

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Jeannette Anne Vargas

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

United States District Judge for the Southern District of New York

3. **Address:** List current office address. If city and state of residence differs from your place of employment, please list the city and state where you currently reside.

Office of the United States Attorney
for the Southern District of New York
86 Chambers Street, Third Floor
New York, New York 10007

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

1973; Flushing, New York

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

1997 – 2000, Yale Law School; J.D., 2000

1991 – 1995, Harvard College; A.B. Government, 1995

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.

2002 – present

Office of the United States Attorney for the Southern District of New York
Civil Division
86 Chambers Street

New York, New York 10007
Deputy Chief, Civil Division (2016 – present)
Senior Trial Counsel (2014 – 2016)
Chief, Tax and Bankruptcy Unit (2010 – 2014)
Deputy Chief, Tax and Bankruptcy Unit (2009 – 2010)
Assistant United States Attorney (2002 – 2009)

2001 – 2002
The Honorable Sonia Sotomayor
United States Court of Appeals for the Second Circuit
40 Centre Street
New York, New York 10007
Law Clerk

2000 – 2001; Summer 1999
Simpson Thacher & Bartlett
425 Lexington Avenue
New York, New York 10017
Associate (2000 – 2001)
Summer Associate (Summer 1999)

Summer 1998
Federal Defenders of New York
Appeals Bureau
52 Duane Street
New York, New York 10007
Summer Intern

1998 – 2000
Yale Law School Latin American Linkage Program
Yale Law School
127 Wall Street
New Haven, Connecticut 06511
Coordinator

1995 – 1997
United States Department of Justice
950 Pennsylvania Avenue
Washington, D.C.
Honors Paralegal

In the summer of 1995, I worked several months for an agency in New York City that placed me into temporary positions lasting one to two weeks as a secretary or assistant. I do not recall the name of the agency by which I was employed.

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 did not serve in the military. I was not required to register for the 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.

Executive Office for United States Attorneys Director's Award for Superior Performance by a Litigative Team (2020)

U.S. Department of Health and Human Services Office of the Inspector General Honor Award for Excellence in Fighting Fraud, Waste, and Abuse (2020)

Commendation from the Federal Bureau of Investigation (2017)

Commendation from DOJ's Civil Rights Division (2012)

New York City Bar Association's Henry L. Stimson Medal (2011)

Commendation from DOJ's Environmental and Natural Resources Division (2010)

U.S. Environmental Protection Agency's Gold Medal for Exceptional Service (2010)

Attorney General's Award for Distinguished Service (2010)

Commendation from the Transportation Security Administration (2009)

Yale Law School Morris Tyler Court of Appeals, Harlan Fiske Stone Prize Finalist (1999)

Graduated *Magna cum laude* from Harvard College (1995)

Harvard University Eric Firth Prize for outstanding senior thesis (1995)

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

American Constitution Society

Association of the Bar of the City of New York
Federal Courts Committee Member (2013 –2016)

Lesbian, Gay, Bisexual, Transgender and Queer Rights Committee Member (2009 – 2012)

Executive Office for United States Attorneys, Bankruptcy Working Group

Federal Bar Council

Federal Bar Association, Tax Section Member (2011)

Hispanic National Bar Association

Puerto Rican Bar Association

United States Attorney's Office for the Southern District of New York, Diversity Committee

United States Attorney's Office for the Southern District of New York, Hiring Committee

United States Attorney's Office for the Southern District of New York, Civil Division, Racial Equity and Justice Committee
Member (2020 – present)
Defensive Litigation Subcommittee (2020 – present)

United States Environmental Protection Agency, Bankruptcy Working Group

10. **Bar and Court Admission:**

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

New York, 2001

There has been no lapse in membership.

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

United States Supreme Court, 2012

United States Court of Appeals for the Second Circuit, 2004

United States Court of Appeals for the Fifth Circuit, 2014

United States District Court for the Eastern District of New York, 2002

United States District Court for the Southern District of New York, 2002

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.

Cafecito (2018 – present)

Harvard College Fund, Class of 1995 Gift Committee, Member (2010 – present)

Human Rights Campaign, Federal Club Council (2021 – present)

NYU Langone Health, Department of Medicine, Chairman Circle (2021 – present)

One Fifth Avenue Corporation, Board of Directors (2014 – 2019)

- 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 listed organizations currently discriminates or formerly discriminated based on 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 Karen Alter, *Explaining Variation in the Use of European Litigation Strategies: European Community Law and British Gender Equality Policy*, Comparative Political Studies (May 2000). Copy supplied.

Book Note, 25 Yale J. Int'l L. 233 (2000) (reviewing Mark J. Osiel, *Obeying Orders: Atrocity, Military Discipline and the Law of War* (1999)). Copy supplied.

Female Odd Couple a Weaker Set, Harvard Crimson (Mar. 17, 1994). Copy supplied.

Longings Cries Out to be Freed from Stereotype, Harvard Crimson (Mar. 3, 1994). Copy supplied.

Babes in Bensonhurst, Harvard Crimson (Mar. 3, 1994). Copy supplied.

The Pitfalls of Pippin, Harvard Crimson (Dec. 9, 1993). Copy supplied.

A Bloodless Dracula, Harvard Crimson (Dec. 9, 1993). Copy supplied.

Life After Grunge, Harvard Crimson (Nov. 11, 1993). Copy supplied.

Head for the Hills, Harvard Crimson (Oct. 21, 1993). Copy supplied.

Joel Takes the Garden by Storm Once Again, Harvard Crimson (Sept. 23, 1993). Copy supplied.

Beantown Band Still Living on the Edge, Harvard Crimson (Sept. 23, 1993). Copy supplied.

Zooropa's Bizarre New Turn for U2, Harvard Crimson (July 9, 1993). Copy supplied.

Not Quite a Night to Remember, Harvard Crimson (April 29, 1993). Copy supplied.

The Late-Night Transportation Game, Harvard Crimson (Mar. 8, 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.

As a member of the New York City Bar Association's Committee on Lesbian, Gay, Bisexual, Transgender and Queer Rights, I participated in the drafting of the following reports, memoranda, or policy statements:

Testimony of Christa M. Bosch before the New York City Council Civil Rights Committee in Support of Resolution No. 169-a, calling on the United States Congress to pass language in the 2011 Defense Authorization Act that would repeal "Don't Ask, Don't Tell." (June 8, 2010). Copy supplied.

