

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Eric Christian Tostrud

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

United States District Judge for the District of Minnesota

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: Mitchell Hamline School of Law
875 Summit Avenue
St. Paul, Minnesota 55105

Residence: Mendota Heights, Minnesota

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

1965; St. Paul, Minnesota

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

1987–1990, William Mitchell College of Law, St. Paul, Minnesota; J.D. (*summa cum laude*), 1990

1983–1987, St. Olaf College, Northfield, Minnesota; B.A (*cum laude*), 1987

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

2011 – present
University of Minnesota Law School
229 19th Avenue South
Minneapolis, Minnesota 55455
Adjunct Professor

1993 – present
Mitchell Hamline School of Law
Formerly William Mitchell College of Law
875 Summit Avenue
St. Paul, Minnesota 55105
Distinguished Practitioner in Residence (2015 – present)
Board Member (2006 – 2015)
Adjunct Professor (1993 – 2015)

1992 – present
Lockridge Grindal Nauen P.L.L.P. (and predecessor firms)
100 Washington Avenue South, Suite 2200
Minneapolis, Minnesota 55401
Of Counsel (2014 – present)
Partner (1998 – 2014)
Associate (1992 – 1997)

1992
Hon. George E. MacKinnon
United States Court of Appeals for the District of Columbia Circuit
333 Constitution Avenue, N.W.
Washington, D.C. 20001
Law Clerk

1990 – 1992
Hon. Edward J. Devitt
United States District Court for the District of Minnesota
316 North Robert Street
St. Paul, Minnesota 55101
Law Clerk

1989 – 1990
Lockridge Grindal Nauen P.L.L.P.
100 Washington Avenue South, Suite 2200
Minneapolis, Minnesota 55401
Law Clerk
The firm was then known as Opperman Heins & Paquin.

1988 – 1990
William and Mitchell College of Law
875 Summit Avenue
St. Paul, Minnesota 55105
Research Assistant to Professor Eric S. Janus

1984 – 1988 (intermittent)
Opus Construction Company
3306 Mike Collins Drive
Eagan, Minnesota 55121
Commercial Construction Laborer

1981 – 1985 (intermittent)
Warner's True Value Hardware
Hadley Avenue South
Cottage Grove, Minnesota 55016
Retail Sales Associate

Other Affiliations (uncompensated):

2010 – 2012, 2017 – present
Somerset Country Club
1416 Dodd Road
Mendota Heights, Minnesota 55118
Board Member

2003 – 2005
James Page Brewing Company
1500 Jackson Street N.E., Suite 400
Minneapolis, Minnesota 55413
Board Member

2001 – 2007
Augustana Lutheran Church
1400 South Robert Street
West St. Paul, Minnesota 55118
Congregational President (2006 – 2007)
Church Council Member (2001 – 2007)

1990 – 1991 (approximate)
Newport Lutheran Church
900 15th Street
Newport, Minnesota 55055
Church Council Member

7. **Military Service and Draft Status:** Identify any service in the U.S. Military, including

dates of service, branch of service, rank or rate, serial number (if different from social security number) and type of discharge received, and whether you have registered for selective service.

I have not served in the U.S. Military. I registered for the selective service upon turning 18.

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

Mitchell Hamline School of Law Professor of the Year (2016 – 2017)

J.D. awarded *summa cum laude* (1990)

William Mitchell College of Law Student Bar Association, Board of Governors member (1987 – 1990)

William Mitchell College of Law Pihl Scholarship (1988 – 1989)

B.A. awarded *cum laude* (1987)

Captain, Most Valuable Player and Student Coach, Varsity Golf Team, St. Olaf College (1986–1987)

Blue Key National Honor Society (1986)

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

American Bar Association (2003 – 2015)

Eighth Circuit Bar Association (2004 – 2014)

Defense Research Institute (2008 – 2014)

Federal Bar Association (1992 – present)

Iowa Bar Association (2013 – present)

Merit Selection Panel on the Reappointment of Magistrate Judge Arthur A. Boylan (2012)

Minnesota State Bar Association (1990 – present)

Wisconsin State Bar Association (2006 – present)

10. Bar and Court Admission:

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

Minnesota, 1990
Wisconsin, 2006
Iowa, 2013

There have been no lapses in membership.

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

U.S. Court of Appeals for the Seventh Circuit, 2006
U.S. Court of Appeals for the Eighth Circuit, 1997
U.S. District Court for the District of Minnesota, 1990
U.S. District Court for the District of Nebraska, 2011
U.S. District Court for the District of North Dakota, 2007
U.S. District Court for the Eastern District of Wisconsin, 1999
U.S. District Court for the Western District of Wisconsin, 2003
U.S. Court of Appeals for Veterans Claims, 2007
Iowa Supreme Court, 2013
Minnesota Supreme Court, 1990
Wisconsin Supreme Court, 1990

There have been no lapses in membership.

