

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR NON-JUDICIAL NOMINEES

PUBLIC

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

David Charles Waterman

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

United States Attorney, Southern District of Iowa, United States Department of Justice

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.

Lane & Waterman LLP
220 North Main Street
Suite 600
Davenport, Iowa 52801

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

1986; Davenport, Iowa

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.

University of California, Los Angeles School of Law, 2010 – 2013
Juris Doctor, May 2013

University of Cambridge, 2009 – 2010
Master of Philosophy in Political Thought and Intellectual History, October 2010

University of Oxford, 2007 – 2008
Study Abroad, with distinction in International Law and Philosophy of Law Tutorial
(no degree received)

The George Washington University, 2006 – 2009
Bachelor of Arts in Political Science, Summa Cum Laude and Phi Beta Kappa, May 2009

The University of Illinois Urbana-Champaign, fall semester 2005, then transferred to The George Washington University
(no degree received)

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.

July 2020 – present
Litigation Attorney
Lane & Waterman LLP
220 North Main Street
Suite 600
Davenport, Iowa 52801

June 2016 – July 2020
Assistant U.S. Attorney, Criminal Division, December 2018 – July 2020
Assistant U.S. Attorney, Appellate Division, June 2016 – December 2018
United States Attorney's Office for the Middle District of Florida
400 North Tampa Street
Suite 3200
Tampa, Florida 33602

August 2015 – June 2016
Judicial Law Clerk
The Honorable Michael J. Melloy
United States Court of Appeals for the Eighth Circuit
United States Courthouse
111 Seventh Avenue, S.E., Box 22
Cedar Rapids, Iowa 52401-2101

August 2014 – July 2015
Judicial Law Clerk
The Honorable Mark W. Bennett
4849 Observatory Road
Des Moines, Iowa 50311

August 2013 – August 2014
Judicial Law Clerk
The Honorable John A. Jarvey
One Corporate Place
1501 42nd Street
Suite 300

West Des Moines, Iowa 50266

June 2012 – August 2012

Extern (unpaid)

United States Attorney's Office for the Central District of California

312 North Spring Street

Suite 1200

Los Angeles, California 90012

June 2011 – August 2011

Extern (unpaid)

The Honorable David G. Sills

California Court of Appeal

Fourth Appellate District, Division Three

601 W. Santa Ana Blvd.

Santa Ana, California 92701

June 2009 – August 2009

Research Assistant for Dr. Dennis Johnson (unpaid)

The George Washington University

The Graduate School of Political Management

805 21st Street, NW

Washington, DC 20052

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 have registered 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.

Recognized in *The Best Lawyers in America*® for the area of Criminal Defense: White-Collar, 2024

Public Interest Law Initiative's Pro Bono Volunteer Honor Roll, 2023

Recognized in *Great Plains Super Lawyers*® as a Rising Star for the area of Civil Litigation, 2022 – 2023

Iowa State Bar Association Pro Bono Honor Roll, 2022 – 2024

UCLA Moot Court Honors Program, Vice President of External Affairs, 2012 – 2013

UCLA National Moot Court Competition Team, 2012

Semi-Finalist, Regional Competition of National Moot Court Competition, 2012

UCLA State Moot Court Competition Team, 2012

Outstanding Individual Achievement in Oral Argument, Roger J. Traynor California Appellate Moot Court Competition, 2012

Outstanding Oral Advocate, UCLA Moot Court Competition, 2011

Joshua Evans III Prize Recipient (awarded annually for outstanding academic achievement for graduating seniors in political science at George Washington University), 2009

Pi Sigma Alpha (National Political Science Honor Society) Scholarship, 2009

George Washington University Pi Sigma Alpha (The National Political Science Honor Society), President, 2008 – 2009

George Washington University Honors Program, 2006 – 2009

George Washington University Presidential Academic Scholarship, 2006

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.

Iowa State Bar Foundation, 2023 – present

Illinois State Bar Association, 2022 – present

Rock Island County Bar Association, 2022 – present

Federal Magistrate Judge Merit Selection Panels for the Southern District of Iowa, 2022

Iowa Defense Counsel Association (IDCA), 2020 – present

IDCA Board of Editors for Defense Update, 2021 – present

Association of the Bar of the United States Court of Appeals for the Eighth Circuit, 2020 – present

The Dillon American Inn of Court, Chapter of the American Inns of Court Foundation, 2020 – present

National Association of Criminal Defense Lawyers, 2020 – present

Goldburg-Cacciatore Criminal Law Inn of Court, 2016 – 2020

American Bar Association, 2013 – present

Federal Bar Association, 2013 – present

Iowa State Bar Association, 2013 – present

Scott County Bar Association, 2013 – 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.