Report to the United States Senate Armed Services Committee in Support of the Repeal of the 'Don't Ask, Don't Tell' Policy. (Feb. 1, 2010). Copy supplied.

In addition to the material listed above, while I was a member of the New York City Bar Association's Committee on Lesbian, Gay, Bisexual, Transgender and Queer Rights, the Committee issued the following letters, reports, and statements. I did not participate in drafting or editing these documents. These documents would have been approved by a majority vote of Committee members. I cannot recall whether I in fact voted to approve their release.

Letter to the President of Nigeria Expressing Opposition to Nigeria's Same Sex Marriage Prohibition Bill (Jan. 6, 2012). Copy supplied.

Report on Repealing the Medicaid Exclusion of Medically Necessary Health Services for Transgender New Yorkers (Oct. 2011). Copy supplied.

Report to Governor Andrew Cuomo Regarding Lesbian, Gay, Bisexual, And Transgender (LGBT) Rights (May 2011). Copy supplied.

Report on the Employment Non-Discrimination Act (April 2011). Copy supplied.

Comments Submitted to United States Department of Health and Human Services on Proposed Regulations 42 C.F.R. 482.13(h) and 42 C.F.R. 485.635(f) (Aug. 23, 2010). Copy supplied.

Report on Dignity for All Students Act (May 2010). Copy supplied.

"Why Should New York Support Marriage Equality for Same-Sex Couples?" (Nov. 2009). Copy supplied.

Letter Requesting Senate Armed Services Committee Hearing on Don't Ask Don't Tell (Nov. 12, 2009). Copy supplied.

Testimony of Ethan Ganc, Member of the Lesbian, Gay, Bisexual, Transgender and Queer Rights Committee, in Support of New York City Council Resolution No. 2172 Calling Upon the United States Congress to Pass the United American Families Act (Sept. 29, 2009). Copy supplied.

As a member of the New York City Bar Association's Federal Courts Committee, I participated in the drafting of the following reports, memoranda, or policy statements.

Appeals to the Second Circuit, 10th Edition (2017). Copy supplied.

Comments of the Association of the Bar of the City of New York on Proposed Amendments to the Federal Rules of Civil Procedure Submitted to the Advisory Committee on Civil Rules (Feb. 2014). Copy supplied.

In addition to the material listed above, while I was a member of New York City Bar Association's Federal Courts Committee, the Committee issued the following letters, reports, and statements. I did not participate in drafting or editing these documents. These documents would have been approved by a majority vote of Committee members. I cannot recall whether I in fact voted to approve their release.

Letter to Chief Judge Robert A. Katzmann Regarding Public Availability of Oral Argument Audio Recordings (Feb. 24, 2016). Copy supplied.

Report of the Association of the Bar of the City of New York on Proposed Amendments to the Federal Rules of Evidence Submitted to the Advisory Committee on Evidence Rules (Jan. 14, 2016). Copy supplied.

Letter to Congress in support of the Sentencing Reform & Corrections Act of 2015 and the Sentencing Reform Act of 2015 (Dec. 8, 2015). Copy supplied.

"Should Patent Jurisdiction Be Removed from the Jurisdiction of the Federal Circuit and Returned to Regional Courts of Appeal?" (July 2015). Copy supplied.

Letter to Congress Regarding the Smarter Sentencing Act (June 4, 2015). Copy supplied.

Report of the Association of the Bar of the City of New York on Proposed Amendments to the Federal Rules of Civil Procedure Submitted to the Advisory Committee on Civil Rules (Jan. 28, 2015). Copy supplied.

Report of the Association of the Bar of the City of New York on Proposed Amendments to the Federal Rules of Appellate Procedure Submitted to the Advisory Committee on Appellate Rules (Jan. 28, 2015). Copy supplied.

Letter to Congress Regarding the Smarter Sentencing Act (June 9, 2014). Copy supplied.

Report on the 2014 Federal Judiciary Budget (Dec. 2013). Copy supplied.

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

On behalf of the Department of Justice, I made a presentation on expert witnesses and disclosures in civil litigation at the meeting of the United States Judicial Conference's Advisory Committee on the Criminal Rules of Procedure, in Nashville, Tennessee (October 10, 2018). Minutes provided.

Testimony before the New York City Council in Support of the Adoption of Section 3-207.1 of the New York City Administrative Code, on behalf of the New York City Bar Association's Committee on Lesbian, Gay, Bisexual, Transgender and Queer Rights (June 16, 2010). Testimony supplied.

Letter of Support to Senators from Sotomayor Law Clerks (June 1, 2009). Copy supplied.

While I was a member of the New York City Bar Association's Committee on Lesbian, Gay, Bisexual, Transgender and Queer Rights, the Committee submitted five amicus briefs on behalf of the New York City Bar Association. I did not participate in drafting or editing these briefs. These briefs would have been approved by a majority vote of Committee members. I cannot recall whether I in fact voted to approve their submission.

Amicus Curiae Brief, *Atala et al. v. Chile*, Case 12.502 (Inter-American Court of Human Rights) (Sept. 8, 2011). Copy supplied.

Brief of the New York City Bar Association as *Amicus Curiae*, *Matter of the Estate of Ranftle*, Docket No. 4585/2008 (Surr. N.Y.) (Oct. 1, 2010). Copy supplied.

Brief of the New York City Bar Association as *Amicus Curiae*, submitted to the Constitutional Court of Columbia (April 2010). Copy supplied.

Brief of *Amicus Curiae* New York City Bar Association in Support of Petitioner Appellant, *H.M. v. E.T.*, Index No. U-110-07 (N.Y. Ct. App.) (Dec. 2009). Copy supplied.

Brief of *Amicus Curiae* New York City Bar Association, Women's Bar Association of the State of New York, New York County Lawyers' Association, American Academy of Matrimonial Lawyers – New York Chapter, Metropolitan Black Bar Association, Puerto Rican Bar Association, and Richmond County Bar Association in Support of Petitioner-Appellant,

Debra H. v. Janice R., Index No. 106569/08 (N.Y. Ct. App.) (Oct. 29, 2009). Copy supplied.

