the appeal, concluding that my order had not provided sufficient reasons for certifying an immediate appeal.

I have sat by designation on the United States Court of Appeals for the Sixth Circuit. The Supreme Court reversed the following panel opinions that I joined:

United States v. Zorn, 461 F. App'x 493 (6th Cir. 2012), *vacated and remanded*, 133 S. Ct. 149 (2012). Zorn challenged the district court's refusal to reduce his federal sentence for time spent in state custody awaiting sentencing in state court for the same underlying conduct. We held that the district court lacked authority to grant Zorn's request under U.S.S.G. § 5G1.3(b) because the state court had not yet sentenced him. The Supreme Court later ruled in *Setser v. United States*, 566 U.S. 231 (2012), that district courts retain discretion to order that a federal sentence run concurrently or consecutively to an anticipated state sentence that has not yet been imposed. The Supreme Court vacated and remanded for further consideration in light of *Setser*.

Lovell v. Duffey, 629 F.3d 587 (6th Cir. 2011), *vacated and remanded*, 566 U.S. 902 (2012). A state court denied Lovell's ineffective-assistance claim on the merits after an evidentiary hearing. Lovell then filed a federal habeas petition. The district court held its own evidentiary hearing, allowing the parties to introduce evidence outside the state-court record. Relying in part on this new evidence, the district court conditionally granted the petition. We reversed in a decision that also relied on the new evidence. The Supreme Court later ruled in *Cullen v. Pinholster*, 563 U.S. 170 (2011), that federal habeas review under 28 U.S.C. § 2254(d)(1) "is limited to the record that was before the state court that adjudicated the claim on the merits." The Supreme Court vacated and remanded for further consideration in light of *Cullen*.

Ikharo v. Holder, 614 F.3d 622 (6th Cir. 2010), *vacated and remanded*, 132 S. Ct. 997 (2012). Ikharo sought relief from removal under INA § 212(c). An immigration judge denied the request because the offense that triggered Ikharo's removal was not comparable to one of the grounds for inadmissibility in INA § 212(a). The Board of Immigration Appeals ("BIA") affirmed, and we denied review of the BIA's order. The Supreme Court later ruled in *Judulang v. Holder*, 565 U.S. 42 (2011), that the BIA's "comparable-grounds approach" for determining whether an alien was eligible for relief from deportation under § 212(c) was "arbitrary and capricious." The Supreme Court vacated and remanded for further consideration in light of *Judulang*.

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

As a United States District Court Judge, I have issued 631 orders and opinions that are available on Westlaw. Approximately 14% of those decisions have been selected for publication in the Federal Reporter, the Federal Supplement, or the Bankruptcy Reporter.

In addition, I issue many orders that either don't materially impact the case (orders granting pauper status, orders granting motions to continue, orders granting *pro hac vice* status and the like) or don't break new legal ground in any meaningful way. These orders, which are generally not available on Westlaw, are available on the Eastern District of Kentucky's case management system.

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

Hicks v. Colvin, —F. Supp. 3d—, No. 7:16-cv-154-ART, 2016 WL 5944715 (E.D. Ky. Oct. 12, 2016).

Ackermann Enters., Inc. v. City of Bellevue, No. 2:14-cv-207-ART, 2016 WL 5171864 (E.D. Ky. Sept. 19, 2016).

Winter v. Wolnitzek, 186 F. Supp. 3d 673 (E.D. Ky.), *aff'd in part, rev'd in part, vacated in part*, 834 F.3d 681 (6th Cir. 2016).

United States v. Slone, 969 F. Supp. 2d 830 (E.D. Ky. 2013).

Bowling v. Parker, 882 F. Supp. 2d 891 (E.D. Ky. 2012).

Sergent v. McKinstry, 472 B.R. 387 (E.D. Ky. 2012).

United States v. Frechette, 583 F.3d 374 (6th Cir. 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 sat by designation on both the United States Court of Appeals for the Eleventh Circuit and the United States Court of Appeals for the Sixth Circuit. I authored opinions in the following cases:

United States v. Takhalov, 827 F.3d 1307 (11th Cir. 2016). A jury convicted the defendants of wire fraud and other crimes related to the wire fraud. At trial, the district court refused to give one of the defense's proposed jury instructions: that the jury must acquit if the victims got what they asked for and paid only what they agreed to pay. The defendants appealed. We reversed on all but one count and remanded, holding that the proposed wire-fraud instruction correctly stated the law; that the wire-fraud instruction the court gave did not substantially cover the defense's proposal; that the court's failure to give the proposed instruction was not harmless error; and that the error required reversing the defendants' convictions for wire fraud and money laundering, which the government had expressly tied to the wire fraud.

United States v. Bantum, 638 F. App'x 473 (6th Cir. 2016). A jury convicted Raymond Bantum of conspiring to distribute cocaine. He appealed, arguing that insufficient evidence supported his conviction. We affirmed, holding that a rational jury would have sufficient evidence to find that a conspiracy existed and that Bantum knowingly and voluntarily joined it, given that several co-defendants testified about his involvement in drug transactions and wiretaps captured him in drug-related conversations with co-conspirators.

United States v. Herrera, 636 F. App'x 250 (6th Cir. 2016). A jury convicted Dwight Herrera of conspiring to distribute cocaine and traveling in interstate commerce with the intent to conduct an unlawful activity. The district court sentenced him to 240 months in prison for the crimes and to 30 more months for violating his terms of supervised release. Herrera appealed, arguing that the district court should have suppressed evidence taken from his bag, allowed him to substitute counsel, excluded an alternate juror, forbidden the prosecutor from asking witnesses if they knew the consequences of perjury, and allowed Herrera to serve the sentences for his convictions and supervised-release violations concurrently. We affirmed, holding

that the police had a warrant to search his house, which covered the bag he carried inside the house; that the district court did not abuse its discretion in denying his motion to substitute counsel, where their only disagreement was about trial strategy; that the court did not err in failing to exclude *sua sponte* an alternate juror whose impartiality was not in doubt; that the prosecutor's questions were not prosecutorial misconduct; and that the district court properly imposed a consecutive sentence after adequately considering the statutory sentencing factors.

United States v. Watson, 611 F. App'x 647 (11th Cir. 2015). With the jury deadlocked after twelve hours in Trevor Watson's first trial, the district court declared a mistrial. At the second trial, the jury convicted him of attempting to smuggle illegal immigrants into the United States. Watson appealed, faulting the district court for granting a mistrial, admitting various pieces of evidence, and giving the jury a deliberate ignorance instruction. He also challenged his sentence, arguing that the district court improperly applied a risk-of-injury enhancement and imposed a sentence that was unreasonable, unconstitutional, and too general. We affirmed his conviction, holding that the court properly exercised its discretion to grant a mistrial; that the evidence was either admissible, properly excluded, or that its admission was harmless error and not structural error; and that any error regarding the deliberate-ignorance instruction was harmless. We affirmed his sentence in part, holding that the enhancement was warranted and that the sentence as a whole was substantively reasonable and constitutional. We, however, vacated his sentence and remanded for the limited purpose of fixing a clerical error and clarifying how the court was distributing the sentence among the several counts.

United States v. Richards, 508 F. App'x 444 (6th Cir. 2012). Gerald Richards pled guilty to conspiring to distribute oxycodone and to aiding and abetting the distribution of oxycodone. The district court sentenced him to 135 months in prison. He appealed both the court's acceptance of his plea and the reasonableness of his sentence. We affirmed in part, reversed in part, and remanded, holding that the plea was knowing and voluntary and the court did not err in accepting it; that the court properly applied a three-level sentence enhancement for Richards's managerial role in the offense; but that the court had improperly calculated his criminal-history category.

Fields v. Henry Cty., 701 F.3d 180 (6th Cir. 2012). The Henry County Sheriff's Office automatically detained domestic-assault defendants for twelve hours and set their bail using a bond schedule. After it applied those policies to Gary Fields, he challenged them in court, arguing that they violated his Eighth Amendment right to be free from excessive bail and his Fourteenth Amendment right to procedural due process. The district court granted summary judgment to Henry County. We affirmed, holding that the bond schedule did not violate the Eighth Amendment and that neither the state nor the county had created any liberty interest that implicated the procedural protections of the Due Process Clause.

Marks v. Davis, 504 F. App'x 383 (6th Cir. 2012). Lavelle Marks pled guilty to second-degree murder. The state court sentenced him to thirty-five to seventy years in prison. He petitioned for habeas corpus, arguing that his plea was not knowing and

voluntary. The district court denied the petition. We affirmed, holding that his plea was indeed knowing, voluntary, and intelligent, and that an evidentiary hearing was unwarranted because the state courts had already adjudicated Marks's claim on the merits.

United States v. De Oleo, 697 F.3d 338 (6th Cir. 2012). A jury convicted Juan De Oleo of Medicare fraud, conspiracy to commit Medicare fraud, and money laundering. He appealed, faulting the district court for dismissing a juror after the close of the evidence and for admitting evidence that De Oleo and some witnesses were involved in other sham clinics than the one for which he was on trial. We affirmed, holding that the court's decision to dismiss Juror 12 (a college student who did not want to miss the beginning of classes) was reasonable, and that the other-acts evidence was admissible because the other acts actually occurred, were relevant to the permissible purposes of proving De Oleo's knowledge and intent, and were not more prejudicial than probative.