Illinois, admitted May 2022. No membership lapses.

Iowa, admitted September 2013. No membership lapses.

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

United States Court of Appeals for the Eighth Circuit, admitted March 2022. No membership lapses.

United States District Court for the Central District of Illinois, admitted June 2022. No membership lapses.

United States District Court for the Northern District of Iowa, admitted June 2014. No membership lapses.

United States District Court for the Southern District of Iowa, admitted June 2014. No membership lapses.

State of Illinois, admitted May 2022. No membership lapses.

State of Iowa, admitted September 2013. No membership lapses.

United States Court of Appeals for the Eleventh Circuit, and the United States District Court for the Middle District of Florida, permit government lawyers to practice before them without obtaining formal membership, and I have not

obtained formal membership in either court. I was admitted at the courtesy of the government, and I practiced at the United States Attorney's Office for the Middle District of Florida from June 2016 through July 2020. I practiced before both the district and appellate courts.

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.

Member, Board of Trustees, Quad City Symphony Orchestra (2021 – present)

Member, Board of Directors, YMCA of the Iowa Mississippi Valley (2022 – present)

In addition, I have made financial contributions to charitable organizations over the years. Such organizations may list me as a member by virtue of my financial contribution. I have not listed above any organization to which I gave funds and did not otherwise participate in programmatic activities.

- b. 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 my knowledge, none of these organizations discriminates or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies.

12. Published Writings and Public Statements:

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

I have done my best to identify all books, articles, letters to the editor, editorial pieces and other published material, including through a review of my personal files and searches of publicly available electronic databases. Despite my searches, there may be other materials that I have been unable to identify, find, or

remember. I have located the following:

Co-Author, *A Fresh Look at Jurors Questioning Witnesses: A Review of Eighth Circuit and Iowa Appellate Precedents and an Empirical Analysis of Federal and State Trial Judges and Trial Lawyers*, 64 DRAKE L. REV. 485 (2016). Copy of law review article provided.

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

I have done my best to identify any reports, memoranda, or policy statements I have prepared or contributed to, including through a review of my personal files and searches of publicly available electronic databases. I have been unable to locate any responsive items.

- 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.

I have done my best to identify any testimony, official statements, or other communications related, in whole or in part, to matters of public policy or legal interpretation, including through a review of my personal files and searches of publicly available electronic databases. I have been unable to locate any responsive items.

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

I have done my best to identify transcripts or recordings of all speeches or talks delivered, including through a review of personal files and searches of publicly available electronic databases. I frequently speak without notes or speak from a handwritten outline. I did not retain the majority of the handwritten outlines and have attached all that I could find. Despite my searches, there may be other materials I have been unable to identify, find, or remember. I have located the

following:

Co-Presenter, “Voir Dire: the Good, the Bad, and the Ugly,” Dillon Inn of Court (March 12, 2025). Biaggi’s Ristorante Italiano, Davenport, Iowa. Copy of PowerPoint provided.

Presenter, “Eighth Circuit Civil Case Law Update, and Hot Topics for Internal Investigations and Grand Jury Subpoenas,” Iowa Academy of Trial Lawyers 63rd Annual Seminar in Des Moines, Iowa (February 28, 2025). Copy of PowerPoint and handout provided.

Presenter, “Eighth Circuit Civil Case Law Update: Insights From Ten Cases Arising Out of Iowa’s Federal District Courts,” 2024 Federal Practice Seminar in Des Moines, Iowa (December 13, 2024). Copy of PowerPoint and handout provided.

Co-Presenter, “*Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579 (1952) (‘The Steel Seizure Case’) and the Limits of Executive Power,” Dillon Inn of Court (October 19, 2022). Granite City Food & Brewery, Davenport, Iowa. Copy of outline provided.

Co-Presenter, “Jury Selection for Defense (Civil),” Dillon Inn of Court (April 19, 2022). The Machine Shed Restaurant, Davenport, Iowa. Copy of outline provided.

Presenter, “Project Guardian,” Presented to local, state, and federal law enforcement agencies on the United States Department of Justice’s initiative started in November 2019 designed to reduce gun violence and enforce federal firearms laws across the country, United States Attorney’s Office for the Middle District of Florida (May 27, 2020). Tampa, Florida. Copy of PowerPoint provided.

Co-Presenter, “Allocution,” Twenty-Eighth Annual National Seminar on Federal Sentencing (August 29, 2019): served on a panel with United States District Court Judge Mark W. Bennett and United States District Court Judge Kathleen M. Williams regarding allocution and scholarship and empirical evidence on how a defendant’s allocution can significantly influence a judge’s sentencing determination. Tradewinds Island Resort, St. Petersburg Beach, Florida. Copy of outline provided.