11. Memberships:

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

Augustana Lutheran Church (1994 – present)
Congregational President (2006 – 2007)
Church Council Member (2001 – 2007)

Ducks Unlimited, Inc. (1991–1998)

Henry Sibley High School Hockey Booster Club (2011 – 2015)

Newport Lutheran Church (1977 – 1993)

Member of Church Council (1990 – 1991)

Pheasants Forever, Inc. (1992 – 1998)

Somerset Country Club (1991 – present)

Board Member (2010 – 2012, 2017 – present)

University of St. Thomas Law School Mentor Program (2006 – 2007)

West St. Paul Youth Athletic Association (2003 – 2012)

William Mitchell College of Law (2006 – 2015)

Board Member

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

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

12. Published Writings and Public Statements:

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

With Mark Girouard, the Honorable Michael J. Davis, and the Honorable Patrick J. Schiltz, *Recent Developments in Federal Civil Procedure: How Not to Play by the Rules*, Federal Practice Seminar, Federal Bar Association, Minnesota Chapter (June 2007). Copy supplied.

With William D. Hittler, *What, Me Worry? – ERISA Welfare Plan Litigation*,

Fundamentals of Employee Benefits Practice, Minnesota CLE (September 2006). Copy supplied.

Commentary on recent U.S. Supreme Court Decision, MINNESOTA LAWYER, (March 26, 2001). Copy supplied.

With Matthew B. Newman and Gregory J. Myers, *A Plaintiff Attorney's and Defense Attorney's Perspectives on Eighth Circuit ERISA 502(a)(1)(B) Benefit Litigation*, ERISA Litigation Institute, Minnesota Institute for Legal Education (April 2000). Copy supplied.

With Martin A. Carlson, *Doppelgänger: The (Evil?) Twin Doctrines of Preemption*, Welfare Plan Institute, Minnesota Institute for Legal Education (October 1999). Copy supplied.

With Martin A. Carlson, *Standard of Review in Welfare Benefit Cases*, Welfare Plans Institute, Minnesota Institute for Legal Education (February 1999). Copy supplied.

With Martin A. Carlson, *Standard of Review in Employee Welfare Benefit Plan Litigation: Is It Arbitrary and Capricious?* ERISA Litigation Institute, Minnesota Institute for Legal Education (February 1999). Copy supplied.

With Linda L. Holstein, *Preventative Measures in Employee Terminations*, The Corporate Practice Institute, Minnesota Institute for Legal Education (June 1993). Copy supplied.

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

William Mitchell College of Law Board of Trustees, *Outlook for Law School Enrollment: An Attempt at a Practical Approach* (September 11, 2014). Copy supplied.

Merit Selection Panel on the Reappointment of Magistrate Judge Arthur A. Boylan for the United States District Court for the District of Minnesota, Report and Recommendation for Reappointment (Summer 2012). I do not possess a copy of the report, which was confidential. The address of the United States District Court for the District of Minnesota is 300 South Fourth Street, Suite 202, Minneapolis, Minnesota 55415.

- 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.

August 6, 2013: Mendota Heights City Council Meeting. I spoke to urge the city to participate in a task force to research options for replacement of the ice arena in West St. Paul. Copy of meeting minutes supplied.

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

School, Forest Lake, Minnesota November 15, 2017: Speaker, Career Day Presenter, Forest Lake Area High School. I briefly described my career path, explained the education necessary to become a lawyer, described various careers available to law-school graduates, and answered students' questions. I have no notes, transcript, or recording. The address of Forest Lake Area High School is 6101 Scandia Trail North, Forest Lake, Minnesota 55025.

October 17, 2017: Speaker, Federal-Court Practice and FBA Membership, Federal Bar Association Student Chapter, University of Minnesota Law School, Minneapolis, Minnesota. Notes supplied.

September 22, 2017: Moderator, "Judge Devitt and Professionalism in Judicial Administration," Mitchell Hamline School of Law, St. Paul, Minnesota. Recording supplied.

October 5, 2016: Speaker, Federal-Court Practice and FBA Membership, Federal Bar Association Student Chapter, University of Minnesota, Minneapolis, Minnesota. This talk covered basic background information regarding the federal courts, particular information regarding federal-court practice, and the benefits of membership in the Federal Bar Association. I have no notes, transcript, or recording. The address of the University of Minnesota Law School is 229 19th Avenue South, Minneapolis, Minnesota 55455.

November 5, 2015: Speaker, "*Grable & Sons Metal Products v. Darue Engineering and Manufacturing* After Ten Years: Will Grable Become a Misunderstood Teenager?" Federal Bar Association Student Chapter, University of Minnesota Law School, Minneapolis, Minnesota. PowerPoint supplied.

September 18, 2015: Speaker, "Ethics and Electronic Discovery: The Good, The Bad, and The Ugly," William Mitchell College of Law, St. Paul, Minnesota. PowerPoint supplied.

June 13, 2014: Speaker, "The Physician and Attorney Relationship in a Fraud Audit: Working Through Related Ethical Issues" American Bar Association Health Law Section's Physicians Issues Legal Conference, Houston, Texas. PowerPoint and notes supplied.

April 8, 2014: Speaker, "Judicial Restraint is *Not* Judicial Abdication: A Response to 'Terms of Engagement' Authored by Clark M. Neily III," Federalist Society Student Chapter, University of Minnesota Law School, Minneapolis, Minnesota. Notes supplied.