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

The following list reflects my best efforts to identify any speeches, remarks, lectures, panels, conferences, or question-and-answer sessions in which I have participated from a review of my records and publicly-available information. There may be additional such events for which I did not maintain records.

January 17, 2024: Panelist, Becoming an AUSA, Diverse Perspectives from Current AUSAs, Asian American Bar Association of New York (co-sponsor), New York, New York. I spoke about my career path and the work of the Civil Division. I have no notes, transcript, or recording. The Asian American Bar Association of New York is located at 45 Rockefeller Plaza, 20th Floor, New York, New York 10111.

May 17, 2023: Panelist, Pathways to Becoming an AUSA, Federal Bar Council, New York, New York. I spoke generally about my career path and the work of the Civil Division. I have no notes, transcript, or recording. The address of the Federal Bar Council is 150 Broadway, Suite 505, New York, New York 10038.

August 11, 2022: Panelist, SEO Law Fellows, virtual event. I participated on a panel with other Assistant United States Attorneys from the Southern District of New York to address the current class of SEO Law Fellows. The format was a Q&A, in which we responded to questions from the students. I have no notes, transcript, or recording. The address for SEO Law is 55 Exchange Place, Floor 6, New York, New York 10005.

May 27, 2021: Panelist, SEO Law Fellows, virtual event. I participated on a panel with other Assistant United States Attorneys from the Southern District of New York to address the current class of SEO Law Fellows. The format was a Q&A, in which we responded to questions from the students. I have no notes, transcript, or recording. The address for SEO Law is 55 Exchange Place, Floor 6, New York, New York 10005.

April 9, 2021: Panelist, University of Chicago Law School, virtual event. I participated in a panel with other Assistant United States Attorneys from the

Southern District of New York for students at the University of Chicago Law School about my career path and the work of the Civil Division. I have no notes, transcript, or recording. The address for the University of Chicago Law School is 111 East 60th Street, Chicago, Illinois 60637.

March 30, 2021: Panelist, Judicial Externship Program, Columbia Law School, virtual event. I responded to questions asked by law students pertaining to civil litigation. I have no notes, transcript, or recording. The address for Columbia Law School is 435 West 116th Street, New York, New York 10027.

February 23, 2021: Panelist, University of Michigan Law School, Res Sista Loquitor and Latinx Law Students Association, virtual event. I participated on a panel with other Assistant United States Attorneys from the Southern District of New York. I spoke generally about my career path and the work of the Civil Division. I have no notes, transcript, or recording. The address for the University of Michigan Law School is 625 South State Street, Ann Arbor, Michigan 48109.

February 6, 2020: Panelist, Judicial Externship Program, Columbia Law School, New York, New York. I responded to questions asked by law students pertaining to civil litigation. I have no notes, transcript, or recording. The address for Columbia Law School is 435 West 116th Street, New York, New York 10027.

March 14, 2019: Panelist, Judicial Externship Program, Columbia Law School, New York, New York. I responded to questions asked by law students pertaining to civil litigation. I have no notes, transcript, or recording. The address for Columbia Law School is 435 West 116th Street, New York, New York 10027.

March 6, 2017: Panelist, Yale Law Women Luncheon, New Haven, Connecticut. I participated on a panel with other Assistant United States Attorneys from the Southern District of New York regarding my career path and the work of the Civil Division. I have no notes, transcript, or recording. The address of the Yale Law School is 127 Wall Street, New Haven, Connecticut 06511.

April 26, 2016: Panelist, How to Become an AUSA, New York City Bar Association's Minorities in the Courts Committee, New York, New York. I spoke about my career path and provided advice on how to pursue a career as an Assistant United States Attorney. I have no notes, transcript, or recording. The New York City Bar Association is located at 42 West 44th Street, New York, New York 10036.

July 6, 2016: Panelist, Career Opportunities at the United States Attorney's Office, Paul, Weiss Affinity Networks, New York, New York. I spoke about my career path and provided advice on how to pursue a career as an Assistant United States Attorney. I have no notes, transcript, or recording. The address for Paul, Weiss, Rifkin, Wharton & Garrison, LLP is 1285 Sixth Avenue, New York, New York 10019.

July 21, 2015: Panelist, New York, New York. I was part of a panel presentation for law clerks in the Southern District of New York, Eastern District of New York, and the Second Circuit, regarding career opportunities at the United States Attorney's Office. I spoke generally about the nature of the work of the Civil Division. I have no notes, transcript, or recording. This event took place at the United States Attorney's Office, One St. Andrew's Plaza, New York, New York 10007.

December 1, 2014: Panelist, Yale Law Women Luncheon, New Haven, Connecticut. I participated on a panel with other Assistant United States Attorneys from the Southern District of New York regarding my career path and the work of the Civil Division. I have no notes, transcript, or recording. The address of the Yale Law School is 127 Wall Street, New Haven, Connecticut 06511.

May 13, 2013, Panelist, A Unique Perspective of the Recent Trends in Environmental, Toxic Tort, and Mass Tort Cases, Seventh Annual Chemical Products and Toxic Torts Regional Seminar: From Lessons Learned to New Horizons, ABA Section of Litigation and Mass Torts Litigation Committee, New York, New York. I addressed issues related to environmental bankruptcies. I have no notes, transcript, or recording. The American Bar Association is located at 321 North Clark Street, Chicago, Illinois 60654.

April 22, 2013: Panelist, How to Become an AUSA, New York City Bar Association's Minorities in the Courts Committee, New York, New York. I spoke about my career path and provided advice on how to pursue a career as an Assistant United States Attorney. I have no notes, transcript, or recording. The New York City Bar Association is located at 42 West 44th Street, New York, New York 10036.

April 17, 2013: Speaker, Simpson Thacher & Bartlett's Affinity Groups Professional Development Series, New York, New York. I spoke generally about my career path and provided advice on how to pursue a career with the United States Attorney's Office. I have no notes, transcript, or recording. Simpson Thacher & Bartlett is located at 425 Lexington Avenue, New York, New York 10017.