Wasek v. Arrow Energy Servs., Inc., 682 F.3d 463 (6th Cir. 2012). Harold Wasek, a derrick hand on an oil rig, left the rig because another crewmember was harassing him. The oil company banned him from working in Pennsylvania after that, and he found it hard to get more work at all. He filed hostile-work-environment and retaliation claims against the company. The company moved for summary judgment on all claims, which the district court granted. We affirmed, holding that Wasek had offered no evidence that he was harassed because of his sex and had not demonstrated a causal connection between his protected activity (complaining about harassment) and his adverse employment action (the Pennsylvania ban).

N.L.R.B. v. Galicks, Inc., 671 F.3d 602 (6th Cir. 2012). The National Labor Relations Board found that a sheet-metal contractor had committed an unfair labor practice by failing to recall laid-off journeyman out of animus toward their union, by unlawfully withdrawing recognition from the union, and by twice refusing to provide information that the union had requested. The Board then applied for enforcement of the order and the contractor cross-petitioned for review of the order. We granted the Board's application and enforced the order, holding that the contractor admitted the truth of one of the Board's findings by failing to appeal it, and that substantial evidence supported the Board's other findings.

Ortiz v. Wolfe, 466 F. App'x 465 (6th Cir. 2012). Jose Ortiz filed a habeas petition, which the district court dismissed. We affirmed because Ortiz had not exhausted all his claims in state court, which barred him from bringing a habeas petition to federal court.

Kiessel v. Oltersdorf, 459 F. App'x 510 (6th Cir. 2012). The Leelanau County Sheriff's Office fired three people after they alleged to the state police, to the federal police, and in a newspaper that the sheriff and undersheriff were eavesdropping on their phone calls. A group of deputies sued, arguing that the sheriff and undersheriff had retaliated against them for exercising First Amendment rights. The district court denied the defendants' request for qualified immunity, and they brought an

interlocutory appeal. We affirmed, holding that we had jurisdiction over the qualified-immunity claims, that the plaintiffs had engaged in protected speech, that their speech was a motivating factor of the adverse action against them, and thus that the defedants were not entitled to qualified immunity.

United States v. Jimenez, 446 F. App'x 771 (6th Cir. 2011). The district court denied Basilio Jimenez and Johnny Espinal-Bisono's motions to suppress the six kilograms of cocaine found in their car during a routine traffic stop. They pled guilty and then appealed their convictions. We affirmed, holding that there was probable cause to make the traffic stop for a moving violation, that the police officer did not unreasonably prolong the stop with extraneous questions, and that the defendants voluntarily consented to the search and did not withdraw their consent during it.

United States v. Moore, 643 F.3d 451 (6th Cir. 2011). After Martino Moore pled guilty to being a felon in possession of a firearm, the district court sentenced him to 180 months in prison, the mandatory minimum. He appealed, arguing that his sentence was a cruel and unusual punishment and therefore violated the Eighth Amendment. We affirmed, holding that the Eighth Amendment does not prohibit a court from imposing a mandatory-minimum sentence without considering mitigating factors, and that Moore's punishment was not grossly disproportionate to his crime.

Bray v. Andrews, 640 F.3d 731 (6th Cir. 2011). A jury convicted Sabrina Gray of complicity in a drug-related murder. She appealed all the way up to the Ohio Supreme Court, arguing that her lawyer had failed to tell her that she could be tried for complicity, that she would have accepted the state's plea offer had she known, and thus that she had been denied her Sixth Amendment right to effective assistance of counsel. When the court dismissed her appeal, Bray filed a habeas petition in federal court. That court conditionally granted the petition. We reversed, holding that the state court's decision was not contrary to or an unreasonable application of clearly established federal law as determined by the United States Supreme Court.

Union Sec. Ins. Co. v. Blakeley, 636 F.3d 275 (6th Cir. 2011). Relying on federal common law, a magistrate judge determined that Thomas Blakeley's domestic partner was his beneficiary. His children appealed. We vacated and remanded, holding that even though Congress did not define "domestic partner" in the general-definition section of the relevant statute (ERISA), the judge should not have looked to the common law for a definition when the statute—read as a whole— supplied one.

Freeland v. Liberty Mut. Fire Ins. Co., 632 F.3d 250 (6th Cir. 2011). The district court granted summary judgment to the defendant. We vacated and remanded, holding that because the amount in controversy was exactly $75,000, the district court lacked jurisdiction over the dispute by exactly one penny.

United States v. Moody, 397 F. App'x 201 (6th Cir. 2010). Charles Keith Moody moved to reduce his sentence pursuant to an amendment to the sentencing guidelines for crack-cocaine offenses and a change in the case law regarding the career-offender guideline. The district court denied the motion. We affirmed because the amendment

did not impact Moody's guideline range and because the statute authorizing sentence reductions did not authorize the court to review the merits of his sentence.

Hill v. Carlton, 399 F. App'x 38 (6th Cir. 2010). Juan Hill filed a *pro se* habeas corpus petition, which the district court denied. We affirmed, holding that his lawyer's alleged failure to more fully investigate and present alibi evidence did not deprive Hill of his Sixth Amendment rights; Hill himself had made statements putting him at the scene, and he offered no explanation as to how additional alibi evidence would have changed the outcome of the trial. We also held that Hill had procedurally defaulted two evidentiary claims and three other claims that he raised *pro se* before the state appellate court while he was being represented by counsel. Judge White filed a concurring opinion.

Debek v. Holder, 380 F. App'x 492 (6th Cir. 2010). Elias Debek, a Lebanese citizen, asked to continue his removal hearing. The Board of Immigration Appeals denied the request, and he petitioned for review. We denied the petition, holding that the Board acted within its discretion; that we lacked jurisdiction over his due-process claims because he had failed to exhaust them before the agency; and that, even if we considered those claims on the merits, Debek suffered no prejudice and thus no violation of his due-process rights.

Peci v. Holder, 379 F. App'x 499 (6th Cir. 2010). Elisabeta Peci, an Albanian citizen, applied for asylum and withholding of removal. The Board of Immigration Appeals denied her application, and she petitioned for review. We denied the petition, holding that substantial evidence supported the Board's decision, that she had failed to exhaust administrative remedies for her due-process claim of bias, and that she had failed to support her other due-process claims with evidence that she suffered any undue prejudice.

Anton v. SBC Global Servs., Inc., 350 F. App'x 39 (6th Cir. 2009). A jury awarded over three million dollars each to two sale representatives for commissions owed to them under an implied-in-fact contract. The district court denied their employer's motions for judgment as a matter of law, or a new trial, and for remittitur (*i.e.*, reducing the award). We affirmed, holding that the jury had sufficient evidence to conclude that the contract did not give the employer discretion to set commissions for large sales; that the contract's liquidated damages clause should play no role in calculating the commissions; and that the district court did not abuse its discretion in denying the motion for remittitur.

Pettrey v. Enter. Title Agency, Inc., 584 F.3d 701 (6th Cir. 2009). The plaintiffs sought class certification, which the district court denied. We dismissed the appeal because the parties had settled, rendering the case moot and depriving the court of jurisdiction.

United States v. Frechette, 583 F.3d 374 (6th Cir. 2009). A magistrate judge issued a search warrant for Doulgas Frechette's house based on an affidavit stating that, a year earlier, a computer at his address had been used to pay for and access child

pornography. The district court suppressed the evidence of child pornography that officers found there on the ground that the information in the affidavit was stale. We reversed and remanded, holding that the information in the affidavit was not stale and that probable cause for the search warrant existed. Judge Moore filed a dissenting opinion.

United States v. Shull, 349 F. App'x 18 (6th Cir. 2009). A jury convicted Robert Shull for conspiring to possess crack cocaine with the intent to distribute it and also for possessing crack cocaine with the intent to distribute it. We affirmed in part and reversed in part, holding that the jury had insufficient evidence to convict him of the conspiracy charge but sufficient evidence to convict him of the possession charge.

United States v. Herrod, 342 F. App'x 180 (6th Cir. 2009). The district court sentenced Trory Herrod to 188 months in prison for possessing a controlled substance with the intent to distribute it. Herrod appealed. We affirmed, holding that Herrod's sentence was both procedurally and substantively reasonable. Judge Clay concurred to emphasize that sentencing judges are responsible for providing an adequate record for appeal.

United States v. Lockett, 341 F. App'x 129 (6th Cir. 2009). The district court denied Jeremy Lockett's motion to reduce his sentence pursuant to an amendment to the sentencing guidelines that had lowered the sentencing range for most crack-cocaine offenses. We affirmed because Lockett had not been sentenced under the crack-cocaine guideline, and thus the amendment did not apply to him.

Landino-Gomez v. Holder, 336 F. App'x 469 (6th Cir. 2009). The Board of Immigration Appeals determined that the plaintiff, a native and citizen of Mexico, could not seek to cancel her removal. She petitioned for review of that decision. We denied the petition, holding that even if the Board had retroactively applied the "stop time" rule—which blocked her attempt to cancel—the rule did not violate her due-process rights.

Ardingo v. Local 951, United Food & Commercial Workers Union, 333 F. App'x 929 (6th Cir. 2009). A jury awarded Charles Ardingo $819,614 in his wrongful-termination suit against his former employer. We affirmed, holding that the Labor-Management Relations Act did not preempt Ardingo's claim and that the jury verdict was neither so excessive as to shock the conscience nor the result of a mistake.

United States v. Williams, No. 07-6358, 2009 WL 579332 (6th Cir. Mar. 9, 2009). Charles Williams, a former police officer, knew that another officer had stolen from a drug suspect but lied about the incident. A jury found him guilty of misprision of felony. Williams argued that his conviction was unconstitutional because the Fifth Amendment gave him a right not to report the theft at all. We affirmed the conviction, holding that although Williams might have had a right to remain silent, he did not have a right to affirmatively lie.