Co-Presenter, “A Defendant’s Last Words: What Do Federal Judges Think About Allocution?” Goldberg-Cacciatore Criminal Law Inn of Court (April 1, 2019). The University Club of Tampa, Tampa, Florida. Copy of PowerPoint provided.

Co-Presenter, “Why Clerk? A View From Chambers on Judicial Clerkships,” University of Iowa College of Law (September 28, 2015): served on a panel with United States District Court Judge Sara Darrow, Professor Angela Onwuachi-

Willig (moderator), and Attorney Emily Kolbe regarding judicial clerkships, including, among other topics, law clerk duties and preparation for clerkships. Press report on event provided.

- e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and four (4) copies of the clips or transcripts of these interviews where they are available to you.

I have done my best to identify all interviews given, including through a review of my personal files, and searches of publicly available electronic databases. I have been unable to locate any responsive items.

13. 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 sought any other appointment or election to any public offices.

- 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.

No.

14. 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;

August 2013 – August 2014: Judicial Law Clerk; United States District Court for the Southern District of Iowa; The Honorable John A. Jarvey.

August 2014 – July 2015: Judicial Law Clerk; United States District Court for the Northern District of Iowa; The Honorable Mark W. Bennett.

August 2015 – June 2016: Judicial Law Clerk; United States Court of

Appeals for the Eighth Circuit; The Honorable Michael J. Melloy.

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

I have not practiced alone.

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

June 2016 – July 2020

Assistant U.S. Attorney, Appellate Division, June 2016 – December 2018

Assistant U.S. Attorney, Criminal Division, December 2018 – July 2020

United States Attorney's Office for the Middle District of Florida

400 North Tampa Street

Suite 3200

Tampa, FL 33602

July 2020 – present

Litigation Attorney

Lane & Waterman LLP

220 North Main Street

Suite 600

Davenport, Iowa 52801

- 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.

From 2013 to 2014, I served as a judicial law clerk at the United States District Court for the Southern District of Iowa, conducting legal research and assisting in drafting judicial opinions.

From 2014 to 2015, I served as a judicial law clerk at the United States District Court for the Northern District of Iowa, conducting legal research and assisting in drafting judicial opinions.

From 2015 to 2016, I served as a judicial law clerk at the United States Court of Appeals for the Eighth Circuit, conducting legal research and

assisting in drafting judicial opinions.

From 2016 to 2018, as an Assistant U.S. Attorney in the Appellate Division, I handled appeals in a wide variety of criminal and civil cases. I authored 38 appellate briefs and argued four times before the Eleventh Circuit Court of Appeals.

From 2018 to 2020, as an Assistant U.S. Attorney in the Criminal Division, Violent Crimes and Narcotics Section, I worked with federal and local law enforcement agencies in grand jury and wiretap investigations and handled criminal prosecutions in a wide variety of criminal cases, including, among others, violent crimes, firearms offenses, immigration crimes, and large-scale drug conspiracies. I secured indictments in over 25 criminal cases, charging 38 defendants, which, based on my recollection, resulted in guilty pleas and no trials.

In 2020, I became a litigation attorney at Lane & Waterman LLP (the fifth generation in my family to practice at the firm), where my practice areas include civil litigation, white-collar criminal defense, government regulatory and compliance, and appeals. I have focused my civil litigation practice for the defense primarily in the areas of professional malpractice, insurance coverage, product liability, construction, and employment.

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

From 2016 to 2020, when I served as an Assistant U.S. Attorney in the United States Attorney's Office for the Middle District of Florida, I represented the United States.

From 2020 to the present, as a litigation attorney at Lane & Waterman LLP, I represent a diverse client base in Iowa, Illinois, and other states in civil and criminal litigation, including professionals, hospitals, and businesses of all sizes ranging from small to Fortune 500 companies.

- 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.
 - i. Indicate the percentage of your practice in:
 - 1. federal courts; 60%
 - 2. state courts of record; 40%
 - 3. other courts;
 - 4. administrative agencies
 - ii. Indicate the percentage of your practice in:

1. civil proceedings; 55%
2. criminal proceedings. 45%

As an Assistant U.S. Attorney, 100% of my practice was in litigation. Since I began working at Lane & Waterman LLP, 95% of my practice has been in litigation; the remaining 5% pertains to business matters for the firm.

I appeared in court frequently as an Assistant U.S. Attorney. I appear in court frequently as a private practitioner.

- 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 a private practitioner, I have handled five civil cases to verdict, judgment, or final decision. I served as chief counsel for one civil jury trial and as associate counsel for three civil jury trials and one civil bench trial. I am also presently serving as chief counsel for one civil bench trial.