February 2, 2012, Panelist, The Role of Government in Bankruptcy, American College of Bankruptcy, Washington, DC. I spoke on the government's role as creditor and regulator. I have no notes, transcript, or recording. The address of the American College of Bankruptcy is P.O. Box 249, Stanardsville, Virginia 22973.

June 7, 2011, Speaker, 19th Annual Henry L. Stimson Awards Ceremony, New York City Bar Association, New York, New York. Speech supplied.

September 12-15, 2010: Panelist, Bankruptcy from a Government Perspective, National Association of Attorneys General/States' Association of Bankruptcy Attorneys, Santa Fe, New Mexico. I spoke during a roundtable discussion at this conference, in which I described the U.S. Attorney's Office for the Southern District of New York's environmental bankruptcy practice, with a focus on the Lyondell Chemical Company bankruptcy. I have no notes, transcript, or recording. The address of the National Association of Attorneys General is 1850 M Street, Northwest, 12th Floor, Washington, DC 20036.

March 16, 1996: Panelist, Shifting the Domestic Balance of Power? Transformation of Domestic Politics Through European Integration, Tenth International Conference of Europeanists, Chicago, Illinois. A copy of the final version of the draft paper on which the discussion was based is supplied in response to Question 12a.

In addition to the above, during the past 20 years I have on occasion judged high school moot court and mock trial competitions. I have not maintained records for most of the events that I have judged. I most recently judged a virtual mock trial competition in May 2021 sponsored by Empire Mock Trial. Empire Mock Trial is located at 921 H Street, Northeast, Washington, DC 20002.

- 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.

Elizabeth J. Riemer, *Parties, Police and All Those People*, Harvard Crimson (Oct. 17, 1992). 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 cases, approximately what percent were:
- jury trials: _____%
- bench trials: _____% [total 100%]
- ii. Of these cases, approximately what percent were:
- 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 of 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 (4) 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;
- d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

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

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

None.

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

None.

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 September 2001 to September 2002, I served as a law clerk to the Hon. Sonia Sotomayor on the United States Court of Appeals for the Second Circuit.

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

I have never been a solo practitioner.

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

2000 – 2001
Simpson Thacher & Bartlett
425 Lexington Avenue
New York, New York 10017
Associate (2000 – 2001)

2002 – present
Office of the United States Attorney
for the Southern District of New York
86 Chambers Street
New York, New York 10007
Assistant United States Attorney, Civil Division (2002 – 2009)
Deputy Chief, Tax and Bankruptcy Unit (2009 – 2010)
Chief, Tax and Bankruptcy Unit (2010 – 2014)
Senior Trial Counsel (2014 – 2016)
Deputy Chief of the Civil Division (2016 – 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 not served as a mediator or arbitrator.

b. Describe:

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

After graduating law school, I worked for a year as a litigation associate at Simpson Thacher & Bartlett's Manhattan office. My practice primarily focused on commercial litigation in both state and federal court. I also worked on matters involving intellectual property and antitrust.

In the fall of 2002, following my clerkship with then-Judge Sotomayor, I became an Assistant United States Attorney in the Civil Division of the Southern District of New York. As a civil AUSA, I represent the United States in all aspects of civil litigation in federal court, both affirmative and defensive. My practice spans a broad range of substantive areas, including civil rights, constitutional law, environmental law, national security, the Freedom of Information Act, employment discrimination, administrative law, bankruptcy, and torts. I have briefed and argued dozens of motions in district court. I have drafted or participated in drafting more than two

dozen appellate briefs and argued ten cases before the United States Courts of Appeals, including a criminal appeal and appeals involving the First Amendment, the Freedom of Information Act, administrative law, tax, bankruptcy, and immigration.

In December 2009, I was promoted to the position of Deputy Chief of the Tax & Bankruptcy Unit. The next year I became the Chief of the Tax & Bankruptcy Unit. In both positions, my role was to supervise all litigation in the United States Bankruptcy Court for the Southern District of New York in which the United States appeared as creditor, regulator, or lender. I oversaw litigation in Chapter 11 proceedings of entities which were attempting to discharge substantial environmental liabilities or abandon ownership of contaminated properties requiring environmental remediation. I also supervised civil tax litigation on behalf of the IRS, including challenges to abusive tax shelter schemes.

I assumed the role of Senior Trial Counsel in October 2014. As Senior Trial Counsel, I was responsible for handling and supervising particularly complex civil litigation, including in the areas of civil rights, civil fraud, national security, administrative law, and the Freedom of Information Act. A focus of my work during this period was the investigation of criminal civil rights cases involving allegations of excessive use of force.

Since June 2016, I have been Deputy Chief of the Civil Division. In addition to maintaining a docket of cases that I personally handle, I also supervise and train AUSAs in all aspects of civil district court litigation, including discovery, motion practice, settlement, and trial. I review motion papers, discovery documents, and written court submissions, and advise junior AUSAs on litigation strategy. I also assist the Civil Chief with office management, including decisions regarding case assignments, personnel, and Office policy.

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

Other than in cases in which I have been authorized to represent a government employee who has been sued in their individual capacity, my only client for the past 21 years has been the United States. As a litigation associate with Simpson Thacher, I predominantly represented corporate clients in matters involving commercial disputes.

- 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.

All of my practice has been in litigation. During my time at the U.S. Attorney's

Office, 100 percent of my practice has been in federal courts. As a non-supervisory Assistant United States Attorney, I appeared in federal court frequently, but the frequency varied depending upon the nature of my docket at a particular point in time. For example, early in my tenure at the Office I appeared in federal court multiple times a week. During other periods of time, where my programmatic or administrative docket was more active, I appeared in court occasionally. I have appeared in court less frequently since I became Deputy Chief in 2016. As Deputy Chief, however, I frequently attend court hearings, oral arguments, and trials to observe the AUSAs I supervise.

I did not appear in court during my year as an associate with Simpson Thacher & Bartlett.

i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|-------|
| 1. federal courts: | 100 % |
| 2. state courts of record: | 0% |
| 3. other courts: | 0% |
| 4. administrative agencies: | 0% |

ii. Indicate the percentage of your practice in:

- | | |
|--------------------------|-----|
| 1. civil proceedings: | 95% |
| 2. criminal proceedings: | 5% |

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

As an Assistant United States Attorney, I have personally tried eight cases to verdict. In each of those cases, I tried the case with one or more colleagues as co-counsel. Two of those cases were jury trials; the other six were bench trials.