United States v. Layne, No. 08-5406, 2009 WL 89649 (6th Cir. Jan. 14, 2009). The district court revoked Billy Layne's supervised release after he was arrested for possessing a controlled substance (morphine). We affirmed, holding that the district court had not abused its discretion because one of the conditions of Layne's release was not to commit another crime and because the court's finding that he had done so was not clearly erroneous.

I authored concurrences and dissents in the following cases:

LidoChem, Inc. v. Stoller Enters., Inc., 500 F. App'x 373, 386 (6th Cir. 2012) (Thapar, J., dissenting in part). I dissented in part because the majority reversed the district court's grant of summary judgment based on evidence never presented to the district court.

United States v. Green, 654 F.3d 637, 653 (6th Cir. 2011) (Thapar, J., concurring). The entirety of my concurrence is as follows: "I concur in majority's thorough opinion with one exception. Having never served in the military, I do not feel qualified to criticize the Army's recruitment and leadership practices."

United States v. Williams, 641 F.3d 758, 770 (6th Cir. 2011) (Thapar, J., concurring). I concurred because the majority said that the government could waive the plain error standard of review. While this appeared to be the precedent of the circuit, it appeared contrary to the rules of appellate procedure. I pointed out the problems with such a waiver.

United States v. Carr, 355 F. App'x 943, 950 (6th Cir. 2009) (Thapar, J., dissenting). I dissented because I believed that after *Herring v. United States*, 555 U.S. 135 (2009), suppression is not an appropriate remedy when the police do nothing wrong. I pointed out that the suppression doctrine was not created to punish officers from checking on an individual's well-being—as they did in this case, which is what led them to discover drugs in plain view.

Lawrence v. 48th Dist. Court, 560 F.3d 475, 485 (6th Cir. 2009) (Thapar, J., concurring). I concurred with the majority's view that the individual was "in custody" as explained by the courts. I wrote separately to point out that the courts had read the word "custody" well beyond its plain meaning.

I joined in the following panel opinions:

United States v. Takhalov, 838 F.3d 1168 (11th Cir. 2016) (per curiam).

Hollingsworth v. Ford Motor Co., 644 F. App'x 496 (6th Cir. 2016).

Hurst v. Fed. Nat'l Mortg. Ass'n, 642 F. App'x 533 (6th Cir. 2016).

Smith v. Rock-Tenn Servs., Inc., 813 F.3d 298 (6th Cir. 2016).

Hih v. Lynch, 812 F.3d 551 (6th Cir. 2016).

United States v. Kessinger, 641 F. App'x 500 (6th Cir. 2016).

United States v. Salmona, 810 F.3d 806 (11th Cir. 2016).

In re Boyett, 628 F. App'x 431 (6th Cir. 2016) (per curiam).

Robbins v. Garrison Prop. & Cas. Ins. Co., 809 F.3d 583 (11th Cir. 2015).

Liebman v. Metro. Life Ins. Co., 808 F.3d 1294 (11th Cir. 2015) (per curiam).

Castillo v. Florida, 630 F. App'x 1001 (11th Cir. 2015) (per curiam).

United States v. Brown, 635 F. App'x 574 (11th Cir. 2015) (per curiam).

United States v. Brown, 630 F. App'x 947 (11th Cir. 2015) (per curiam).

Zelaya v. Sec'y, Fla. Dep't of Corr., 798 F.3d 1360 (11th Cir. 2015).

Singh ex rel. Singh v. Carribbean Airlines Ltd., 798 F.3d 1355 (11th Cir. 2015).

Duty Free Americas, Inc. v. Estee Lauder Cos., 797 F.3d 1248 (11th Cir. 2015).

United States v. De La Torre, 621 F. App'x 564 (11th Cir. 2015) (per curiam).

Ulysse v. Waste Mgmt., Inc. of Fla., 617 F. App'x 951 (11th Cir. 2015) (per curiam).

In re Dry Max Pampers Litig., 724 F.3d 713 (6th Cir. 2013).

United States v. Zabawa, 719 F.3d 555 (6th Cir. 2013).

Am. Premier Underwriters, Inc. v. Nat'l R.R. Passenger Corp., 709 F.3d 584 (6th Cir. 2013).

Loreto v. Procter & Gamble Co., 515 F. App'x 576 (6th Cir. 2013).

Glazer v. Chase Home Fin. LLC, 704 F.3d 453 (6th Cir. 2013).

United States v. Sanford, 707 F.3d 594 (6th Cir. 2012).

United States v. Zorn, 487 F. App'x 289 (6th Cir. 2012).

Filing v. Phipps, 503 F. App'x 297 (6th Cir. 2012).

Estate of Hickman v. Moore, 502 F. App'x 459 (6th Cir. 2012).

Perry ex rel. G.D. v. Comm'r of Soc. Sec., 501 F. App'x 425 (6th Cir. 2012).

Mathis v. Wayne Cty. Bd. of Educ., 496 F. App'x 513 (6th Cir. 2012).

United States v. Virges, 491 F. App'x 723 (6th Cir. 2012) (per curiam).

United States v. Brown, 490 F. App'x 779 (6th Cir. 2012) (per curiam).

United States v. Ogden, 685 F.3d 600 (6th Cir. 2012).

Katz v. Fid. Nat'l Title Ins. Co., 685 F.3d 588 (6th Cir. 2012).

Parham v. Warren, 490 F. App'x 686 (6th Cir. 2012).

McDonald v. Warden, Lebanon Corr. Inst., 482 F. App'x 22 (6th Cir. 2012).

Lovell v. Duffey, 469 F. App'x 461 (6th Cir. 2012).

Worthy v. Mich. Bell Tel. Co., 472 F. App'x 342 (6th Cir. 2012).

United States v. Kelso, 468 F. App'x 551 (6th Cir. 2012).

United States v. Carr, 674 F.3d 570 (6th Cir. 2012).

Bumgardner v. United States, 469 F. App'x 414 (6th Cir. 2012) (per curiam).

United States v. Black, 465 F. App'x 510 (6th Cir. 2012) (per curiam).

Ratliff v. Comm'r of Soc. Sec., 465 F. App'x 459 (6th Cir. 2012) (per curiam).

Ikharo v. Holder, 459 F. App'x 552 (6th Cir. 2012).

United States v. Urbina, 459 F. App'x 549 (6th Cir. 2012).

United States v. Zorn, 461 F. App'x 493 (6th Cir. 2012).

United States v. Dodson, 450 F. App'x 505 (6th Cir. 2011).

Hall v. Warren, 443 F. App'x 99 (6th Cir. 2011).

Pettit v. Steppingstone, Ctr. for the Potentially Gifted, 429 F. App'x 524 (6th Cir. 2011).

United States v. Turner, 424 F. App'x 530 (6th Cir. 2011).

Frank v. Dana Corp., 646 F.3d 954 (6th Cir. 2011).

United States v. Mendez-Santana, 645 F.3d 822 (6th Cir. 2011).

United States v. Certain Land Situated in the City of Detroit, 633 F.3d 418 (6th Cir. 2011).

Lovell v. Duffey, 629 F.3d 587 (6th Cir. 2011).

Int'l Dairy Foods Ass'n v. Boggs, 622 F.3d 628 (6th Cir. 2010).

United States v. Webber, 396 F. App'x 271 (6th Cir. 2010).

Barry v. Holder, 392 F. App'x 418 (6th Cir. 2010).

Szekeres v. CSX Transp., Inc., 617 F.3d 424 (6th Cir. 2010).

Ikharo v. Holder, 614 F.3d 622 (6th Cir. 2010).

United States v. Dewitt, 385 F. App'x 479 (6th Cir. 2010).

United States v. McIntyre, 381 F. App'x 535 (6th Cir. 2010).

Multimatic, Inc. v. Faurecia Interior Sys. USA, Inc., 358 F. App'x 643 (6th Cir. 2009).

Alitcor, Inc. v. Nat'l Union Fire Ins. Co. of Pa., 345 F. App'x 995 (6th Cir. 2009).

Moulton v. U.S. Steel Corp., 581 F.3d 344 (6th Cir. 2009).

United States v. Kratt, 579 F.3d 558 (6th Cir. 2009).

Copeland Corp. v. Choice Fabricators Inc., 345 F. App'x 74 (6th Cir. 2009).

In re Bunn, 578 F.3d 487 (6th Cir. 2009).

United States v. Wilson, 344 F. App'x 134 (6th Cir. 2009).

McGrew v. Comm'r of Soc. Sec., 343 F. App'x 26 (6th Cir. 2009).

Stolaj v. Holder, 577 F.3d 651 (6th Cir. 2009).

Price v. Comm'r Soc. Sec. Admin., 342 F. App'x 172 (6th Cir. 2009).

Owens v. Wellmont, Inc., 343 F. App'x 18 (6th Cir. 2009).

Qiao Zhen Jiang v. Holder, 341 F. App'x 126 (6th Cir. 2009).

United States v. Emery, 340 F. App'x 289 (6th Cir. 2009).

United States v. Sawyers, 337 F. App'x 549 (6th Cir. 2009).

United States v. Heth, 338 F. App'x 489 (6th Cir. 2009).

Velasquez-Garcia v. Holder, 336 F. App'x 517 (6th Cir. 2009).

Doe v. Briley, 562 F.3d 777 (6th Cir. 2009).

In re Dilworth, 560 F.3d 562 (6th Cir. 2009).

Westport Ins. Corp. v. Energy Fin. Servs., LLC, 318 F. App'x 377 (6th Cir. 2009).

Alexander v. Smith, 311 F. App'x 875 (6th Cir. 2009) (per curiam).

Richland Bookmart, Inc. v. Knox Cty., 555 F.3d 512 (6th Cir. 2009).