- i. What percentage of these trials were:
 1. Jury: 80.0%
 2. Non-jury: 20.0%

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

On April 10, 2023, the United States Court of Appeals for the Eighth Circuit entered its decision in favor of the appellant-owner-operators of manufactured housing communities represented by Lane & Waterman LLP. The Eighth Circuit reversed the district court's ruling that the client must accept the housing choice voucher of the appellee-tenant as an accommodation of her disability. As the Eighth Circuit concluded, "[W]hile [the Fair Housing Amendments Act (FHAA) of 1988] requires a landlord to make reasonable accommodations that directly ameliorate the handicap of a tenant, the obligation does not extend to alleviating a tenant's lack of money to pay rent." *Klossner*, 65 F.4th at 351. This opinion was important because it addressed an issue of first impression in the circuit. Appellee-tenant filed a petition for writ of certiorari, asking the Supreme Court of the United States to consider, among other things, whether the FHAA requires landlords to accept Section 8 vouchers from tenants who are too disabled to work, and to reverse the Eighth Circuit's ruling. Petitioner maintained that there was a circuit split over the application of the FHAA. Respondents disagreed. On October 16, 2023, the Supreme Court of the United States denied appellee-

tenant's petition for writ of certiorari. *See Klossner v. IADU Table Mound MHP, LLC*, 144 S.Ct. 328 (2023). Copies supplied.

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

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

1. United States v. Ahmad Rashad Weston, et al.
Case No. 8:19-cr-573-T-30TGW (M.D. Fla. 2019)
United States District Court for the Middle District of Florida
The Honorable Anthony E. Porcelli
The Honorable Thomas G. Wilson
The Honorable Christopher P. Tuite
The Honorable Amanda A. Sansone
The Honorable James S. Moody, Jr.
The Honorable Thomas P. Barber
2019 – 2020
Represented: United States

Summary: I was the lead prosecutor for this investigation and oversaw Organized Crime Drug Enforcement Task Force Operation All Hype. Between July 2019 and October 2019, the team of law enforcement officers intercepted communications over three cellular telephones via federal, judicially authorized wiretap orders. The drug sales and intercepted communications during that time frame linked a drug trafficking organization to the distribution of more than 18 kilograms of cocaine—two and a quarter of which were seized by investigators—and 200 grams of heroin—151 grams of which were seized by investigators. On November 26, 2019, a federal grand jury indicted 11 members of the DTO for conspiring to distribute heroin, fentanyl, and cocaine, and distributing heroin and fentanyl. The investigation and prosecutions of the 11 members of the DTO helped disrupt a violent St. Petersburg gang known as 8-Hype. Before I left the United States Attorney's Office for the Middle District of Florida in July 2020, seven defendants pleaded guilty, and I represented the United States for each change-of-plea hearing. The

remaining four defendants also pleaded guilty following my departure.
The Court sentenced the 11 defendants to terms of imprisonment, ranging
from 60 months to 210 months in prison.

Co-Counsel: None

Opposing Counsel: Jeffrey Geldert Brown
Brown Doherty Little
450 Carillon Parkway
Suite 120
St. Petersburg, FL 33716
727.299.0099

Justin Byron Lighty
Justin B. Lighty, Attorney at Law
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O'Brien Hatfield, P.A.
511 W. Bay Street
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Kevin T. Beck
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Irvin Law Firm
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Tim Bower-Rodriguez
Bower Rodriguez, P.A.
601 N. Ashley Drive
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Rebecca Castaneda
The Castaneda Law Firm, PLLC
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813.694.7780

Summer Rae Goldman
Goldman Wetzel, PLLC
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St. Petersburg, FL 33701
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Andrew Barrett Shein
The Law Offices of Andrew Shein, PA
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Law Office of Stephen M. Crawford
4216 W. Cleveland Street
Tampa, FL 33609
813.251.2273

2. United States v. Caniff
916 F.3d 929 (11th Cir. 2019)
United States Court of Appeals for the Eleventh Circuit
The Honorable Stanley Marcus
The Honorable Kevin C. Newsom
The Honorable David M. Ebel

2017 – 2019

Represented: United States

Summary: This was an enticement case. The Defendant-Appellant was convicted of three federal child sex offenses. The appeal presented an issue of first impression as to whether the Defendant’s text messages to the notional victim were “notices or advertisements” under 18 U.S.C. § 2251(d)(1)(A). The Defendant also challenged the sufficiency of the evidence that he believed the child he was attempting to have sex with, produce pornography of, and advertise for child pornography of, was 13. Although two members of the three-judge panel were persuaded to adopt the United States’ interpretation that text messages are “notices,” the Court did not reach the issue of whether they were “advertisements” also. *But see United States v. Caniff*, 955 F.3d 1183, 1185 (11th Cir. 2020) (*sua sponte* vacating prior opinion).