I appeared on the record as counsel in a ninth trial, the five-week jury trial in *United States v. Allied Home Mortgage* in the United States District Court for the Southern District of Texas. My primary role in that trial, however, was supervisory.

Additionally, I have represented the United States at evidentiary hearings, including adversary proceedings and evidentiary hearings in bankruptcy court. Each of these evidentiary hearings involved the examination and cross-examination of witnesses and the introduction of exhibits.

In my role as Deputy Chief of the Civil Division, I have also attended a number of trials in a supervisory capacity, including appearing as a second seat at trial, to provide advice to junior Assistant United States Attorneys.

- i. What percentage of these trials were:
 - 1. jury: 25%
 - 2. non-jury: 75%

- 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.

Although the Solicitor General's Office litigates on behalf of the United States before the Supreme Court, I was principally responsible for drafting the brief, 2020 WL 2732689, for the United States in opposition to a petition for certiorari from the Fifth Circuit's decision in *United States v. Hodge*, 933 F.3d 468 (5th Cir. 2019), *cert. denied*, 141 S. Ct. 131 (2020).

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. *New York Times Co. v. Central Intelligence Agency*, 314 F. Supp. 3d 519 (S.D.N.Y. 2018), *aff'd*, 965 F.3d 109 (2d Cir. 2020)

From 2018 through 2020, I represented the CIA in this action brought in the United States District Court for the Southern District of New York (Carter, J.) by the New York Times pursuant to the Freedom of Information Act. The New York Times sought documents related to a purported covert CIA program to arm and train rebel forces in Syria that had been reported in the press. President Trump had released a tweet denying the accuracy of the reporting; the New York Times argued that, in doing so, President Trump had implicitly acknowledged that a covert program did exist. The CIA issued a *Glomar* response to the FOIA request, refusing to confirm or deny whether it possessed responsive records, on the grounds that to do so would itself reveal classified information and thus cause harm to national security. This case presented novel questions regarding the scope of the official acknowledgement doctrine. My role during the district court proceedings was supervisory. The district court granted the CIA's motion for summary judgment. On appeal, I was responsible for drafting the government's brief and I argued

the case before the Second Circuit in September 2019 (Katzmann, Park, Walker, C.J.). A divided panel of the Second Circuit affirmed; Judge Katzmann dissented.

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2. *United States v. Torres et al.*, 15-cr-00360 (S.D.N.Y.) and 762 F. App'x 56 (2d Cir. 2019)

From 2014 through 2020, I represented the United States during the investigation and prosecution arising from the 2012 slaying of Mr. Spear, a pretrial detainee housed in the Rikers infirmary unit, by a Rikers correction officer. Correction Officer Coll brutally and repeatedly kicked Mr. Spear in the head while he was restrained by other officers. An investigation was initially conducted by the Bronx District Attorney's Office, but Rikers correction officers conspired together to conceal the circumstances of Mr. Spear's death for a number of years by lying to investigators, filing false reports, and planting false physical evidence. I initiated the federal investigation into Mr. Spear's death in 2014. We secured indictments of the defendants in 2015. I, along with co-counsel, represented the United States at Coll's trial, which took place over two weeks in December 2016. I was involved in all aspects of the trial preparation. My two co-counsel and I shared equally in the conduct of the trial, with each of us delivering one of the government's three jury addresses, handling approximately one-third of the government's witnesses and the cross-examination of defense witnesses, and contributing equally to the legal briefing before and during the trial. Coll was convicted by a jury of five counts, including a count under 18 U.S.C. § 242 of violating Mr. Spear's constitutional right to be free of excessive force, resulting in Mr. Spear's death. Two other correction officers pled guilty to charges relating to obstruction of justice.

I, along with co-counsel, represented the United States at Coll's sentencing hearing, where he received a 30-year sentence from the district court (Preska, J.). I was principally responsible for drafting the government's appellate brief and argued the appeal before the Second Circuit (Cabranes, Wesley, C.J.). Coll's conviction and sentence were affirmed on appeal. In 2020 I prepared the government's response to Coll's habeas petition challenging his conviction and sentence. The habeas petition was denied.

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3. *United States ex rel. Bilotta v. Novartis Pharmaceuticals Corp.*, 50 F. Supp. 3d 497 (S.D.N.Y. 2014)

From July 2013 through 2020, I was co-lead counsel in this *qui tam* suit brought against Novartis Pharmaceutical Corporation for violating the False Claims Act and the Anti-Kickback Statute. The government alleged that Novartis had engaged in a decade-long nationwide bribery scheme, in which Novartis hosted tens of thousands of sham speaker programs as a mechanism to funnel more than \$100 million in remuneration to doctors to induce them to prescribe its cardiovascular medications. In light of the scope of the allegations both temporally and geographically, discovery in this case was sweeping. I participated in all aspects of the case, from drafting oppositions to defendant's motions to dismiss, coordinating the voluminous document discovery, identifying and interviewing witnesses from all across the country, preparing and responding to *Daubert* motions, and working closely with our teams of consultants and expert witnesses to develop a data analytics strategy to prove the extent of the fraud. I prepared witnesses for deposition, and both defended and took expert depositions. I also participated in drafting motions to compel discovery from Novartis, one of which resulted in a decision reported at 2015 WL 13649823 (S.D.N.Y. July 29, 2015).

In advance of the trial scheduled for 2019, I drafted requests to charge, helped compile the pretrial order and the list of exhibits to be used at trial, challenged defendant's proposed exhibits, drafted *Daubert* motions and motions in limine and responded to defendant's motions, and prepared witnesses to testify at trial. Shortly before trial was scheduled to begin, Novartis agreed to settle the federal and state claims for \$678 million. The settlement with the United States, which was finalized in 2020, included extensive admissions of wrongdoing. As part of the settlement, Novartis also entered into a Corporate Integrity Agreement, which required Novartis to significantly reform its business practices and curtailed the company's ability to conduct speaker programs going forward.