Bryson v. City of Clinton, 2009 WL 331626 (6th Cir. Feb. 10, 2009).

United States v. Cornejo, 308 F. App'x 868 (6th Cir. 2009).

Alhaddad v. Mukasey, 302 F. App'x 458 (6th Cir. 2008).

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

    a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;

    b. a brief description of the asserted conflict of interest or other ground for recusal;

    c. the procedure you followed in determining whether or not to recuse yourself;

    d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

    The Eastern District of Kentucky uses an automated conflict-check system. I maintain a list of companies, individuals, and law firms who cannot appear before me due to an actual conflict of interest or the appearance of such a conflict. The system automatically flags matters in which anyone on that list appears. I then recuse from that matter *sua sponte*. The following lists were generated by the Clerk of Court for the Eastern District of Kentucky, who ran a search for any case in which I recused.

    I recused *sua sponte* in the following cases because the conflict system identified a financial conflict:

    Underwriters of Lloyd of London v. NFC Mining, Inc., No. 7:07-cv-51 (E.D. Ky.).
    Mate Creek Trucking, Inc. v. Trivette, No. 7:07-cv-59 (E.D. Ky.).

Lunsford v. Rockcastle Health, No. 6:08-cv-85 (E.D. Ky.).
Poplar Creek Dev. Co. v. Chesapeake Appalachia, LLC, 7:08-cv-190 (E.D. Ky.).
Richardson v. Chilcers Oil Co., No. 7:09-cv-60 (E.D. Ky.).
Jablonski v. Kraft Foods Glob., Inc., No. 7:09-cv-76 (E.D. Ky.).
Certain Underwriters at Lloyd's, London v. S&B Energy, Inc., No. 7:10-cv-22 (E.D. Ky.).
Farmer v. Mendez, No. 7:12-cv-117 (E.D. Ky.).
Elswick v. GEICO, No. 7:13-cv-23 (E.D. Ky.).
Ward v. Panera, LLC, No. 7:13-cv-177 (E.D. Ky.).
Evanston v. Deters, No. 2:14-cv-93 (E.D. Ky.).
McCoy v. GEICO, No. 7:15-cv-32 (E.D. Ky.).
KYCOGA Co. v. Chesapeake Appalachia, LLC, No. 7:15-cv-65 (E.D. Ky.).
Robinson v. Fed. Hous. Fin. Agency, No. 7:15-cv-109 (E.D. Ky.).
Webb v. Adams, No. 7:16-cv-142 (E.D. Ky.).
Cornett v. McDonald's Corp., No. 7:16-cv-151 (E.D. Ky.).
Smith v. Doughter, No. 7:16-cv-257 (E.D. Ky.).
Robinson v. Kindrick, No. 7:16-cv-268 (E.D. Ky.).
Stratton v. Taylor, No. 7:17-cv-38 (E.D. Ky.).

I was the United States Attorney for the Eastern District of Kentucky before becoming a district judge. For my first year on the bench, I was automatically recused from any civil case where the United States was a party. I also did not go on the criminal draw for that year. Thereafter, I have recused *sua sponte* from any civil or criminal case involving the United States that was open while I was the United States Attorney. I recused *sua sponte* for this reason in the following cases (the list does not include the automatic recusals from my first year):

Sparkman v. Thompson, No. 7:08-cv-1 (E.D. Ky.).
Bentley v. Thompson, No. 7:08-cv-45 (E.D. Ky.).
Creech v. Reeves, No. 6:08-cv-174 (E.D. Ky.).
Combs v. Hood, No. 6:08-cv-199 (E.D. Ky.).
United States v. Combs, No. 6:04-cr-54 (E.D. Ky.).
United States v. Patrick, No. 6:08-cr-3 (E.D. Ky.) (accidentally assigned to me during the one-year automatic-recusal period).
United States v. Tate, No. 6:08-cr-5 (E.D. Ky.) (accidentally assigned to me during the one-year automatic-recusal period).
United States v. Helton, No. 2:13-cr-8 (E.D. Ky.) (recused *sua sponte* because I had prosecuted Ms. Helton as an Assistant United States Attorney).
United States v. Cope, No. 2:09-cr-33 (E.D. Ky.) (recused upon motion of the defendant because the case was active since 1999 and thus was open while I was the United States Attorney).

Two inmates sued me after I ruled against them; I *sua sponte* recused from the following suits against me:

Gamble v. Thapar, No. 7:14-cv-41 (E.D. Ky.).

Cardona v. Thapar, No. 7:17-cv-8 (E.D. Ky.).

I also recused *sua sponte* in the following cases:

Lowe v. Prindle, No. 2:14-cv-104 (E.D. Ky.) and *Lowe v. Dep't of Pub. Advocacy*, 2:14-cv-00127-ART (E.D. Ky.) (one of the parties in these cases was related to my wife).
United States v. Tyler, No. 2:15-cr-55 (E.D. Ky.) (I knew the defendant's husband).
United States v. Kennedy, No. 2:16-cr-28 (E.D. Ky.) (I knew one of the victims).

Finally, I recused in *Adler v. Elk Glenn, LLC*, No. 7:12-cv-85 (E.D. Ky.) and *Essex Ins. Co. v. Ricky Robinson Constr., Inc.*, No. 7:12-cv-143 (E.D. Ky.) because there was a dispute regarding an attorney fee issue between the plaintiff and his attorney. To resolve the dispute, I had to immerse myself in confidential communications about the plaintiff's litigation strategy. As such, I felt it best to recuse from the remainder of the matter and reassign to a judge not so immersed in one side's private communications.

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 was appointed as the United States Attorney for the Eastern District of Kentucky by President George W. Bush. I served in that capacity from March 2006 to January 2008.

In 2003, I sought appointment as a Magistrate Judge in the United States District Court for the Southern District of Ohio. I was not chosen for that 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.

From the fall of 2001 to April 2002, I was a member of the Commonwealth Political Action Committee. That committee would identify young aspirants to state and local political office in Kentucky and donate money to their campaigns. The members of the Commonwealth Political Action Committee donated to a fund every year that would be used to make these contributions.

I have never held a position in a political campaign. I did the following volunteer work for the following campaigns:

October and November 2002: I stuffed envelopes, put up yard signs, and handed out literature in the Geoff Davis for United States Congress Campaign (Kentucky's Fourth Congressional District).

October and November 2003: I handed out literature and put up yard signs for Governor Ernie Fletcher and Secretary of State Trey Grayson. I also volunteered in the 72-hour campaign for the entire Republican ticket, travelling door-to-door to pass out literature.

November 2004: I volunteered in the 72-hour campaign for President Bush, Senator Jim Bunning, and Congressman Geoff Davis. I went door-to-door passing out literature and also put up yard signs.

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

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

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

I served as a law clerk to the Honorable S. Arthur Spiegel of the United States District Court for the Southern District of Ohio from August 1994 to July 1996. I also served as a law clerk to the Honorable Nathaniel R. Jones of the United States Court of Appeals for the Sixth Circuit from July 1996 to July 1997.

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

I have not 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.

May 1994 to July 1994
Jenner & Block
One IBM Plaza
Chicago, IL 60611
Summer Associate

July 1997 to January 1999
Williams & Connolly
725 Twelfth Street, NW
Washington, D.C. 20005

Associate

January 1999 to December 2000
United States Attorney's Office for the District of Columbia
555 Fourth Street, NW
Washington, D.C. 20530
Assistant United States Attorney

September 1999 to December 2000
Georgetown University Law Center
600 New Jersey Avenue, NW
Washington, D.C. 20001
Trial Advocacy Instructor

December 2000 to August 2001
Equalfooting.com (a/k/a Equidity, Inc.)
22977 Eaglewood Court
Sterling, VA 20166 (last known address—company no longer in existence)
General Counsel (I continued in this capacity after moving to Squire, Sanders & Dempsey until the assets of the company were sold.)

August 2001 to May 2002
Squire, Sanders & Dempsey
312 Walnut Street, Suite 3500
Cincinnati, OH 45202
Associate

May 2002 to March 2006
United States Attorney's Office for the Southern District of Ohio
221 E. Fourth Street, Suite 400
Cincinnati, OH 45202
Assistant United States Attorney

August 2002 to December 2006; September 1995 to July 1997
University of Cincinnati College of Law
2600 Clifton Avenue
Cincinnati, OH 45221
Adjunct Professor

March 2006 to January 2008
United States Attorney's Office for the Eastern District of Kentucky
260 West Vine Street, Suite 300
Lexington, KY 40507
United States Attorney

January 2008 to Present
United States District Court for the Eastern District of Kentucky
35 W. Fifth Street
Covington, KY 41011
United States District Judge

January 2013 to Present
University of Virginia School of Law
580 Massie Road
Charlottesville, VA 22903
Adjunct Professor

October 2011; October 2015, and March 2017
Vanderbilt University Law School
131 21st Avenue
Nashville, TN 37203
Adjunct Professor

2009; 2012 to Present
Northern Kentucky University Salmon P. Chase College of Law
University Drive
Newport, KY 41099
Adjunct Professor

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 mediated disputes outside of my role as a judge.

b. Describe:

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

1994 to 1997: I served as a law clerk for the Honorable S. Arthur Spiegel, United States District Court for the Southern District of Ohio (1994 to 1996), and the Honorable Nathaniel R. Jones, United States Court of Appeals for the Sixth Circuit (1996 to 1997).

1997 to 1999 and 2001 to 2002: While in private practice at Williams & Connolly and Squire, Sanders & Dempsey, I had the opportunity to manage sophisticated, complex commercial litigation. I oversaw several other associates, managed (or helped manage) the litigation and discovery, and assisted in settling several complex cases on behalf of major clients.