I was lead counsel for the appellate briefing and oral arguments.

Co-Counsel: Assistant U.S. Attorney David P. Rhodes
Chief, Appellate Division
United States Attorney’s Office
Middle District of Florida
400 N. Tampa Street
Suite 3200
Tampa, FL 33602
813.274.6000

Opposing Counsel: Susan Good Yazgi
Assistant Federal Public Defender
200 W. Forsyth Street
Suite 1240
Jacksonville, Florida 32202
904.232.3039

Conrad Benjamin Kahn
Assistant Federal Public Defender
201 S. Orange Avenue
Suite 300
Orland, Florida 32801
407.648.6338

3. In Re Grand Jury Subpoena
Case No. 3-20-MC-4
United States District Court for the Southern District of Iowa
The Honorable John A. Jarvey
2020 – 2022

Represented: Confidential Non-Profit Healthcare System

Summary: I, with co-counsel, represented a major health care provider and provided sufficient support to establish through an internal investigation that no credible basis existed for whistleblower claims of health care fraud. Our work largely consisted of leading various phases of factual determinations and preparing witnesses for interviews by government officials. The United States Attorney's Office for the Southern District of Iowa and the FBI ultimately closed their investigation without any further actions or proceedings.

During the process, the court agreed to limit a federal criminal subpoena requesting a burdensome amount of records. I was lead counsel for the drafting of and for oral arguments in support of the motion to quash the grand jury subpoena.

Co-Counsel:

Jeffrey B. Lang
Lane & Waterman LLP
220 North Main Street
Suite 600
Davenport, IA 52801
309.236.0850
563.333.6647

Sergio E. Acosta
Akerman LLP
71 South Wacker Drive
47th Floor
Chicago, IL 60606
312.623.3530
312.870.8025

Michelle Nasser
Dowd Bennett
7676 Forsyth Blvd.
Suite 1900
St. Louis, MO 63105
314.889.7345

Opposing Counsel:

Assistant U.S. Attorney Torrie Schneider
United States Attorney's Office
Eastern District of Missouri
111 S. 10th Street, Suite 20.333
St. Louis, MO 63102
314.539.7640

4. United States v. Lynch Family Companies, Inc.
Case No. 6:22-CR-02043-001 (N.D. Iowa 2022)
United States District Court for the Northern District of Iowa
The Honorable C.J. Williams
The Honorable Mark A. Roberts
2022 – 2023
Represented: Confidential Victim 1

Summary: Lane & Waterman LLP represented one of the largest pork producing companies in the United States throughout a federal grand jury investigation. Our client was victimized by the primary defendant in the case, a livestock dealer company, which was alleged to have falsified weights and grades of swine it had purchased, resulting in millions of dollars in losses to our client. The Defendant pleaded guilty to Failing to Comply with an Order of the Secretary of Agriculture, in violation of 7 U.S.C. § 221.

We assisted our victim client and its representatives throughout the grand jury investigation, which included, among other things, producing thousands of pages of documents and information to and corresponding with the United States Attorney's Office for the Northern District of Iowa. Our work included preparing our client's executives to testify before the grand jury, at trial, and during a sentencing hearing. Prosecutors sought \$1,800,000 in restitution for our client and another victim company, which disputed how the restitution was to be allocated.

I was lead counsel for the subsequent litigation on the allocation of restitution, including hearings before U.S. District Court Judge C.J. Williams and U.S. Magistrate Judge Mark Roberts. On April 13, 2023, Judge Williams filed an order, allocating restitution consistent with our position.

Co-Counsel	Jeffrey B. Lang Lane & Waterman LLP 220 North Main Street Suite 600 Davenport, IA 52801 309.236.0850 563.333.6647
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Opposing Counsel	Peter Eugene Deegan, Jr. Taft Stettinius & Hollister LLP 111 East Wacker Dr. Suite 2800 Chicago, IL 60601-3713 319.440.1729
------------------	--

312.836.4052

Marc Krickbaum
Winston & Strawn LLP
35 West Wacker Dr.
Chicago, IL 60601
515.240.1936
312.558.3787

Government Counsel Assistant U.S. Attorney Tim Vavricek
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Northern District of Iowa
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Box 1
Cedar Rapids, IA 52401
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319.363.6333

5. United States v. Chin
736 F. App'x 785 (11th Cir. 2018)
United States Court of Appeals for the Eleventh Circuit
The Honorable Gerald Bard Tjoflat
The Honorable Robin S. Rosenbaum
The Honorable Elizabeth L. Branch
2017 – 2018
Represented: United States

Summary: After a seven-day jury trial, the Defendant-Appellant was convicted of cocaine-trafficking charges. The appeal concerned several trial issues, including whether the district court abused its discretion in denying the Defendant's motion for a new trial based on newly discovered evidence (i.e., two letters written by a witness, who had testified against the Defendant at trial). The Defendant also challenged the sufficiency of the evidence as to his involvement in the drug conspiracy and his conviction for possession with intent to distribute cocaine as well as the reasonableness of his sentence. The Eleventh Circuit affirmed on all grounds in favor of the United States.