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4. *United States ex rel. Belli v. Allied Home Mortgage Corp. et al.*, 2017 WL 4117347 (S.D. Tex. Sept. 14, 2017), *aff'd*, 933 F.3d 468 (5th Cir. 2019), *cert. denied*, 141 S. Ct. 131 (2020)

From December 2012 through April 2022, I was lead counsel in this action brought against the defendant mortgage companies and their corporate executives for defrauding the United States Department of Housing and Urban Development's ("HUD") FHA mortgage insurance program, in violation of the False Claims Act and the Financial

Institutions Reform, Recovery, and Enforcement Act of 1989 (“FIRREA”). Allied Home Mortgage Corporation had engaged in reckless underwriting practice for many years prior to the 2008 financial crisis. Moreover, both companies had, at the direction of their CEO, falsified records submitted to HUD to conceal their chronic and deliberate noncompliance with HUD rules, so that the companies could maintain their eligibility to originate FHA loans.

The district court (Hank, J.) denied defendants’ motions to dismiss (although as to one defendant, it first required the government to amend its complaint). *See* 2013 WL 4829269 (S.D. Tex. Sept. 10, 2013), 2013 WL 4829271 (S.D. Tex. Sept. 10, 2013), and 2014 WL 4273884 (S.D. Tex. Aug. 29, 2014). Discovery commenced in 2014 and concluded in 2016. I took and defended depositions, prepared HUD witnesses for deposition, coordinated the government’s responses to requests for extensive e-discovery, negotiated a sampling methodology with respect to the voluminous mortgage records, and litigated a number of motions to compel. I represented the government at approximately 20 conferences on discovery matters over a two-year period.

At the five-week jury trial held in October and November 2016, my role was largely supervisory. I participated in jury selection, reviewed and edited drafts of all direct and cross-examination questions, advised the team on evidentiary issues, made determinations regarding trial strategy, and reviewed and revised the government’s opening statement, closing argument, and rebuttal. The jury entered a verdict for the government on all counts and awarded the United States approximately \$93 million in single damages for its False Claims Act claims. The district court imposed approximately \$20 million in penalties for the FIRREA violations and ordered trebling of the single damages. On appeal, I drafted substantial portions of the government’s brief. The Fifth Circuit affirmed the verdict (Barksdale, Haynes, Southwick, C.J.). I was principally responsible for drafting the government’s opposition to the defendants’ petition for certiorari. The Supreme Court denied the petition. This case represented the third-largest jury verdict in a False Claims Act case and the second largest civil penalty awarded under FIRREA.

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5. *Allied Home Mortgage Corp. v. Donovan*, 2014 WL 3843561 (S.D. Tex. Aug. 5, 2014), *vacated and remanded*, 618 F. App'x 781 (5th Cir. 2015)

Allied Home Mortgage Corporation and its owner and CEO brought this action in November 2011 pursuant to the Administrative Procedure Act to challenge their

suspension from participation in the FHA mortgage program. The district court granted plaintiffs' motion for a preliminary injunction. HUD then rescinded the decisions in 2012 and moved to dismiss the action as moot, but the district court denied the motion.

I joined this matter following the denial of the motion to dismiss in 2012 and was lead counsel during the merits phase of the litigation through resolution of the appeal in 2015. I was responsible for briefing and arguing several oppositions to motions to compel extra-record discovery and to supplement the administrative record. With co-counsel, I was responsible for drafting the government's summary judgment motion. The district court (Miller, J.) granted HUD's motion for summary judgment, holding that HUD had sufficient evidence of severe and persistent regulatory violations to support its decision to take immediate action. Plaintiffs appealed. I was principally responsible for drafting the appeal brief and argued the case before the Fifth Circuit in 2015. The Fifth Circuit (Dennis, Jolly, Ramos, C.J.) agreed that the case had been rendered moot by the rescission of the suspensions and dismissed.

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6. *United States v. Barnason et al.*, 10 Civ. 3335 (S.D.N.Y.)

I represented the United States in this civil rights action brought in the United States District Court for the Southern District of New York (Sweet, J.), against an apartment building owner, manager, and superintendent for engaging in a pattern or practice of sex discrimination in violation of the Fair Housing Act. Defendant Katz hired Barnason, a Level III sex offender, as the superintendent for several of his single room occupancy buildings and gave him access to the tenants' apartments. The government alleged that Barnason sexually assaulted a number of female tenants, as well as extorted sexual favors in return for tangible housing benefits such as rent forgiveness. The government further

alleged that Katz and his son, the building manager, refused to take action after receiving reports of the superintendent's actions and subjected several complaining tenants to eviction proceedings. I joined this case in early 2011, when the case was in fact discovery and litigated this matter until its conclusion in 2012. Along with co-counsel, I conducted discovery, including taking and defending depositions. We drafted papers opposing the defendants' motion for summary judgment. After that motion was denied, we prepared the case for trial. I drafted the government's request to charge and all or portions of a number of motions in limine addressing evidentiary issues specific to sexual assault cases. Of those motions, one resulted in a reported decision. 852 F. Supp. 2d 367 (S.D.N.Y. 2012). In May 2012, the day before trial was to begin, we negotiated a settlement agreement that resolved the case by providing \$2 million for victims, the then-largest recovery in a sexual harassment suit brought under the Fair Housing Act, and injunctive relief.

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7. *In re Chrysler LLC*, 405 B.R. 84 (Bankr. S.D.N.Y. 2009), *aff'd*, 576 F.3d 108 (2d Cir.), *vacated and remanded sub. nom. Indiana State Police Pension Trust v. Chrysler, LLC*, 558 U.S. 1087 (2009)

The number of reported decisions in this matter is too voluminous to include a complete listing, so I have included only the most pertinent.

On April 30, 2009, President Barack Obama announced that Chrysler LLC would be filing for bankruptcy in order to consummate a sale of the majority of its assets on an expedited basis to an entity owned by the United Auto Workers' pension fund, Fiat, the United States, and Canada. The asset sale was to be financed through the Troubled Asset Relief Program, with the terms of the sale and debt restructuring negotiated in advance by the major Chrysler stakeholders.