1999 to 2000: While at the United States Attorney's Office for the District of Columbia, my practice focused on criminal prosecution. I handled appellate work, domestic violence, child sex abuse, and general sex crimes. I argued approximately ten to twelve appeals and conducted a large number of bench trials and one jury trial.

2000 to 2001: While at Equalfooting.com, I served as General Counsel. As General Counsel, I oversaw litigation and general corporate practice.

2002 to 2006: While at the United States Attorney's Office for the Southern District of Ohio, my practice focused on criminal prosecution. During this period, I tried cases and handled various appellate matters. I specialized in white-collar crimes, homeland-security-related crimes, public-corruption crimes, drug crimes, and violent crimes.

2006 to 2008: While at the United States Attorney's Office for the Eastern District of Kentucky, I served as the United States Attorney. In this capacity, I supervised all civil and criminal litigation involving the United States in the Eastern District of Kentucky. In addition, I worked with Assistant United States Attorneys to help them prepare indictments, pleadings, and for trial.

2008 to Present: I serve as a United States District Court Judge.

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

1997 to 1999: While at Williams & Connolly, I did not have any clients of my own. I worked as an associate and represented various individuals and companies in litigation. I handled discovery, discovery disputes, motions, and depositions.

1999 to 2000: While at the United States Attorney's Office for the District of Columbia, I represented the United States and my practice focused on criminal prosecution.

2000 to 2001: I served as general counsel for Equalfooting.com and oversaw all legal work for the corporation.

2001 to 2002: While at Squire, Sanders & Dempsey, I had several clients, including a major bank and some other major corporations. I handled discovery, discovery disputes, motions, and depositions.

2002 to 2006: While at the United States Attorney's Office for the Southern District of Ohio, I represented the United States and my practice focused on criminal prosecution.

2006 to 2008: As United States Attorney, I supervised the United States Attorney's Office for the Eastern District of Kentucky and its civil and criminal practice.

2008 to Present: I serve as a United States District Court Judge.

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.

While at the United States Attorney's Offices for the Southern District of Ohio and the District of Columbia, 100% of my practice was in litigation. I appeared in court on almost a daily basis. I conducted trials and appeared for preliminary hearings, status conferences, motion hearings, and sentencings. In addition, I argued a number of appeals.

While in private practice, approximately 90% of my practice was in litigation. I appeared far less frequently in court. My appearances included settlement conferences and civil status conferences.

While a general counsel, approximately 40% of my practice was in litigation. I did not appear in court.

As United States Attorney, approximately 20% of my practice was litigation; the remainder was administrative. I did not have the opportunity to appear in court other than to observe proceedings and to meet with victims.

i. Indicate the percentage of your practice in:
   1. federal courts: 80%
   2. state courts of record: 20%
   3. other courts: 0%
   4. administrative agencies: 0%

ii. Indicate the percentage of your practice in:
   1. civil proceedings: 30%
   2. criminal proceedings: 70%

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 fifty cases to verdict. In most of the cases, I was either sole counsel or lead counsel.

i. What percentage of these trials were:
   1. jury: 15%;
   2. non-jury: 85%.

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

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

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

a. the date of representation;

b. the name of the court and the name of the judge or judges before whom the case was litigated; and

c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

1. *United States v. Reynolds*, No. 1:04-cr-00075-SJD (S.D. Ohio); *United States v. Killinger*, No. 1:04-cr-00077-SJD (S.D. Ohio); *United States v. Pepples*, No. 1:04-cr-00078-SJD (S.D. Ohio); *United States v. Powers*, No. 1:04-cr-00140-SJD (S.D. Ohio); *United States v. Jasper*, No. 1:05-cr-00011-SJD (S.D. Ohio); *United States v. Trester*, No. 1:05-cr-00086-SJD (S.D. Ohio). United States District Court for the Southern District of Ohio; Honorable Susan J. Dlott; October 14, 2002 to October 28, 2005.

In these cases, I prosecuted a number of individuals involved in a wide-ranging scheme of property flipping and mortgage fraud. Generally, the defendants would buy properties out of foreclosure sales and then recruit a buyer for that property. The buyer was typically someone who could not otherwise afford to purchase real estate or someone interested in properties as an investor. Next, the defendants would obtain a falsely-inflated appraisal for the property. Finally, they would prepare a loan application for the inflated price and use false documents in support of that loan application, including false pay stubs, W-2 forms, bank statements, and employment verifications. Once the loan was funded, the conspirators would divide the illegal profits. Ultimately, the conspiracy abandoned many of these properties, many of which were located in low-income neighborhoods, and the abandoned homes attracted drug-sellers, drug-users, and the like. The six individuals listed above pled guilty, cooperated, and were sentenced to terms of imprisonment

ranging from six months to four years. I was lead counsel, representing the United States of America.

Counsel for Richard Reynolds:
Honorable Michael R. Barrett
Potter Stewart United States Courthouse, Room 239
100 E. Fifth Street
Cincinnati, OH 45202
513-564-7660

Counsel for John Todd Killinger:
Paul M. Laufman, Esq.
Laufman, Jensen & Napolitano
30 Garfield Place, Suite 750
Cincinnati, OH 45202
513-621-4556

Counsel for Philip Jasper:
William M. Welsh, Esq.
215 E. Ninth Street, Suite 100
Cincinnati, OH 45202
513-241-1989

Counsel for Roger Pepples:
Perry Leslie Ancona, Esq.
810 Sycamore Street, Suite 421
Cincinnati, OH 45202
513-721-1997

Counsel for Donald Powers:
Jack C. Rubenstein, Esq.
Rubenstein & Thurman, LPA
125 E. Court Street, Suite 100
Cincinnati, OH 45202
513-241-7460

Counsel for Ronald Trester:
Patrick J. Hanley, Esq.
214 E. Fourth Street
Covington, KY 41011
859-431-7077

2. *United States v. Hildebrant*, No. 1:05-cr-00002-MHW (S.D. Ohio). United States District Court for the Southern District of Ohio; Honorable Michael H. Watson; August 2004 to October 20, 2005.

The defendant was the owner of a minor league baseball team, the Florence Freedom. In purchasing the team, he fraudulently obtained numerous bank loans by submitting false financial documents. The defendant also violated the Campaign Finance Reform Act by using straw donors to make political contributions. Finally, the defendant evaded taxes by not reporting significant amounts of income. The defendant pled guilty. The Court sentenced the defendant to 60 months' imprisonment on the bank fraud, 24 months for making a political contribution in the name of another, and 36 months for filing a false tax return. All of the sentences were to be served concurrently. I was lead counsel for the United States of America.

Counsel for Charles Hildebrant:
Jack C. Rubenstein, Esq.
Rubenstein & Thurman, LPA
125 E. Court Street, Suite 100
Cincinnati, OH 45202
513-241-7460

3. *United States v. Black*, No. 1:05-cr-00025-SAS (S.D. Ohio). United States District Court for the Southern District of Ohio; Honorable S. Arthur Spiegel; November 24, 2004 to December 1, 2005.

Tammy Black conspired with others to provide illegal aliens with Ohio driver's licenses and identification documents that coded the illegal aliens as United States citizens. This allowed these illegal aliens to remain in the United States undetected by law enforcement and others. We also prosecuted Ms. Black's co-conspirator and many of the illegal aliens that unlawfully obtained the Ohio identification documents. Defendant Tammy Black pled guilty, cooperated against her co-conspirator and the other defendants, and received 4 months' imprisonment and 4 months' home-confinement. I was lead counsel for the United States of America.

Associate Counsel:
Karl P. Kadon, Esq.
Ben Glassman, Esq.
United States Attorney's Office
Southern District of Ohio
221 E. Fourth Street, Suite 400
Cincinnati, OH 45202
513-684-3711

Counsel for Tammy Black:
W. Kelly Johnson, Esq.
Porter, Wright, Morris & Arthur
250 E. 5th Street, Suite 2200
Cincinnati, OH 45202
513-929-4834

4. *United States v. Davis*, No. 1:02-cr-00076-SJD (S.D. Ohio). United States District Court for the Southern District of Ohio; Honorable Susan J. Dlott; June 2002 to October 2, 2003.

This case involved the president of an environmental disposal company, who routinely received checks for deposit made out to the company, transferred the checks across state lines, and then deposited them in an account in the name of the company. Every time he deposited the checks into the company account, he would withdraw a portion of the funds in cash, which he stole from the company. The defendant pled guilty and was sentenced to 33 months' imprisonment. I was lead counsel for the United States of America.

Counsel for Anthony Davis:
Richard Monahan, Esq.
Assistant Federal Public Defender
250 E. Fifth Street, Suite 350
Cincinnati, OH 45202
513-929-4834

5. *United States v. Jouett*, No. 1:02-cr-00074-SAS (S.D. Ohio), *aff'd* 87 F. App'x 539 (6th Cir. Feb. 5, 2004). United States District Court for the Southern District of Ohio; Honorable S. Arthur Spiegel; May 2002 to February 5, 2004.

This case involved the interstate distribution of crack cocaine. During a sting operation, the defendant was arrested by the Regional Narcotics Unit ("RENU"). During the arrest, RENU discovered narcotics and a firearm. The grand jury indicted the defendant for distributing crack cocaine and carrying a firearm during and in relation to a drug trafficking offense. A jury convicted the defendant on all counts. The defendant was sentenced to 228 months' imprisonment. The United States Court of Appeals affirmed the defendant's conviction and sentence. *See United States v. Jouett*, 87 F. App'x 539 (6th Cir. 2004). I served as lead counsel for the United States of America.