October 31, 2013: Speaker, "Article III Judges Behaving Badly: Do Impeachment and Misdeeds Inform our Understanding of Separation of Powers?" Federal Bar Association, Minneapolis, Minnesota. PowerPoint supplied.

April 11, 2013: Speaker, "Healthcare Litigation and Malpractice Cases regarding Credentialing," Minnesota Association of Medical Staff Services Annual Conference, Prior Lake, Minnesota. I provided a presentation at this conference regarding recent litigation relating to medical credentialing, as well as general trends in healthcare fraud litigation. I have no notes, transcript, or recording of this meeting. The Minnesota Association of Medical Staff Services is the Minnesota Chapter of the National Association Medical Staff Services, 2025 M Street NW, Suite 800, Washington, D.C. 20036.

June 28, 2012: Speaker, "Anna Nicole Smith Returns to the Supreme Court: *Stern v. Marshall* and Article I Jurisdiction," Federal Practice Seminar, Federal Bar Association, Minneapolis, Minnesota. PowerPoint and outline supplied.

June 29, 2010: Speaker, Continuing Education Presentation for Medical Doctors and Chiropractors, sponsored by Spine Imaging MRI, Minneapolis, Minnesota. This talk covered common legal compliance issues facing medical providers who work with independent contractors. I have no notes, transcript, or recording. Spine Imaging MRI is no longer an operating business and has no physical address.

September 18, 2009: Speaker, "Providing Compliance Advice to Members," Fall CLE Conference, American Society of Medical Association Counsel, Sedona, Arizona. PowerPoint and outline supplied.

May 29, 2008: Speaker, Continuing Education Presentation for Chiropractors sponsored by Spine Imaging, MRI, Minneapolis, Minnesota. Notes supplied.

April 8, 2008: Speaker, Continuing Education Presentation for Chiropractors sponsored by Spine Imaging, MRI, Minneapolis, Minnesota. Notes supplied.

June 6, 2007: Speaker, "Recent Developments in Federal Civil Procedure: How Not to Play by the Rules," Federal Practice Seminar, Federal Bar Association, Minnesota Chapter, Minneapolis, Minnesota. A copy of the paper on which the discussion was based is supplied in response to Question 12(a).

September 28, 2006: Speaker, "What, Me Worry? – ERISA Welfare Plan Litigation, Fundamentals of Employee Benefits Practice," Minnesota CLE, Minneapolis, Minnesota. A copy of the paper on which the discussion was based is supplied in response to Question 12(a).

April 30, 2003: Speaker, "Pleading Your Case in Federal Court," Federal Practice Committee Course for New Practitioners, Federal Practice Seminar, Minneapolis, Minnesota. Outline supplied.

November 5, 2001: Speaker, Program Celebrating Establishment of the Kloeck-Jenson Endowment for Peace and Justice, St. Olaf College, Northfield, Minnesota. Recording and written text of speech supplied.

April 12, 2000: Speaker, "A Plaintiff Attorney's and Defense Attorney's Perspectives on Eighth Circuit ERISA 502(a)(1)(B) Benefit Litigation," ERISA Litigation Institute, Minnesota Institute for Legal Education, Minneapolis, Minnesota. A copy of the paper on which the discussion was based is supplied in response to Question 12(a).

October 14, 1999: Speaker, "Doppelgänger: The (Evil?) Twin Doctrines of Preemption," Welfare Plan Institute, Minnesota Institute for Legal Education, Minneapolis, Minnesota. A copy of the paper on which the discussion was based is supplied in response to Question 12(a).

October 14, 1999: Speaker, "Standard of Review in Welfare Benefit Cases," Welfare Plan Institute, Minnesota Institute for Legal Education, Minneapolis, Minnesota. A copy of the paper on which the discussion was based is supplied in response to Question 12(a).

February 25, 1999: Speaker, "Standard of Review in Welfare Benefit Plan Litigation: Is It Arbitrary and Capricious?" ERISA Litigation Institute, Minnesota Institute for Legal Education, Minneapolis, Minnesota. A copy of the paper on which the discussion was based is supplied in response to Question 12(a).

June 9, 1993: Speaker, "Preventative Measures in Employee Terminations," The Corporate Practice Institute, Minnesota Institute for Legal Education, Bloomington, Minnesota. A copy of the paper on which the discussion was based is supplied in response to Question 12(a).

April 30, 1993: Speaker, Law Day Presentation, St. Thomas Academy, Mendota Heights, Minnesota. Outline of speech supplied.

February 27, 1991: Speaker, William Mitchell College of Law Judicial Clerkship Program, William Mitchell College of Law, St. Paul, Minnesota. Written text of speech supplied.

December 12, 1990: Speaker, U.S. Naturalization Ceremony, St. Paul, Minnesota. Written text of speech supplied.

June 10, 1990: Speaker, William Mitchell College of Law Honors Graduation Brunch, St. Paul, Minnesota. Written text of speech supplied.

- 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.

Frisch, Suzy, *Student Leaders for Social Change Benefit from Kloeck-Jenson Endowment for Peace and Justice*, ST. OLAF MAGAZINE, Fall 2012. Copy supplied.