I was the lead attorney for the United States throughout the entirety of this bankruptcy proceeding, from 2009 through its conclusion in 2015. At the outset of the bankruptcy, I represented the United States Treasury ("Treasury") in opposing motions filed in district court to withdraw the reference (Griesa, J.) and stay the proceedings (McMahon, J.), both drafting the briefs and arguing in court. *See* 2009 WL 1490990 (S.D.N.Y. May 26, 2009). I also represented Treasury at multiple evidentiary hearings in connection with the asset sale and debtor-in-possession financing. The sale was approved by the bankruptcy court (Gonzalez, Bankr. J.) on June 1, 2009, over the objections of a small group of senior secured lenders. The objecting creditors had challenged whether the Treasury-brokered transaction had been the product of good faith and arm's length negotiations, as well as whether the sale constituted a *sub rosa* plan of reorganization and whether Treasury possessed the statutory authority to provide the financing. The latter argument was rejected for lack of standing in a separate opinion. 405 B.R. 79 (Bankr. S.D.N.Y. 2009). I, along with my co-counsel, drafted the appellate brief in the three days granted by the Second Circuit, and I argued the expedited appeal before the Second Circuit on June 5, 2009 (Jacobs, KeARSE, Sack, C.J.). The Second Circuit affirmed the bankruptcy court. After briefly staying the sale, the Supreme Court lifted the stay and the sale of assets was completed shortly thereafter. The Supreme Court subsequently granted the petition for a writ of certiorari, vacated the Second Circuit's decision and remanded with instructions to dismiss the appeal as moot.

I continued to represent the United States during the remainder of this bankruptcy proceeding. The bankruptcy court approved a wind-down order in the fall of 2009, which set forth the conditions, priorities, and procedures for the use of Treasury financing in the

winddown of the debtor's estate. In late 2009 to 2010, I negotiated the terms of the plan of reorganization with debtors and other stakeholders on behalf of the United States and its agencies. I represented the Environmental Protection Agency in ensuring that the estate did not abandon former manufacturing plants that had not been transferred to New Chrysler as part of the asset sale, and negotiated a global settlement, incorporated into the plan of reorganization, that established a custodial trust for those properties. In that capacity, I retained outside consultants and engaged with state and local authorities to determine the cost of future remediation at these contaminated sites, so that adequate funding would be allocated to each. I negotiated settlement agreements between the EPA and the debtors regarding claims for remediation at third party sites. On behalf of the government, I negotiated for the inclusion in the plan of reorganization of a custodial trust for certain contaminated properties that had previously been owned by Chrysler.

In the latter years of the bankruptcy, my work focused on the winddown efforts and recouping money owed to Treasury. In 2014 and 2015, I represented Treasury in litigation with the first lien secured creditors over entitlement to certain state and local tax refunds, which raised novel issues regarding the perfection of security interests and bankruptcy priority. The parties ultimately settled this matter. The bankruptcy case was closed in 2015 when the winddown was substantially complete.

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8. *In re Lyondell Chemical Co.*, 09-10023 (Bankr. S.D.N.Y.) and 09 Civ. 8316 (S.D.N.Y.)

I represented the Environmental Protection Agency (“EPA”), the U.S. Department of the Interior, and the National Oceanic and Atmospheric Administration in Lyondell Chemical Company’s chapter 11 proceeding (Gerber, Bankr. J.). At the time it filed for bankruptcy in 2009, Lyondell was the third-largest chemical manufacturer in the United States. The government had filed claims in the bankruptcy for past and future remediation costs, natural resource damages, and civil penalties. Lyondell filed motion papers seeking to discharge its obligations under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to remediate ongoing pollution on third-party properties. The government opposed the motion. Ultimately, the parties, including the relevant state environmental authorities, negotiated a global settlement of Lyondell’s environmental liabilities and obligations. Under the terms of the settlement, Lyondell transferred title to nine hazardous waste sites to a custodial trust and contributed approximately \$108.4 million to the custodial trust for the clean-up of those properties.

Lyondell also paid an additional \$53 million in cash to settle outstanding obligations at Superfund sites and provided the United States with an allowed general unsecured claim of more than \$1.1 billion to resolve environmental claims at additional hazardous waste sites.

I was involved in this litigation from the fall of 2009, when Lyondell filed its objection to the EPA's proofs of claims, until the settlement was approved in April 2010. I prepared the response to the objection. I worked on motion papers to withdraw the reference from the bankruptcy court, which were filed with the district court (Hellerstein, J.). I retained outside consultants and coordinated with state and local authorities to determine the cost of remediation at the hazardous waste sites. With co-counsel, I negotiated the global settlement agreement between the EPA, state environmental authorities, and the debtors that resolved the environmental claims. I also drafted the custodial trust agreement.

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9. *Sussman v. Crawford*, 2007 WL 9770686 (S.D.N.Y. May 18, 2007), *denying stay*, 488 F.3d 136 (2d Cir.), *aff'd*, 548 F.3d 195 (2d Cir. 2008)

On May 15, 2007, plaintiffs filed an action in the United States District Court for the Southern District of New York (Briant, J.), seeking to compel the Garrison Commander for the United States Military Academy at West Point ("West Point") to grant them permission to conduct an anti-war protest during the upcoming May 26 graduation ceremony. Plaintiffs argued that, as Vice President Cheney had been invited to address the graduating cadets that same day, denying them the opportunity present their opposition to administration policies violated their First Amendment rights. The district court held a consolidated trial on the merits and a Rule 65 hearing on May 17, 2007. I, along with co-counsel, represented the Garrison Commander and West Point from the inception of this matter in 2007 through resolution of the appeal in 2008. Within a span of 48 hours, my co-counsel and I interviewed potential witnesses and prepared them to

testify at trial. At the trial, I conducted examinations of the government witnesses. I also participated in drafting the proposed findings of fact and conclusions of law that were submitted to the court that same day. The day after the trial, the district court denied the motion and entered judgment for the defendants, finding that the record established that the Garrison Commander had reasonable security concerns for denying the request to hold a protest. Plaintiffs filed an appeal and sought emergency relief from the Second Circuit. I was principally responsible for drafting the opposition papers and argued the matter before the Second Circuit on May 23, 2007. The Second Circuit denied the motion for an emergency stay on the grounds that plaintiffs were unlikely to prevail on the merits (Cabranes, Walker, C.J., Goldberg, J.). During the merits phase of the appeal, I participated in drafting the government's brief. The Second Circuit ultimately dismissed the appeal (Walker, Parker, Raggi, C.J.).