I was lead counsel for the appellate briefing and oral arguments.

Co-Counsel: Assistant U.S. Attorney David P. Rhodes
Chief, Appellate Division
United States Attorney's Office
Middle District of Florida
400 N. Tampa Street
Suite 3200

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6. Suellen Klossner v. IADU Table Mound MHP, LLC and Impact MHC Management, LLC

Case No. 2:20-cv-01037 (N.D. Iowa 2020)

United States District Court for the Northern District of Iowa

The Honorable C.J. Williams

Case Nos. 21-3503, 21-3544 (8th Cir. 2023)

United States Court of Appeals for the Eighth Circuit

The Honorable Steven M. Colloton

The Honorable Roger L. Wollman

The Honorable David R. Stras

2020 – present

Represented: Defendant-Appellant, Impact MHC Management, LLC

Summary: The Plaintiff alleged the Defendants violated the Fair Housing Amendments Act when they refused to accept a Section 8 housing choice voucher as a reasonable accommodation for the Plaintiff's disability, which she claimed prevented her from working and affording her lot rent at the mobile home community where she owned a home. After a three-day bench trial (August 2–5, 2021), the United States District Court for the Northern District of Iowa held that the Plaintiff proved her request was necessary for her to use and enjoy her mobile home and that her accommodation request was reasonable.

On April 10, 2023, the United States Court of Appeals for the Eighth Circuit entered its decision in favor of the appellant-owner-operators of manufactured housing communities. The Eighth Circuit reversed the district court's ruling that the client must accept the housing choice voucher of the appellee-tenant as an accommodation of her disability. As the Eighth Circuit concluded, "[W]hile [the Fair Housing Amendments Act of 1988] requires a landlord to make reasonable accommodations that directly ameliorate the handicap of a tenant, the obligation does not extend to alleviating a tenant's lack of money to pay rent." On October 16, 2023, the Supreme Court of the United States denied appellee-tenant's petition for writ of certiorari. *See Klossner v. IADU Table Mound MHP, LLC*, 144 S.Ct. 328 (2023).

I was co-counsel during pre-trial litigation, at trial, and on appeal. At trial, I cross-examined the Director for the City of Dubuque's Housing and Community Development Department and a Dubuque City Council member. I also took the laboring oar with respect to researching and drafting the pre-trial and trial motions and appellate briefs.

Co-Counsel:

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18 lawyers made appearances as amicus
curiae on behalf of Appellee.

7. United States v. Brian Kowert, Sr.
Case No. 4:22-cr-00175-HEA-1 (E.D. Mo. 2022)
United States District Court for the Eastern District of Missouri (St. Louis)
The Honorable Henry Edward Autrey
2022 – 2023
Represented: Confidential Construction Company

Summary: Lane & Waterman LLP represented a construction company with offices in Iowa, Missouri, and Kansas, and successfully defended it against allegations in connection with the conduct of a recently acquired subsidiary. In March 2022, as a result of our internal investigation for this corporate client, which established no credible basis that the company was involved in allegations of fraud, and cooperation with the United States Attorney's Office for the Eastern District of Missouri, the United States Attorney's Office concluded no charges should be brought against the company.

A former Chief Operating Officer (COO) of the subsidiary was indicted for five counts of wire fraud relative to his falsifying of Minority Business Enterprise participation on several construction and redevelopment projects from 2014 through 2022. On January 25, 2023, the former COO pleaded guilty to two counts of wire fraud and is awaiting sentencing.

I was co-counsel during this internal investigation, which responded to grand jury subpoenas and other government inquiries and requests for information directed at the company.

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8. Kenneth Reimers v. Genesis Health System

Case No. LACE133597

Iowa District Court for Scott County

The Honorable Jeffrey D. Bert

The Honorable Mark D. Cleve

2021 – 2023

Represented: Defendant Genesis Health System

Summary: The Plaintiff went to a medical appointment at Defendant Genesis Medical Center's HealthPlex in Davenport, Iowa in December 2018, and subsequently alleged that he slipped and fell in the parking lot. The Plaintiff filed a lawsuit against the Defendant for physical injuries that he alleged resulted from this slip-and-fall accident. After a three-day jury trial (February 27 – March 1, 2023), the jury returned a defense verdict.