Counsel for Maurice Jouett:
C. Ransom Hudson, Esq. (trial counsel)
639 Main Street
Cincinnati, OH 45202
513-823-1295

William R. Gallagher, Esq. (appellate counsel)
Arenstein & Gallagher
The Citadel
114 E. Eighth Street
Cincinnati, OH 45202
513-651-5666

6. *United States v. Razaq*, No. 1:05-cr-00029-MHW (S.D. Ohio). United States District Court for the Southern District of Ohio; Honorable Michael H. Watson; January 10,

2005 to July 28, 2005.

The defendant entered into a sham marriage with an American citizen in an attempt to obtain United States citizenship. After entering into the marriage, the defendant filed numerous false documents with the Immigration and Naturalization Service. The defendant pled guilty and was sentenced to five months' imprisonment. I served as lead counsel for the United States of America.

Counsel for Abdel Razaq:
Firooz T. Namei
McKinney & Namei Co., LPA
15 E. Eighth Street
Cincinnati, OH 45202
513-381-5899

7. *United States v. Privett* and *United States v. Montessi*, 1:02-cr-00078-SSB (S.D. Ohio). United States District Court for the Southern District of Ohio; Honorable Sandra S. Beckwith; June 2002 to July 21, 2003.

This case involved the owners of a title insurance company. Both owners embezzled money from escrow accounts of the title insurance company. In total, the defendants embezzled approximately $638,925.37. Both defendants pled guilty, cooperated, and served one year in prison. I served as lead counsel for the United States of America.

Counsel for Brenta Privett:
Martin Pinales, Esq.
Pinales, Stachler, Young, Burrell & Crouse
455 Delta Avenue, Suite 105
Cincinnati, OH 45226
(513) 252-2733

Counsel for Cathy Montessi:
James H. Voyles, Esq.
Zahn, Paul, Hogan & Merriman
141 E. Washington Street, Suite 300
Indianapolis, IN 46204
317-632-4463

8. *Edwards v. United States*, 767 A.2d 241 (D.C. 2001). District of Columbia Court of Appeals; Honorable Annice M. Wagner, Honorable John M. Steadman, and Honorable Theodore R. Newman, Jr.; March 1999 to December 2000.

The defendant was convicted of the second-degree murder of his infant daughter and assault with a dangerous weapon of her twin (along with cruelty to children). The defendant placed his infant twins in a scalding bath containing bleach, peroxide, and rubbing alcohol. One of the infant twins died from her burns and the other suffered

severe injuries. The defendant was convicted on all counts by the jury. The defendant raised numerous claims of error on appeal. The District of Columbia Court of Appeals affirmed the defendant's conviction. *See United States v. Edwards*, 767 A.2d 241 (D.C. 2001). I was lead appellate counsel for the United States of America.

Supervisory Counsel:
Honorable John Fisher
District of Columbia Court Appeals
Moultrie Courthouse
500 Indiana Avenue, NW
Washington, D.C. 2001
202-879-2750

Counsel for Johnnie Edwards:
Kurt H. Jacobs, Esq.
Jeffrey T. Green, Esq.
Sidley Austin Brown & Wood LLP
1501 K Street, NW
Washington, D.C. 20005
202-736-8378

9. *United States v. Burgin*, 388 F.3d 177 (6th Cir. 2004), *cert. denied*, 125 S. Ct. 1692 (2005). United States District Court for the Southern District of Ohio and United States Court of Appeals for the Sixth Circuit; District Court Judge: Honorable Sandra S. Beckwith; Sixth Circuit Judges: Honorable Julian Abel Cook, Jr. (District Judge), Honorable R. Guy Cole, Jr., and Honorable Robert B. Krupansky; May 2002 to November 3, 2004.

The defendant was arrested for possessing with intent to distribute narcotics and for being a felon in possession of a firearm. The United States charged the defendant with being a career armed offender (three prior violent felonies). The defendant pled guilty, but argued that the United States had to prove to the jury beyond a reasonable doubt that the prior violent felonies were distinct and separate crimes in order for his sentence to be enhanced. The district court overruled his objection and sentenced the defendant to 180 months' imprisonment. The United States Court of Appeals for the Sixth Circuit affirmed the district court, and the United States Supreme Court denied certiorari. *See United States v. Burgin,* 388 F.3d 177 (6th Cir. 2004), *cert. denied*, 125 S. Ct. 1692 (2005). I served as lead trial and appellate counsel for the United States of America.

Counsel for Danny Burgin:
Hal Arenstein, Esq. (trial counsel)
Arenstein & Gallagher
The Citadel
114 E. Eighth Street
Cincinnati, OH 45202
513-651-5666

Jason M. Cohen, Esq. (appellate counsel)
Keating, Muething & Klekamp
1 E. Fourth Street, Suite 1400
Cincinnati, OH 45202
513-579-6527

10. *United States v. Watkins*, 1:02-cr-00094-SSB (S.D. Ohio). United States District Court for the Southern District of Ohio; Honorable Sandra S. Beckwith; May 28, 2002 to February 6, 2004.

The defendant committed bank fraud by passing numerous bad checks. The defendant pled guilty, but failed to appear for sentencing. The government moved to have him sentenced in abstentia since he voluntarily failed to appear for sentencing. The district court agreed and sentenced him in abstentia to 57 months' imprisonment. The defendant appealed to the United States Court of Appeals for the Sixth Circuit, which affirmed his conviction and his sentencing. *See United States v. Watkins*, 86 F. App'x 934 (6th Cir. 2004). I served as lead trial and appellate counsel for the United States of America.

Counsel for Terrence Keller Watkins:
Richard Monahan, Esq.
Assistant Federal Public Defender
250 E. 5th Street, Suite 350
Cincinnati, OH 45202
(513) 929-4834

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.)

Equalfooting.com: From December 2000 to August 2001, I served as the General Counsel for Equalfooting.com, a 200-person internet business focused on construction. In my capacity as General Counsel, I supervised and led all dispute resolution on behalf of the company, advised management on a variety of issues (both corporate and litigation), and assisted in the management of the company. This allowed me to both obtain significant management experience during a difficult period for small internet businesses and see how litigation affects a small corporation.

Starbucks Homicides: On July 6, 1997, three people were murdered in the Starbucks located in the Georgetown University area. During my tenure at the United States Attorney's Office for the District of Columbia, I worked on the response to defense

motions that sought to exclude pivotal statements by the defendant. We eventually won these motions, and the defendant pled guilty to life without parole.

Appalachia HIDTA: While serving on the Board of the Appalachia High Intensity Drug Trafficking Areas ("HIDTA"), I worked with the Board on numerous initiatives, including enhancing the public-corruption task force, setting up a highway-interdiction task force, and ensuring that law enforcement agencies are fiscally responsible. The public corruption task force utilized its funding to set up several large-scale investigations that have led to multiple indictments and the dismantling of large-scale drug operations.

United States Attorney: As United States Attorney for the Eastern District of Kentucky, I worked with my management team and with law enforcement to better organize the office to serve the public. Under my direction, the office established a Prison Litigation Unit to serve the five federal prisons in our district. I set up a violent crime and child predator unit to focus on gangs and child predators. I also worked to enhance our narcotics unit. In addition, I supervised a public awareness campaign about the illegal diversion of prescription narcotics and a separate campaign about child predators. As part of these campaigns, I met with rotary clubs, parent-teacher associations, and other groups to educate them on these topics. Finally, I had the opportunity to work with younger lawyers and to provide them with mentoring. Under my direction, the office established a formal mentoring program for our new lawyers. I also worked with the local law schools to provide law students an opportunity to work in our office.

Lobbying Activities: I have never been 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.

2017: *Judicial Philosophy: Justice Scalia and His Critics*, University of Virginia School of Law. Taught about Justice Scalia's statutory interpretation theories, originalism, and textualism, as well as the critiques of those philosophies. Syllabus supplied.

2015, 2017: *Defending a Criminal Case: Tactics, Theory, and Reform*, Vanderbilt University Law School. Co-taught about the role of criminal defense in the administration of justice and tactics for effective client advocacy. Syllabus supplied.

2012–2016: *Judicial Philosophy in Theory and Practice*, University of Virginia School of Law. Co-taught about the concept of judicial modesty, the parameters of judicial decision-making, and statutory and constitutional interpretation. Syllabus supplied.

2012–2017: *Supreme Court Seminar*, Northern Kentucky University Chase School of Law. Taught about Supreme Court practice and discussed both some current cases before the Supreme Court and the art of opinion writing. Syllabus supplied.

2011: *Judicial Decision Making*, Vanderbilt University Law School. Taught about judicial philosophy and decision making at every stage of a case, from pleadings to judgment. Syllabus supplied.

2009: *Federal Practice and Procedure*, Northern Kentucky University Chase School of Law: Taught about the practice of civil and criminal law in federal court from pleadings through trial. Syllabus supplied.

2002–2005: *Federal Criminal Practice*, University of Cincinnati College of Law. Taught about practice of criminal law in federal court from discovery through trial.

1995–1997: *Street Law*, University of Cincinnati College of Law. Guided students through an externship in which they taught practical law to local high school students.

1999–2000: *Trial Advocacy*, Georgetown University Law Center. Worked with a trial advocacy team to prepare for a mock trial competition.

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

    None.

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

    I hope to continue teaching as an adjunct professor. Other than that, I do not intend to pursue any outside employment.

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.