Pabst, Lora, *'Accident Line' Accused of Fraud*, MINNEAPOLIS STAR TRIBUNE, November 2, 2010. Copy supplied.

Diaz, Kevin, *With Mental Health Bill Mired, Rep. Ramstad's Legacy at Stake*, MINNEAPOLIS STAR TRIBUNE, January 28, 2008. Copy supplied.

Paulsen Has Cash Edge In Race for Ramstad Seat, ROLL CALL, January 15, 2008. Copy supplied.

Ashmore, Nancy, *Furthering Peace and Justice*, ST. OLAF MAGAZINE, Spring 2001. Copy supplied.

Guthrey, Molly, *Court Favors Ex-Employee in Benefits Case*, ST. PAUL PIONEER PRESS, May 27, 1998. Copy supplied.

Bioplasty Settlement, MINNEAPOLIS STAR TRIBUNE, November 6, 1995. Copy supplied.

Brothers, Bruce, *Border to Border Gives Two Men Another Chance*, ST. PAUL PIONEER PRESS, August 6, 1995. Copy supplied.

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

I have not held judicial office.

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

- i. Of these, approximately what percent were:

jury trials: _____%
bench trials: _____% [total 100%]

civil proceedings: _____%
criminal proceedings: _____% [total 100%]

- b. Provide citations for all opinions you have written, including concurrences and dissents.
- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (3) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).
- d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.
- e. Provide a list of all cases in which certiorari was requested or granted.
- f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.
- g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.
- h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.
- i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.

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

I have not held judicial office.

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

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

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

I have not held any public office. I have not had any unsuccessful candidacies for elective office or nominations for appointed office.

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

I had been active as a volunteer in various ways on several political campaigns. I served as a volunteer when my wife, Laurie Tostrud, ran successfully for the West St. Paul-Mendota Heights-Eagan School Board in 2007, and in the 1970s when my father, Jerrol Tostrud, ran successfully for school board.

I have also occasionally volunteered as a “grass roots” volunteer, putting up yard signs, organizing and attending campaign events, and distributing campaign literature for the following campaigns:

Arlen Erdahl for Congress
Erik Paulsen for Congress
Erik Paulsen for Minnesota State House
Wes Scheel for Washington County Commissioner,
Charlie Weaver for Minnesota Attorney General

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

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

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

From August 1990 to May 1992, I served as a law clerk to the Honorable Edward J. Devitt, United States District Court for the District of Minnesota. From May 1992 to September 1992, I served as a law clerk to the Honorable George E. MacKinnon, United States Court of Appeals for the District of Columbia Circuit.

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

I have never practiced law alone.

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

1992 – present
Lockridge Grindal Nauen P.L.L.P. (and predecessor firms)
100 Washington Avenue South, Suite 2200
Minneapolis, Minnesota 55401
Associate (1992 – 1997)
Partner (1998 – 2014)
Of Counsel (2014 – present)

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

I have mediated twelve cases. All involved suits for employee welfare or pension benefits under the terms of employer-sponsored plans. Most of these cases involved claims under the federal Employee Retirement Income Security Act of 1974 (“ERISA”). A small number involved claims under state law because the plans in question were exempt from ERISA. The ten most significant are:

Van Knight v. Liberty Life Assurance Company, No. 10-CV-3423 (PJS/JJG) (D. Minn.)

Werb v. ReliaStar Life Insurance Company, No. 13-CV-669 (PJS/BRT) (D. Minn.)

Mathison v. Liberty Life Assurance Company of Boston, No. 14-CV-4967 (JNE/LIB) (D. Minn.)

Lehmann v. Hartford Life and Accident Insurance Company, No. 14-CV-4888 (JRT/TNL) (D. Minn.)

DeCou v. Union Security Insurance Company, No. 15-CV-4423 (RHK/JSM) (D. Minn.)

MacLennan v. Union Security, No. 15-CV-3106 (SRN/HB) (D. Minn.)

Swope v. Sun Life Assurance Company of Canada, No. 15-CV-3926 (JRT/KMM) (D. Minn.)

Johnson v. ReliaStar Life Insurance Company, No. 15-CV-3789 (WMW/KMM) (D. Minn.)

Roehler v. Unum Life Insurance Company of America, No. 16-CV-2673 (MJD/TNL) (D. Minn.)

Hollins v. Principal Life Ins. Group, No. 27-CV-16-17885 (Hennepin Cnty. Ct.)

b. Describe:

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

After my clerkships, I began my career in private practice by representing plaintiffs and defendants in large complex civil litigation matters in federal courts across the country. I did not specialize in a particular area of law, but rather practiced in a variety areas including intellectual property, antitrust, securities, and general commercial litigation.

My practice ultimately evolved to focus on complex civil litigation almost exclusively in the federal courts in the Upper Midwest. Toward the end of my time as a partner at Lockridge Grindal Nauen, my practice focused on cases involving claims in the following areas: claims of health care fraud under the federal RICO statute and the federal False Claims Act, employee-benefit claims under the federal ERISA statute, and complex insurance coverage claims including insurance-related class actions in

federal court on the basis of diversity or under the Class Action Fairness Act.