I was lead counsel for all aspects of the case, including the pre-trial litigation, motion practice, and trial.

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Abbey C. Furlong (did not appear at trial)
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9. Kim Loeffelholz v. Robert Ricketts, D.C. and Ricketts Clinic of
Chiropractic, Inc.

Case No. LACV 107616

Iowa District Court for Dubuque County

The Honorable Monica Z. Ackley

2021 – 2023

Represented: Defendant Robert Ricketts, D.C., and Ricketts Clinic of
Chiropractic, Inc.

Summary: The Plaintiff alleged she suffered a vertebral artery dissection and stroke, which resulted in permanent neurological deficits, as a result of a chiropractic adjustment performed by Defendant chiropractor in April 2017. The Plaintiff sought \$1.44 million in damages. After a four-day jury trial (November 1 – November 4, 2022), the jury returned a defense verdict and found no fault in the doctor's care and treatment of the Plaintiff.

I was co-counsel during pre-trial litigation and at trial. I cross-examined the Plaintiff's husband and took the laboring oar with respect to researching and drafting the pre-trial and trial motions.

Co-Counsel: Abbey C. Furlong

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10. United States v. Harling
705 F. App'x 911 (11th Cir. 2017)
United States Court of Appeals for the Eleventh Circuit
The Honorable Gerald Bard Tjoflat
The Honorable Robin S. Rosenbaum
The Honorable Danny C. Reeves
2016 – 2017
Represented: United States

Summary: The Defendant-Appellant was convicted and sentenced for knowingly possessing materials depicting minors engaged in sexually explicit activity, in violation of 18 U.S.C. §§ 2252(a)(4)(B) and (b)(2), and he was sentenced to 240 months' imprisonment followed by lifetime supervised release. The appeal was primarily a Fourth Amendment case involving the warrantless search of USB drives. On appeal, the Eleventh Circuit agreed with the United States that the evidence obtained by the warrantless search of the USB drives was admissible under the independent-source doctrine. The Court also rejected the Defendant's three other arguments, affirming the Defendant's conviction and his sentence of 240 months' imprisonment. The Eleventh Circuit affirmed on all grounds in favor of the United States.

I joined the Appellate Division of the United States Attorney's Office for the Middle District of Florida after the appellate briefing was completed. I was lead counsel for oral arguments on appeal.

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16. **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 a litigation attorney specializing in government compliance and white-collar criminal defense, I have conducted several confidential internal investigations on behalf of corporate entities and individuals. These have included clients in the health care, banking, and food and agriculture sectors. I have assisted companies in Iowa and Illinois by conducting internal investigations and interviews regarding, among other things, allegations of misappropriations of trade secrets, an alleged Salmonella outbreak at a company's facilities, a fraud scheme by a company's former Chief Operating Officer, and first-degree theft of company products by a company's disgruntled former employee.

I have represented corporate and individual clients in matters under investigation by the United States Department of Justice or other state and federal agencies, in which no action was taken, or investigations are still pending. In doing so, I have guided clients through handling grand jury subpoenas and other government requests and demands for information. For instance, I assisted a non-profit health care system in a matter involving alleged health care fraud, and after our internal investigation and the client's full cooperation, the United States Attorney's Office closed its grand jury investigation without charges against our client.

I have represented companies with voluntary and proactive compliance efforts to ensure any alleged wrongdoing does not reoccur. I have prepared prosecution referrals for state and federal prosecutors' offices to ensure that the interests of Lane & Waterman's clients were protected to the fullest and justice was served.

In addition, I have focused my civil litigation practice for the defense in the areas of professional and medical malpractice, employment, construction, and insurance coverage litigation. I have represented professionals, hospitals, and businesses of all sizes ranging from small to Fortune 500 companies in a variety of cases involving alleged personal injuries, wrongful terminations, breaches of contract, and premises liability claims. My roles in these cases have included taking depositions, drafting briefs in support of

motions for summary judgment, and presenting oral arguments at motion hearings.

During my tenure as an Assistant U.S. Attorney in the Criminal Division, Violent Crimes & Narcotics Section, in the U.S. Attorney's Office for the Middle District of Florida, I led grand jury and wiretap investigations and the prosecution of offenses involving violent crimes, drug and gun trafficking, illegal immigration, and large-scale drug conspiracies. My work included significant and complex Organized Crime Drug Enforcement Task Force cases. For example, in 2019, I secured indictments for three different multi-defendant drug conspiracy cases involving the distribution of heroin, fentanyl, and cocaine. I also contributed significantly to the office's violent crime strategy program by charging twelve Project Safe Neighborhood cases.