My wife is an independent contractor of a subsidiary of Berkshire Hathaway. I would recuse from all cases involving Berkshire Hathaway. I also own stock in various companies. I intend to sell most of that stock or transfer it to mutual funds; while conflicts usually do not arise on my district court docket, they would be more likely on the Sixth Circuit. (I might maintain my Berkshire Hathaway stock since I would have to recuse from those matters either way). I would of course recuse from any matter in which I have a financial interest. Should any other potential conflicts of interest arise, I will adhere to the Code of Conduct for United States Judges and other applicable authority regarding their resolution.

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

In all such cases, if confirmed, I would continue to follow the Code of Conduct for United States Judges, the Ethics Reform Act of 1989, 28 U.S.C. § 455, and other relevant recusal rules or guidelines. I would also recuse myself from all cases in which I presided as a judge on the Eastern District of Kentucky.

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.

Between 1995 and 1997, I founded, managed, and taught the Street Law chapter at the University of Cincinnati College of Law. This program is directed toward students at inner-city high schools. The object of the program is to have law students go to inner-city schools and juvenile detention centers and teach young men and women about different areas of the law. The premise behind the program is that once young men and women understand the law, why it exists, and how it can benefit all who participate productively in society, they will learn to operate within society's laws. During my tenure as a law clerk, I founded the chapter at the University of Cincinnati, raised money for the textbooks for the various inner-city schools, and then taught the law students (who in turn would teach in the schools). The program continues today at the University of Cincinnati College of law. I devoted hundreds of hours to getting this program established and teaching it.

Between 1996 and 1997, I worked with troubled inner-city youth in a program designed to take them away from the inner-city for a week (into a camp setting) and focus there on

spirit-building and the problems they face. The program was run by Youth Opportunities United. Generally, we devoted some time to getting ready for the week at camp and then an entire week to putting on the camp.

Between 1998 and 1999, while at Williams & Connolly, another attorney and I represented a young, indigent defendant who wanted to get his record expunged of a misdemeanor conviction. I devoted approximately twenty to thirty hours to this matter.

As an Assistant United States Attorney and ultimately United States Attorney, my ability to do legal work in the community was restricted. Thus, I mainly taught at the University of Cincinnati College of Law. During that time, I taught my own class and volunteered to help others at the law school by teaching individual classes. I devoted a significant amount of time to preparing for and teaching these classes. As United States Attorney, I did significant public speaking in an educational role. I spoke with parents regarding the dangers of the diversion of prescription narcotics and other such topics.

As a judge, I have continued to speak on topics such as indigent defense and making the criminal justice system fair for all criminal defendants. I have also attempted to revamp the way our court conducts supervision in order to set people up for success rather than failure. Recently, I led the effort to reform our supervision of people released from prison. The goal was to make supervision more fair and less costly. We implemented a program called Swift, Certain, and Fair at the federal court in Covington, Kentucky.

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 January 7, 2017, Donald McGahn, a member of the President-elect's transition team who is now the Counsel to the President, contacted me and invited me to Washington, D.C. for an interview. On January 12, 2017, I was interviewed in person by Vice President-elect Michael Pence and other members of the transition team: Donald McGahn, Mark Paoletta (who is now Counsel to the Vice President), and James Burnham (who is now Senior Associate Counsel to the President). I was also interviewed that day by Mr. McGahn. On January 25, 2017, Mr. McGahn contacted me and invited me to the White House to meet with the President. On January 26, 2017, I was interviewed by President Donald Trump; Mr. McGahn was also present. Following that meeting, I had additional conversations with Mr. McGahn and Mr. Burnham. Mr. McGahn informed me that I had been selected as the preliminary

candidate for an opening on the United States Court of Appeals for the Sixth Circuit. I was asked by the Department of Justice to complete nomination forms, and I have had periodic conversations with Department officials regarding those forms.

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.

AO 10
Rev. 1/2015

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)	2. Court or Organization	3. Date of Report
Thapar, Amul R.	6th Circuit	03/21/2017
4. Title (Article III judges indicate active or senior status; magistrate judges indicate full- or part-time)	**5a. Report Type (check appropriate type)**	**6. Reporting Period**
Circuit Judge	☑ Nomination Date 03/21/2017 ☐ Initial ☐ Annual ☐ Final **5b.** ☐ Amended Report	1/1/2016 to 3/1/2017
7. Chambers or Office Address		
United States District Court 35 W. Fifth Street Covington, Kentucky 41011		

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.)*

	POSITION	NAME OF ORGANIZATION/ENTITY
1.	National Advisory Council	North American South Asian Bar Association
2.	Board Member	Heyburn Inititative for Judicial Excellence
3.		
4.		
5.		

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

☑ NONE *(No reportable agreements.)*

	DATE	PARTIES AND TERMS
1.		
2.		
3.		

Name of Person Reporting	Date of Report
Thapar, Amul R.	03/21/2017

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.)*

	DATE	SOURCE AND TYPE	INCOME (yours, not spouse's)
1.	2015	Chase College of Law Northern Kentucky University (teaching)	$10,000.00
2.	2015	Univesity of Virginia Law School (teaching)	$5,000.00
3.	2015	Vanderbilt University School of Law	$10,000.00
4.	2016	Chase College of Law Northern Kentucky University (teaching)	$10,000.00
5.	2016	University of Virginia Law School (teaching)	$4,000.00
6.	2016	Ohio Northern University Pettit College of Law (teaching/Ethics Lecture)	$750.00
7.	2017	Chase College of Law Northern Kentucky University (teaching)	$10,000.00
8.	2017	University of Virginia Law School (teaching)	$4,000.00
9.			
10.			

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.)*

	DATE	SOURCE AND TYPE
1.	2016	Self-employed Real Estate Agent -- commissions on sales and rentals
2.	2017	Self-employed Real Estate Agent -- commissions on sales and rentals
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.)*

	SOURCE	DATES	LOCATION	PURPOSE	ITEMS PAID OR PROVIDED
1.	EXEMPT				

Name of Person Reporting	Date of Report
Thapar, Amul R.	03/21/2017

2. _____

3. _____

4. _____

5. _____

Name of Person Reporting	Date of Report
Thapar, Amul R.	03/21/2017

V. GIFTS. *(Includes those to spouse and dependent children; see pp. 28-31 of filing instructions.)*

☐ NONE *(No reportable gifts.)*

	SOURCE	DESCRIPTION	VALUE
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.)*

	CREDITOR	DESCRIPTION	VALUE CODE
1.			
2.			
3.			
4.			
5.			

Name of Person Reporting	Date of Report
Thapar, Amul R.	03/21/2017

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 (1) Amount Code 1 (A-H)	B. (2) Type (e.g., div., rent, or int.)	C. Gross value at end of reporting period (1) Value Code 2 (J-P)	C. (2) Value Method Code 3 (Q-W)	D. Transactions during reporting period (1) Type (e.g., buy, sell, redemption)	D. (2) Date mm/dd/yy	D. (3) Value Code 2 (J-P)	D. (4) Gain Code 1 (A-H)	D. (5) Identity of buyer/seller (if private transaction)
1. Capital One	A	Interest	K	T	Exempt				
2. Vanguard Prime Money Market	A	Interest	J	T					
3. TD Bank USA (Ameritrade Money Market)	A	Interest	K	T					
4. Fifth Third Bank (Checking Acct.)	A	Interest	J	T					
5. Paypal Inc. (Money Market)	A	Interest	J	T					
6. Scottrade Cash Account (X)	A	Int./Div.	J	T					
7. Under Armour (UA and UAA) Common		None	J	T					
8. Nuance Comm. Inc. (NUAN) Common		None	J	T					
9. Google (GOOG) Common		None	J	T					
10. Alphabet Inc. (GOOGL) Common (X)		None	J	T					
11. Dreamworks Animation (DWA) Common		None							
12. Tesla Corp. (TSLA) Common		None	J	T					
13. Kinder Morgan (KMI) Common	A	Dividend	J	T					
14. Nike Inc. (NKE) Common	A	Dividend	J	T					
15. Borg Warner (BWA) Common	A	Dividend	J	T					
16. BJ Restaurants, Inc, (BJRI) Common		None	J	T					
17. LinkedIn (LNKD) Common		None							

1. Income Gain Codes: (See Columns B1 and D4) A =$1,000 or less; B =$1,001 - $2,500; C =$2,501 - $5,000; D =$5,001 - $15,000; E =$15,001 - $50,000; F =$50,001 - $100,000; G =$100,001 - $1,000,000; H1 =$1,000,001 - $5,000,000; H2 =More than $5,000,000
2. Value Codes (See Columns C1 and D3) J =$15,000 or less; K =$15,001 - $50,000; L =$50,001 - $100,000; M =$100,001 - $250,000; N =$250,001 - $500,000; O =$500,001 - $1,000,000; P1 =$1,000,001 - $5,000,000; P2 =$5,000,001 - $25,000,000; P3 =$25,000,001 - $50,000,000; P4 =More than $50,000,000
3. Value Method Codes (See Column C2) Q =Appraisal; R =Cost (Real Estate Only); S =Assessment; T =Cash Market; U =Book Value; V =Other; W =Estimated