Since December 2014, I have been a full-time professor at William Mitchell College of Law (now Mitchell Hamline School of Law) in St. Paul, Minnesota. I remain Of Counsel at Lockridge Grindal Nauen.

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

Throughout my career, I primarily represented defendants in various types of civil litigation ranging from multi-million-dollar antitrust and False Claims Act cases to class-action fraud cases. I also developed a specialized practice in ERISA litigation, representing insurers in defense of ERISA benefit claims. Finally, I built a significant practice defending health care providers—typically individual or group practices—against insurers claiming that the provider engaged in fraud or violated various health care regulations.

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

My legal practice has been devoted to civil litigation. In private practice, I appeared in court frequently. I primarily appeared in federal courts, but also practiced in state courts, administrative proceedings, and private arbitrations.

- i. Indicate the percentage of your practice in:

- 1. federal courts: 85%
- 2. state courts of record: 14%
- 3. other courts: 0%
- 4. administrative agencies: 1%

- ii. Indicate the percentage of your practice in:

- 1. civil proceedings: 100%
- 2. criminal proceedings: 0%

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

I have tried three to cases that reached final judgment following trial, including one as lead counsel that was resolved after a bench trial and two as associate counsel that were resolved by final verdict after a jury trial.

- i. What percentage of these trials were:
 - 1. jury: 67%
 - 2. non-jury: 33%

- 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. *In the Matter of Arbitration Between Dain Bosworth Inc. v. Piper Jaffray Inc., Dennis Cunnico, Michael L. Deverich, Ronald A. Icabone and Mark A. Kennedy*, No. 1993-003242 (NYSE).

I participated in this expedited arbitration on behalf of Dain Bosworth against Piper Jaffray regarding a claim of unfair competition. Our client alleged Piper Jaffray had violated industry standards by unlawfully inducing account executives to leave their positions and join a competing office in the same city, and had also breached contracts regarding handling of customer account information in connection with those personnel raids. I was responsible for our client's damages case and expert witness, and for cross-examining some of our adversary's principal witnesses without any opportunity for advance discovery.

Dates of Representation: July 1993

Bradford W. Chase, Arbitrator (NYSE)
James B. Eichberg, Arbitrator (NYSE)
Celeste A. Frause, Arbitrator (NYSE)

Co-Counsel:

Linda L. Holstein
Holstein Law Group
150 South 5th Street, Suite 1490
Minneapolis, Minnesota 55402
(612) 435-0222
Formerly of Lockridge Grindal Nauen P.L.L.P.

Opposing Counsel:
Michael J. McAllister
Satterlee Stephens LLP
230 Park Avenue
New York, New York 10169
(212) 404-8728

2. *Minnesota Association of Nurse Anesthetists v. Unity Hospital, et al.*, 59 F.3d 80 (8th Cir. 1995); 5 F. Supp. 2d 694 (D. Minn. 1998); 208 F.3d 655 (8th Cir. 2000).

In this case, I represented several defendants accused by nurse-anesthetist plaintiffs of violating Section 1 and Section 2 of the Sherman Act, 15 U.S.C. §§ 1 and 2, by conspiring to boycott nurse anesthetists or to eliminate them from the marketplace. After, we successfully appealed the district court's order granting the nurse anesthetists a preliminary injunction, defendants then prevailed on summary judgment in the district court. The Eighth Circuit upheld that decision on appeal, holding that the exclusive sole-source contracts to supply anesthesia services at certain hospitals did not constitute an illegal boycott of nurse anesthetists under Section 1, and that plaintiffs had not shown defendants' market power, or a dangerous probability that defendants would acquire market power, thereby defeating plaintiffs' Section 2 claims.

Dates of Representation: November 1994 – July 2002

Hon. Roger L. Wollman, U.S. Circuit Judge (8th Cir.)
Hon. Donald P. Lay, U.S. Circuit Judge (8th Cir.)
Hon. James B. Loken, U.S. Circuit Judge (8th Cir.)
Hon. Morris S. Arnold, U.S. Circuit Judge (8th Cir.)
Hon. Andrew W. Bogue, U.S. District Court Judge (D.S.D.)
Hon. Ann D. Montgomery, U.S. District Court Judge (D. Minn.)
Hon. Jonathan G. Lebedoff, U.S. Magistrate Judge (D. Minn.)

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3. *Minnesota Association of Nurse Anesthetists, United States ex rel. v. Allina Health System Corp., et al.*, 276 F.3d 1032 (8th Cir. 2002), *cert. denied*, 537 U.S. 944 (2002).

I represented anesthesiologists and their medical practice after they were sued in a *qui tam* action under the False Claims Act, 31 U.S.C. § 3729, brought by a professional association of nurse anesthetists. The district court entered summary judgment in favor of defendants. On appeal, the Eighth Circuit reversed in part, holding that, even absent pecuniary injury, a relator has standing to pursue a False Claims Act case. The Eighth Circuit also conducted a detailed analysis of whether defendants' conduct satisfied the statutory requirement of "knowing" conduct and the interpretation of Medicare regulations governing the performance of the medical services at issue.