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10. *United States v. City of New York et al.*, 713 F. Supp. 2d 300 (S.D.N.Y. 2010)

From 2004 through 2010, I was lead counsel in this Title VII action brought against the City of New York and the New York City Department of Transportation for engaging in a pattern and practice of discriminating against women in hiring for the position of bridge painter. Our investigation revealed that New York City had never hired, or offered to hire, a single woman for the position of bridge painter. Using an ad hoc hiring practice rather than the civil service system, the City had for years selected less-qualified men over more qualified women candidates.

I represented the United States in this action from the initial stages of the investigation through the post-trial proceedings. We began our investigation in 2004, engaged in discussions with the City in an attempt to reach a consensual resolution in 2006, and, after the failure of those settlement talks, initiated the suit against the City in 2007. During discovery, I both took and defended depositions. I, along with co-counsel, represented the United States at a four-day bench trial in 2009. My co-counsel and I shared equally in the conduct of the trial, with each of us handling an equivalent share of the government's witnesses and the cross-examination of defense witnesses, and contributing equally to the legal briefing before trial, including motions in limine and proposed findings of fact and conclusions of law. After hearing the evidence, the district court (Pauley, J.) issued an opinion setting forth its findings of fact and conclusions of

law, in which it found that the City had engaged in “unvarnished sex discrimination” and had thus violated Title VII. I represented the United States at the subsequent fairness hearing to determine whether the injunctive provisions would unfairly harm third parties. The district court approved the injunctive relief requested by the government requiring the City to reform its hiring process. After additional motion practice regarding the proper measure of compensatory relief for the individual victims, we negotiated a settlement agreement awarding \$1 million in back pay to the victims of the City’s discriminatory practices.

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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.)

In addition to the matters discussed above, I have been involved in dozens of cases and matters as an AUSA. In my roles as Tax and Bankruptcy Chief and Deputy Chief of the Civil Division, I have played a significant part in the litigation positions taken by the AUSAs I supervised. I also advise AUSAs on a wide range of legal and strategic issues.

As an AUSA, I have been involved in a number of civil rights investigations that did not ultimately result in litigation. For example, I, along with another AUSA, conducted an extensive investigation under the Americans with Disabilities Act of 1990 (“ADA”) into accessibility issues in the New York City public schools. This investigation revealed that 83 percent of public elementary schools were not accessible to students with disabilities and six of the City’s school districts, serving more than 50,000 elementary school students, did not have a single accessible school. I co-authored the letter of findings issued at the conclusion of this investigation. The letter concluded that New York City was not in compliance with the ADA and demanded that the City undertake certain remedial steps. New York City thereafter committed significant additional resources to accessibility construction projects and improved the processes by which families can request accommodations.

I have devoted substantial time to internal legal education and training. As a member of the Executive Office for United States Attorney’s Bankruptcy Working Group from 2010 to 2014, I helped organize nationwide bankruptcy training for AUSAs and DOJ attorneys with varying levels of experience. I also responded to questions from AUSAs from around the country who had bankruptcy-related questions.

I have served as a member of the United States Attorney’s Office’s Hiring Committee for the past decade. In that role, I interview applicants for AUSA positions, meet with other committee members to discuss their candidacy, and vote whether to advance an applicant for consideration by the executive staff.

I also devote time to mentorship of law students and young attorneys through programs offered by the Hispanic National Bar Association and the Yale Law School.

I have never performed any lobbying activities or registered as a lobbyist.

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

None.

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.

None.

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).

When my nomination is formally submitted to the Senate, I will file my Financial Disclosure Report and will supplement this Questionnaire with a copy of that 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.

I would recuse myself from any matters involving the United States that I handled, supervised, or was consulted on during my time in the United States Attorney's Office. With respect to any other case in which the United States Attorney's Office was involved, I would look to guidance from the Code of Conduct for United States Judges and any other relevant statutory provisions, ethical canons, and rules. I am not aware of any other parties or categories of litigation that are likely to present potential conflict-of-interest issues.

I would also recuse myself from any matter in which a credible claim could be made that I or my family had a financial interest in the outcome. As a supervisory AUSA, I have regularly done such conflict-of-interest checks to ensure that I am properly recused from handling, supervising, or consulting on matters involving entities in which I or my family have a financial interest.

- 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 would handle any actual or potential conflict-of-interest by reference to 28 U.S.C. § 455, the Code of Conduct for United States Judges, including Canon 3 of that Code, and other relevant statutory provisions, ethical canons, and rules. Should I become aware of any potential conflicts-of-interest, I would advise the parties in the case before me and offer them the opportunity to provide their position with respect to the potential conflict, including by allowing them the opportunity to file briefing.

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.

Since 2002, when I joined the United States Attorney's Office, I have exclusively worked in public service. I engage in volunteer activities outside of my professional duties, both legal and non-legal. For example, in 2016 I assisted a public elementary school chess program in establishing a non-profit through which it could solicit contributions to fund student travel to competitions. For the past two years, I have coached high school mock trials teams, and in prior years have judged mock trial and moot court competitions.

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 April 2, 2021, I submitted an application to Senator Kirsten Gillibrand's office. On April 13, 2021, I interviewed with a member of Senator Gillibrand's staff. On August 10, 2021, I submitted an application through Senator Charles Schumer's electronic portal. I interviewed with Senator Schumer's Screening Committee on November 19, 2021. In August 2022, I communicated with a member of Senator Schumer's screening committee about providing them with supplemental material. I interviewed with a member of Senator Schumer's staff on March 13, 2023. I spoke with members of Senator Schumer's staff in April, May, and June 2023, and January 2024, and was asked to provide additional supplemental material. On January 31, 2024, I interviewed with Senator

Gillibrand. I was informed that same day that the Senator was recommending my name to the White House for further consideration. On February 2, 2024, I interviewed with attorneys from the White House Counsel's Office. Since that date, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On March 20, 2024, the President announced his intent to nominate me.

- 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.