Name of Person Reporting	Date of Report
Thapar, Amul R.	03/21/2017

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 (1) Amount Code 1 (A-H)	B. (2) Type (e.g., div., rent, or int.)	C. Gross value at end of reporting period (1) Value Code 2 (J-P)	C. (2) Value Method Code 3 (Q-W)	D. Transactions during reporting period (1) Type (e.g., buy, sell, redemption)	D. (2) Date mm/dd/yy	D. (3) Value Code 2 (J-P)	D. (4) Gain Code 1 (A-H)	D. (5) Identity of buyer/seller (if private transaction)
18. Polaris Industries (PII) Common	A	Dividend	J	T					
19. Chipotle Mexican Grill Inc. (CMG/B) Common		None	J	T					
20. Disney Corp (DIS) Common	A	Dividend	J	T					
21. Activision Blizzard, Inc. (ATVI) Common	A	Dividend	J	T					
22. Whole Foods Market (WFM) commmon	A	Dividend	J	T					
23. Vail Resorts (MTN) Common	A	Dividend	J	T					
24. Urban Outfitters (URBN) Common		None	J	T					
25. Texas Roudhouse (TXRH) Common	A	Dividend	J	T					
26. Starbucks (SBUX) Common	A	Dividend	J	T					
27. Sierra Wireless (SWIR) Common		None	J	T					
28. Match Group (MTCH) Common		None	J	T					
29. Gilead Sciences (GILD) Common	A	Dividend	J	T					
30. Fannie Mae (FNM) Common (Y)									
31. Hasboro Corp. (HAS) Common	A	Dividend	J	T					
32. National Grocers by Vitamin Cottage (NGVC) Common		None	J	T					
33. Apple Inc. (AAPL) Common	A	Dividend	J	T					
34. Berkshire Hathaway Inc. Del Class B (BRK.B) Common		None	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
B =$1,001 - $2,500
C =$2,501 - $5,000
D =$5,001 - $15,000
E =$15,001 - $50,000
F =$50,001 - $100,000
G =$100,001 - $1,000,000
H1 =$1,000,001 - $5,000,000
H2 =More than $5,000,000
J =$15,000 or less
K =$15,001 - $50,000
L =$50,001 - $100,000
M =$100,001 - $250,000
N =$250,001 - $500,000
O =$500,001 - $1,000,000
P1 =$1,000,001 - $5,000,000
P2 =$5,000,001 - $25,000,000
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P4 =More than $50,000,000
Q =Appraisal
R =Cost (Real Estate Only)
S =Assessment
T =Cash Market
U =Book Value
V =Other
W =Estimated

Name of Person Reporting	Date of Report
Thapar, Amul R.	03/21/2017

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 (1) Amount Code 1 (A-H)	B. (2) Type (e.g., div., rent, or int.)	C. Gross value at end of reporting period (1) Value Code 2 (J-P)	C. (2) Value Method Code 3 (Q-W)	D. Transactions during reporting period (1) Type (e.g., buy, sell, redemption)	D. (2) Date mm/dd/yy	D. (3) Value Code 2 (J-P)	D. (4) Gain Code 1 (A-H)	D. (5) Identity of buyer/seller (if private transaction)
35. Costco Wholesale Corp. (COST) Common	A	Dividend	J	T					
36. Exxon Mobil Corp (XOM) Common	A	Dividend	J	T					
37. Flamel Tech Spon ADR (FLML) Common		None	J	T					
38. Markel Corp. (MKL) Common		None	J	T					
39. Buffalo Wild Wings (BWLD) Common		None	J	T					
40. Altria Group Inc. (MO) Common	A	Dividend	J	T					
41. Chesapeake (CHK) (Y)									
42. Federated Investors Inc. (FII) Common	A	Dividend	J	T					
43. Phillip Morris International (PM)	A	Dividend	J	T					
44. Generac Holdings (GNRC) Common		None	J	T					
45. Mastercard (MA) Common	A	Dividend	J	T					
46. McDonalds (MCD) Common	A	Dividend	J	T					
47. National Oilwell Varco, Inc. (NOV) Common	A	Dividend	J	T					
48. The Container Store (TCS) Common (Y)									
49. Diplomat Pharmacy Inc (DPLO) Common		None	J	T					
50. Mylan NV SHS Euro (MYL) Common		None	J	T					
51. Leucadia National Corp (LUK) Common	A	Dividend	J	T					

1. Income Gain Codes: (See Columns B1 and D4)
A =$1,000 or less
B =$1,001 - $2,500
C =$2,501 - $5,000
D =$5,001 - $15,000
E =$15,001 - $50,000
F =$50,001 - $100,000
G =$100,001 - $1,000,000
H1 =$1,000,001 - $5,000,000
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M =$100,001 - $250,000
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O =$500,001 - $1,000,000
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P4 =More than $50,000,000

2. Value Codes (See Columns C1 and D3)
R =Cost (Real Estate Only)
S =Assessment
T =Cash Market
V =Other
W =Estimated

3. Value Method Codes (See Column C2)
Q =Appraisal
U =Book Value

Name of Person Reporting	Date of Report
Thapar, Amul R.	03/21/2017

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 (1) Amount Code 1 (A-H)	B. (2) Type (e.g., div., rent, or int.)	C. Gross value at end of reporting period (1) Value Code 2 (J-P)	C. (2) Value Method Code 3 (Q-W)	D. Transactions during reporting period (1) Type (e.g., buy, sell, redemption)	D. (2) Date mm/dd/yy	D. (3) Value Code 2 (J-P)	D. (4) Gain Code 1 (A-H)	D. (5) Identity of buyer/seller (if private transaction)
52. Trip Advisor (TRIP) Common		None	J	T					
53. Casey's General Store, Inc. (CASY) Common	A	Dividend	J	T					
54. Anheuser-Busch Inbev (BUD) Common	A	Dividend	J	T					
55. Vanguard 500 Index Funds	A	Dividend	J	T					
56. Vanguard Windsor Portfolio	A	Dividend	K	T					
57. Vanguard Value Index Portfolio	A	Dividend	J	T					

1. Income Gain Codes: (See Columns B1 and D4)
A =$1,000 or less
B =$1,001 - $2,500
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Name of Person Reporting	Date of Report
Thapar, Amul R.	03/21/2017

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

The Vanguard Windsor and Value funds are part of a 529 plan. We invest monthly in the plans, but the monthly amounts invested are less than the reporting requirement. Also, our McDonalds shares reinvest their dividends in McDonalds stocks, but this is well below the reporting requirements.

My children have Scottrade accounts for their Education IRA. When we sell stocks, the money goes into the account. I list the combined accounts in investments as a cash account. This was erroneously ommitted in prior reports.

Google split in 2015. I previously missed that the split created a new company. I now list Alphabet, Inc. (GOOGL) in my report as well. This split was erroneously omitted in 2015.

Name of Person Reporting	Date of Report
Thapar, Amul R.	03/21/2017

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/ Amul R. Thapar

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		40	139	Notes payable to banks-secured		35	207
U.S. Government securities				Notes payable to banks-unsecured			
Listed securities-see schedule		307	555	Notes payable to relatives			
Unlisted securities				Notes payable to others			
Accounts and notes receivable:				Accounts and bills due		10	000
Due from relatives and friends				Unpaid income tax			
Due from others				Other unpaid income and interest			
Doubtful				Real estate mortgages payable-see schedule		35	222
Real estate owned-see schedule		390	000	Chattel mortgages and other liens payable			
Real estate mortgages receivable				Other debts-itemize:			
Autos and other personal property		46	504				
Cash value-life insurance							
Other assets itemize:							
401K		553	290				
				Total liabilities		80	429
				Net Worth	1	257	059
Total Assets	1	337	488	Total liabilities and net worth	1	337	488
CONTINGENT LIABILITIES				GENERAL INFORMATION			
As endorser, comaker or guarantor				Are any assets pledged?	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							
Other special debt				*Other than in official capacity although may be dismissed by now			

FINANCIAL STATEMENT

NET WORTH SCHEDULES

Listed Securities	
Roth 1	
AAPL	9,779.00
AVDL	475.50
BRK.B	25,420.50
COST	4169.50
DPLO	754.50
MKL	4810.95
MYL	1,720.00
XOM	1636.60
Cash	7,750.35
General Stock Acct	
Cash	3994.94
Roth 2	
FB	2768.40
FNMA	44.80
HAS	4641.25
NGVC	634.80
WFM	1193.20
Cash	83.71
IRA 1	
BUD	1115.20
CASY	2237.40
CHK	253.50
DNOW	160.70
ESRX	191.52
FII	1010.40
GNRC	1103.70
KHC	459.50
LUK	1292.50
MA	3321.30
MDLZ	661.50
MO	1670.46
NOV	1556.40
PM	2496.78
TCS	118.80
TRIP	834.00
Cash	3636.21
Education IRA 1	
BJRI	1518.00
BWA	980.16
BWLD	1719.60
CMG	2852.64

DIS	2905.50
KMI	1570.50
NKE	4640.80
PII	674.24
TSLA	1253.40
Cash	5711.14
Education IRA 2	
ATVI	4677.34
CMG	8150.40
DIS	6593.25
GILD	1693.50
MTCH	1125.60
MTN	3701.20
SBUX	2221.60
SWIR	1686.00
TXRH	2163.00
URBN	677.40
WFM	1193.20
Cash	5665.41
Education IRA 3	
CMG	2852.64
DNOW	80.35
GOOG	1660.92
GOOGL	1700.28
NOV	895.16
NUAN	2170.35
UA	2312.64
UAA	2506.68
Cash	1950.50
UTMA MCD	2290.36
Children 1:	
Cash	1000.00
Children 2:	
NKE	1044.18
Cash	15.88
Children 3:	
APPL	699.20
BRK.B	847.35
UA	170.91
CMG	1222.56
Cash:	823.73
Vanguard Funds 529 and UTMA	128,001.76
Total Listed Securities (not including 401K)	307,555.30

Real Estate Owned	
Personal Residence	390,000
Total Real Estate Owned	390,000
Real Estate Mortgages Payable	
Personal Residence	35,222
Total Real Estate Owned	35,222

AFFIDAVIT

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

3/21/17
(DATE)

(NAME)

Joan L Averdick
(NOTARY)
my notary expires 10/5/19