Dates of Representation: December 1994 – March 2005

Hon. Theodore McMillan, U.S. Circuit Judge (8th Cir.)
Hon. John R. Gibson, U.S. Circuit Judge (8th Cir.)
Hon. Nanette K. Laughrey, U.S. District Court Judge (W.D. Mo.)
Hon. Richard H. Kyle, U.S. District Court Judge (D. Minn.)
Hon. Arthur J. Boylan, U.S. Magistrate Judge (D. Minn.)

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4. *Estate of Haag et al. v. Hartford Life and Accident Insurance Company*, Case File No. C8-01-1013 (McCleod Cnty. Ct.), Case No. 01-1725, 188 F. Supp. 2d 1135 (D. Minn. 2002).

This was a class action lawsuit against Hartford Life and Accident Insurance Company based on allegations that Hartford's method for calculating interest on life insurance payments did not comply with Minnesota's insurance code. I was lead defense counsel for Hartford, and handled the defense of the case in both federal court and then—following remand—in Minnesota state court. While pending in federal court, the case involved an unsettled and novel question of federal jurisdiction under ERISA's "savings clause." Once the case was remanded from federal court, I led the defense of plaintiffs' claims in state court,

the certification of a class for purposes of settlement, and the negotiation and implementation of a final expeditious and fair settlement for the entire class.

Dates of Representation: August 2001 – April 2003

Hon. David S. Doty, U.S. District Court Judge (D. Minn.)

Hon. John M. Mason, U.S. District Court Judge (D. Minn.)

Opposing Counsel:

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(517) 533-0325

5. *King v. Hartford Life and Accident Insurance Company*, 357 F.3d 840 (8th Cir. 2004); *vacated*, 414 F.3d 994 (8th Cir. 2005) (*en banc*).

This was a case arising under the Employee Retirement Income Security Act, presenting the question whether it is unreasonable for an ERISA plan administrator to conclude that a motorcyclist's death due to driving while intoxicated in difficult conditions was not "accidental." I represented the defendant, Hartford Life and Accident Insurance Company, in connection with a successful motion for summary judgment at the trial court. The plaintiff appealed, and a panel of the Eighth Circuit reversed the lower court decision. On behalf of the defendant, I successfully filed a motion for rehearing *en banc* before the entire Eighth Circuit Court of Appeals, and I briefed and argued the appeal before the *en banc* Eighth Circuit. The Court adopted my client's proposed interpretation of the term "accident," but remanded the case for my client to adjudicate the claim under that particular definition.

Dates of Representation: January 2002 – January 2006

Hon. James B. Loken, U.S. Circuit Judge (8th Cir.)
Hon. Donald P. Lay, U.S. Circuit Judge (8th Cir.)
Hon. Myron H. Bright, U.S. Circuit Judge (8th Cir.)
Hon. Roger L. Wollman, U.S. Circuit Judge (8th Cir.)
Hon. Morris S. Arnold, U.S. Circuit Judge (8th Cir.)
Hon. Diane E. Murphy, U.S. Circuit Judge (8th Cir.)
Hon. Kermit E. Bye, U.S. Circuit Judge (8th Cir.)
Hon. William J. Riley, U.S. Circuit Judge (8th Cir.)
Hon. Michael J. Melloy, U.S. Circuit Judge (8th Cir.)
Hon. Lavenski R. Smith, U.S. Circuit Judge (8th Cir.)
Hon. Steven M. Colloton, U.S. Circuit Judge (8th Cir.)

Hon. Raymond W. Gruender, U.S. Circuit Judge (8th Cir.)
Hon. William D. Benton, U.S. Circuit Judge (8th Cir.)
Hon. James M. Rosenbaum, U.S. District Court Judge (D. Minn.)
Hon. Franklin L. Noel, U.S. District Court Judge (D. Minn.)

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6. *Matschiner v. Lewis*, No. 8:07CV435, 2009 WL 35162 (D. Neb. Jan. 6, 2009) (summary judgment granted), *reconsideration denied*, 2009 WL 387737 (D. Neb. Feb. 13, 2009) and 2009 WL 995147 (D. Neb. Apr. 13, 2009) (motion for attorneys' fees granted in part), *rev'd sub nom Matschiner v. Hartford Life and Acc. Ins. Co.*, 622 F.3d 885 (8th Cir. 2010), *rehearing and rehearing en banc denied* (Nov. 19, 2010), *remanded to* 2011 WL 116867 (D. Neb. Jan. 13, 2011).

Plaintiff alleged that my client, Hartford Life and Accident Insurance Company, abused its discretion by paying life insurance benefits in accordance with the decedent's beneficiary designation form despite a divorce decree from a Nebraska state court stating that any life insurance benefits should be paid to the plaintiffs. The district court granted summary judgment to the plaintiffs, reasoning that the state-court order took precedence over the decedent's beneficiary designation. I represented Hartford as lead counsel, and briefed and argued an appeal of the district court decision at the Eighth Circuit. The Eighth Circuit agreed with our position and reversed the district court after concluding that Hartford paid the death benefit in accordance with the plan documents.