From 2016 to 2020, I served as an Assistant U.S. Attorney in the Appellate Division in the U.S. Attorney's Office for the Middle District of Florida. I have briefed and argued matters before the Eleventh Circuit Court of Appeals on behalf of the United States. Some of the noteworthy cases involved whether the government's warrantless search of a defendant's USB drives violated the Fourth Amendment and whether a district court had authority to *sua sponte* invoke a collateral-attack waiver even though the government had not asserted it. Another appeal involved a complicated wire fraud by defendants who knew their property had a sinkhole on it, and the appeal raised significant issues of federalism and the intersection of civil and criminal fraud. In addition to handling demanding appeals involving novel and complicated legal issues, I marshalled the facts from multi-day trials and lengthy records for sufficiency-of-the-evidence appeals.

I have not performed any lobbying activities.

17. **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 have not taught any courses on a full-time basis. From time to time, I have been asked to serve as a guest speaker at educational institutions or bar association events on various topics. I have described those speaking engagements in response to Question 12(d) above.

18. **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. I have no arrangements in the future to be compensated for any financial or business interest.

19. **Outside Commitments During 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.

20. **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).

Please see my SF-278 as provided by the Office of Government Ethics.

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

See attached Net Worth Statement.

22. **Potential Conflicts of Interest:**

- a. Identify the family members or other persons, parties, affiliations, pending and categories of litigation, financial arrangements or other factors 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.

During the nomination process, I consulted with the Department of Justice's ethics office and Designated Ethics Officer to identify any potential conflicts. If I am confirmed, I will continue to consult with that office and will recuse myself from any matter in which recusal is required.

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

If I am confirmed, any potential conflict of interest will be resolved in accordance with the terms of an ethics agreement that I have entered with the Department's designated agency ethics official. If confirmed, I will continue to consult with the Department of Justice's ethics office and will recuse myself from any matter in which recusal is required.

23. **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. If you are not an

attorney, please use this opportunity to report significant charitable and volunteer work you may have done.

I was selected to be a volunteer teacher for Learning Enterprises (LE), a non-profit organization, during the summer of 2007. For five weeks, I worked as an unpaid and volunteer teacher in Mauritius, which is an island located about 500 miles east of Madagascar. While the native language of Mauritius is Mauritian Creole, French tends to be used in education and media. I taught a conversation-based English language curriculum. The class consisted of students between the ages of 6 and 12. In addition, I lectured to Mauritian high school students on the importance of civic duty and volunteerism. Following class, we created new lesson plans to cater to our students' needs and interests. While in Mauritius, I organized a meeting with the United States Ambassador, Cesar B. Cabrera, to discuss my teaching experiences with LE.

Throughout my career I have been committed to performing *pro bono* legal services. In recognition of that, I was one of five Lane & Waterman LLP attorneys named to the 2022, 2023, and 2024 Iowa State Bar Association Pro Bono Honor Roll, which recognized my efforts in providing legal services to low-income Iowans. Also, I was one of five attorneys chosen for recognition on the Public Interest Law Initiative's (PILI) 2023 Pro Bono Volunteer Honor Roll, which recognized my efforts in assisting those in need of civil legal help. The matters on which I have worked have varied. For example, I assisted Iowa Legal Aid by participating in a three-hour criminal record expungement clinic. During the clinic, volunteer attorneys met one-on-one with scheduled clients to address the clients' needs and to expunge their criminal records. Before the clinic, I participated in virtual training to prepare to advise clients on these issues. I also successfully handled one Illinois *pro bono* divorce case for a veteran through the Public Interest Law Initiative. In total, I have devoted approximately 105.5 hours toward *pro bono* matters in Iowa and Illinois since starting with the firm in 2020.

In October 2022 through April 2023, Lane & Waterman LLP agreed to accept a number of misdemeanor criminal cases (20 cases in total) because of the significant need for indigent defense attorneys in Scott County, Iowa. Because of my experiences as a federal prosecutor and handling two court-appointed cases in Scott County in 2021, I have assisted by taking three more misdemeanor cases and leading four junior associates at the firm with their cases. In total, I have devoted approximately 142.80 hours toward court-appointed matters since starting with the firm in 2020.

Previously, as an Assistant U.S. Attorney, I devoted over four years of my legal career to public service. Much of my work served people who were disadvantaged, including those who were victims of violent, drug, and gun crimes.

AFFIDAVIT

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

4/25/25
(DATE)

David C. Waterman
(NAME)

Pamela A. Winters
(NOTARY)