Dates of Representation: November 2007 – November 2010

Hon. James B. Loken, U.S. Circuit Judge (8th Cir.)
Hon. Morris S. Arnold, U.S. Circuit Judge (8th Cir.)
Hon. Raymond W. Gruender, U.S. Circuit Judge (8th Cir.)
Hon. Joseph F. Bataillon, U.S. District Court Judge (D. Neb.)
Hon. Thomas D. Thalken, U.S. Magistrate Judge (D. Neb.)

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Opposing Counsel:

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7. *Palmer v. Illinois Farmers Ins. Co. (Hara v. USAA)*, 820 F. Supp. 2d 1004 (D. Minn. 2011), *aff'd*, 666 F.3d 1081 (8th Cir. 2012).

This case was a putative class action filed against four automobile insurance companies for allegedly failing to provide insureds with insurance discounts for owning vehicles equipped with anti-theft devices. I was lead counsel on the case for USAA Casualty Insurance Company, and worked with co-counsel to develop a strategy that entailed removing the case to federal court under the Class Action Fairness Act and to file a motion to dismiss the complaint. The district court granted the motion to dismiss, and the Eighth Circuit affirmed the dismissal on appeal.

Dates of Representation: September 2010 – February 2012

Hon. James B. Loken, U.S. Circuit Judge (8th Cir.)
Hon. Diane E. Murphy, U.S. Circuit Judge (8th Cir.)
Hon. Bobby E. Shepherd, U.S. Circuit Judge (8th Cir.)
Hon. Paul A. Magnuson, U.S. District Court Judge (D. Minn.)
Hon. Jeffrey J. Keyes, U.S. Magistrate Judge (D. Minn.)

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8. *Blue v. Hartford Life and Accident Insurance Company*, 698 F.3d 587 (7th Cir. 2012).

This was a lawsuit regarding the termination of employer-sponsored long-term disability benefits. Plaintiff alleged that my client, Hartford Life and Accident Insurance Company, committed a breach of contract and bad-faith denial of insurance benefits when it determined that his health had improved enough for him to work, thus disqualifying him from continuing benefits. The litigation involved a number of challenging and unique substantive and procedural issues. Following discovery, the district court granted summary judgment to Hartford, partly based on the merits and partly based on a procedural issue stemming from the court's decision to deny plaintiff an extension of time to respond to Hartford's summary-judgment motion. I represented Hartford as lead counsel, and briefed and argued an appeal of the district court decision at the Seventh Circuit. The Seventh Circuit agreed with our position and affirmed the district court's entry of summary judgment.

Dates of Representation: August 2010 – October 2012

Hon. Joel M. Flaum, U.S. Circuit Judge (7th Cir.)
Hon. Frank H. Easterbrook, U.S. Circuit Judge (7th Cir.)
Hon. Ann Claire Williams, U.S. Circuit Judge (7th Cir.)
Hon. Stephen L. Crocker, U.S. Magistrate Judge (W.D. Wis.)

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9. *State Farm Mutual Automobile Insurance Company, et al. v. Mobile Diagnostic Imaging, Inc., et al.*, 7 F.Supp.3d 934 (D. Minn 2014).

I represented the defendant diagnostic-imaging facility and its lay owner against a declaratory-judgment action by insurance companies relating to Minnesota's corporate practice of medicine doctrine. The insurance companies alleged that the clinics policies violated Minnesota's corporate practice of medicine doctrine and that the insurers need not pay any bills submitted by the clinic. I supervised all discovery and briefing in the case, and successfully argued the summary-judgment motion awarding judgment entirely in favor of my clients.

Dates of Representation: April 2012 – March 2014

Hon. David S. Doty, U.S. District Court Judge (D. Minn.)

Hon. Jeanne J. Graham, U.S. Magistrate Judge (D. Minn.)

Co-Counsel:

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10. *Illinois Farmers Insurance Company, et al. v. Mobile Diagnostic Imaging, Inc., et al.*, 2014 WL 4104789 (D. Minn. 2014)

I represented the defendant diagnostic-imaging facility and its lay owner against claims by insurance companies that Minnesota's corporate practice of medicine doctrine bars anyone but licensed medical professionals from owning diagnostic-imaging facilities, and that the plaintiff insurance companies were not required to

pay claims submitted by a lay-owned facility. The plaintiffs also alleged that my clients paid kickbacks to defendant chiropractors and chiropractic clinics in exchange for referrals for MRIs in violation of a number of laws, including state and federal anti-kickback laws, the Racketeer Influenced and Corrupt Organizations Act ("RICO"), 18 U.S.C. §§ 1961-1968, and the Minnesota No-Fault Insurance Act ("No Fault Act"), Minn. Stat. §§ 65B.41-65B.71. I supervised the briefing and argument on this case, in which we won dismissal of all claims against our client.

Dates of Representation: October 2013–April 2015

Hon. Patrick J. Schiltz, U.S. District Court Judge (D. Minn.)
Hon. Tony N. Leung, U.S. Magistrate Judge (D. Minn.)

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18. **Legal Activities:** Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

As described above, my practice focused primarily on litigation of matters in federal court as well as teaching courses related to the work of federal courts. Apart from these activities, I frequently advised clients on non-litigation matters related to the factual or legal issues I litigated. For example, I assisted health-care providers in developing compliance plans, managing compliance issues, representing them before various administrative licensing boards, and dealing with a myriad of disputes before they reached litigation. I also counseled clients on matters related to pre-litigation settlement demands. Finally, there were several instances where I was asked to assist a client with legislative or regulatory issues relating to areas of litigation risk or actual litigation.

Though I never engaged in lobbying activities, I reviewed potential legislative language and advised on the legal ramifications of legislative or regulatory changes.

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.

I taught Federal Jurisdiction at the University of Minnesota Law School during spring semester of 2011 and 2012, and fall semesters of 2011, 2012, 2013, 2014, 2015, 2016, and 2017. Although the final syllabi for this class is labelled Spring/Winter 2010, it was accidentally mislabeled, and that was the syllabus used in the Spring 2011 class. Syllabi supplied.

I taught Federal Civil Procedure at Mitchell Hamline School of Law during fall semesters of 2004, 2015, and 2017, and during spring semesters of 2005, 2006, 2008, and 2010. I do not have a copy of the syllabus for this class in 2004, 2005 or 2010, but I recall the syllabus for those years were essentially the same as it was for the other classes I taught in subsequent semesters. Syllabi for all other classes supplied.

I taught Advanced Federal Civil Procedure at Mitchell Hamline School of Law during spring semesters of 2016 and 2017. Syllabi supplied.

I taught Federal Jurisdiction and the Law of the Federal Courts at Mitchell Hamline School of Law during spring semesters in 2000, 2001, 2007 and 2010 and fall semester 2004. I do not have a copy of the syllabus for this class in 2000, but I recall the syllabus for that year was essentially the same as it was for the following year's class. Syllabi for all other classes supplied.

I taught Electronic Discovery at Mitchell Hamline School of Law during fall semesters of 2015, 2016, and 2017. This course provided an in depth review of issues unique to the area of discovery of electronically stored information. Syllabi supplied.

I taught Lawyer as Business Owner at Mitchell Hamline School of Law during spring semesters of 2016 and 2017. Syllabi supplied.

I taught Legal Writing at Mitchell Hamline School of Law during the 1993-1994 academic year. No syllabi available.

I taught a Bar Exam Review Course at Mitchell Hamline School of Law during fall semester of 2000. No syllabus available.

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

I expect to receive deferred compensation relating to my former partnership interest in Lockridge Grindal Nauen P.L.L.P.

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 have no commitments, agreements to, or plans for outside activities.

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

See attached Financial Disclosure Report.

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

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

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

If confirmed, I will recuse in any litigation where I have ever played a role. For a period of time, I anticipate recusing in all cases where my current firm, Lockridge Grindal Nauen P.L.L.P., represents a party. I will also evaluate any other real or potential conflict, or relationship that could give rise to appearance of conflict, on a case by case basis and determine appropriate action with the advice of parties and their counsel including recusal where necessary.

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

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

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

Through my work as a lawyer, I have promoted equal access to justice through *pro bono* service. For example, I have litigated cases before the U.S. Court of Appeals for Veterans Claims on behalf of disabled veterans. I also have provided *pro bono* representation and assistance in Minnesota through the Federal Bar Association Pro Se Project.

I have spent a great deal of time working to improve equal access to justice through my community activities. As a member of my church, Augustana Lutheran Church in West St. Paul, Minnesota, I have participated in community outreach and mission activities, all of which are intended to advance the cause of social justice in our immediate community and other parts of the world. This work has included, among other things, youth mentoring, the provision of *pro bono* legal services, participating in an array of social outreach programs, and fundraising activities. I also have been active in promoting equal access to justice through involvement with my undergraduate alma mater, St. Olaf College. There, I designed and led the effort to develop and fund the Kloeck-Jenson Endowment for Peace and Justice Studies. The Endowment provides combined service and academic opportunities to St. Olaf students with a goal of increasing the number of

St. Olaf students who choose to enter a service corps, including the Peace Corps, following graduation.

I also have mentored two at-risk youth through an alternative sentencing program – Bolder Options. The program required them to train for and complete a series of running races with me serving as their mentor.

26. Selection Process:

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

In November 2016, I submitted an application to a judicial selection committee established by Senators Amy Klobuchar and Franken. On January 17, 2017, I submitted an application to the separate judicial selection committee established by Congressman Erik Paulsen. I was interviewed by that committee on April 6, 2017, and then interviewed by Congressman Paulsen on April 13, 2017. Following that interview, Congressman Paulsen informed me that my name had been submitted to the White House Counsel's Office for further consideration. On June 7, 2017, I was interviewed in Washington D.C. by attorneys from the White House Counsel's Office and the Office of Legal Policy at the Department of Justice. On September 11, 2017, I was interviewed by attorneys and staff from Senator Franken's office in Minnesota, along with staff from Senator Franken's office in Washington D.C. who participated by phone. On November 27, 2017, Congressman Paulsen called me and told me the White House intended to move forward with my nomination. Since that date, I have been in contact with officials from the White House Counsel's Office and Office of Legal Policy regarding my nomination. The President submitted my nomination to the Senate on February 15, 2018.

- 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.