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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

KOLAN L. DAVIS, *Chief Counsel and Staff Director*
JENNIFER DUCK, *Democratic Chief Counsel and Staff Director*

October 15, 2018

The Honorable Dianne Feinstein, Ranking Member
The Honorable Patrick J. Leahy
The Honorable Richard J. Durbin
The Honorable Sheldon Whitehouse
The Honorable Amy Klobuchar
The Honorable Christopher A. Coons
The Honorable Richard Blumenthal
The Honorable Mazie K. Hirono
The Honorable Cory A. Booker
The Honorable Kamala D. Harris
United States Senate Committee on the Judiciary
Washington, D.C. 20510

Dear Colleagues:

I received your letter today asking that I postpone yet again the nominations hearing scheduled for October 17 and the hearing scheduled for October 24. As I explained in my earlier letter to Senator Feinstein (see attached), I will not accommodate this fourth request to postpone the nominations hearing. I twice accommodated the Ranking Member's requests to postpone the nominations hearing originally scheduled for September 26. I further agreed to her request to postpone the nominations hearing originally scheduled for October 10. The Ranking Member consented to holding nominations hearings on October 10, 17, and 24 with full awareness that the Senate could go into recess and further agreed not to object to the scheduling of these hearings. I will not agree to this last-minute withdrawal from our agreement and will not further delay the hearing.

Your letter states that the minority was "not even consulted" about scheduling these hearings. That is false. Attached please find my staff's correspondence with the Ranking Member's regarding scheduling hearings for October 10, 17, and 24. As you can see, the Ranking Member agreed to scheduling hearings for these dates and further agreed not to object to scheduling them for these dates. The Ranking Member did not condition her agreement on the Senate being in session.

Finally, you say that some members have scheduling conflicts. But the Ranking Member agreed to schedule these hearings for October 17 and 24 before the Senate went into recess. If any conflicts arose after the Senate went into recess, it is up to members to determine how to resolve them.

Sincerely,

A handwritten signature in blue ink that reads "Chuck Grassley". The signature is written in a cursive style with a prominent initial "C".

Chuck Grassley
Chairman

From: [Davis, Mike \(Judiciary-Rep\)](#)
To: [Hearron, Marc \(Judiciary-Dem\)](#)
Cc: [Duck, Jennifer \(Judiciary-Dem\)](#); [Sawyer, Heather \(Judiciary-Dem\)](#)
Subject: Next 3 non-SCOTUS hearings this fall
Date: Monday, October 01, 2018 1:28:00 PM

CONFIDENTIAL

Marc,

As an accommodation to, and agreement with, the Minority, we are moving the 9/26 hearing again.

Here are the next 3 hearings:

9/26 to 10/3 to 10/10

1. Chad Readler (CA6 / Ohio) (nomination received on 6/18/2018)
2. Eric Murphy (CA6 / Ohio) (nomination received on 6/18/2018)
3. Pamela Barker (N.D. Ohio) (nomination received on 4/12/2018)
4. Sarah Morrison (S.D. Ohio) (nomination received on 4/12/2018)
5. Rossie Alston (ED VA) (nomination received on 6/18/2018)
6. NONE, due to 2 circuit nominees.

NOTE: Emailed Minority and ABA on 8/27

1010 to 10/17 (Tillis to chair)

1. TENTATIVELY: Allison Jones Rushing (CA4 / N.C.) (nomination received on 8/27/2018)
2. TENTATIVELY: Wendy Berger (M.D. Fla.) (nomination received on 4/10/2018)
3. TENTATIVELY: Thomas P. Barber (M.D. Fla.) (nomination received on 5/7/2018)
4. TENTATIVELY: Rodney Smith (S.D. Fla.) (nomination received on 5/7/2018)
5. TENTATIVELY: T. Kent Wetherell (N.D. Fla.) (nomination received on 5/7/2018)
6. TENTATIVELY: Corey Landon Maze (N.D. Ala.) (nomination received on 5/15/2018)

NOTE: Emailed Minority and ABA on 8/27

10/24 (Flake to chair)

1. TENTATIVELY: Bridget Bade (CA9 / Ariz.) (nomination received on 8/27/2018)
2. TENTATIVELY: Eric Miller (CA9 / Wash.) (nomination received on 7/19/2018)
3. TENTATIVELY: Karin Immergut (D. Ore.) (nomination received on 6/11/2018)
4. TENTATIVELY: Richard A. Hertling (Fed. Claims) (nomination received on 5/7/2018)
5. TENTATIVELY: Shannon Lee Goessling, nominee for Director, Violence Against Women Office (nomination received on 6/18/2018)
6. NONE, due to 2 circuit nominees.

NOTE: Emailed Minority and ABA on 8/29

This gives your side “breathing room” during SCOTUS, while still staying on track overall this fall.

You agreed that the Minority will not complain about timing, including 3 hearings in a 3-week period.

But we also agreed that it is fair game for your side to complain about hearings with 2 circuits.

See how reasonable I am? #MikeDavis 😊

Thank you,

Mike Davis

Mike Davis, Chief Counsel for Nominations
United States Senate Committee on the Judiciary
Senator Chuck Grassley (R-IA), Chairman
224 Dirksen Senate Office Building
Washington, DC 20510

██████████ (direct)

██████████ (cell)

██████████ (fax)

████████████████████

From: [Davis, Mike \(Judiciary-Rep\)](#)
To: [Hearron, Marc \(Judiciary-Dem\)](#)
Subject: RE: Next 2 non-SCOTUS nominations hearings
Date: Wednesday, August 29, 2018 5:43:00 PM

CONFIDENTIAL

Marc,

With the upcoming SCOTUS hearing, I already gave you plenty of advanced notice of the 9/26 and 10/10 nominations hearings.

I also want to give your side plenty of advanced notice of our 2nd hearing in October:

10/24

1. TENTATIVELY: Bridget Bade (CA9 / Ariz.) (nomination received on 8/27/2018)
2. TENTATIVELY: Eric Miller (CA9 / Wash.) (nomination received on 7/19/2018)
3. TENTATIVELY: Karin Immergut (D. Ore.) (nomination received on 6/11/2018)
4. TENTATIVELY: Richard A. Hertling (Fed. Claims) (nomination received on 5/7/2018)
5. TENTATIVELY: Shannon Lee Goessling, nominee for Director, Violence Against Women Office (nomination received on 6/18/2018)
6. NONE, due to 2 circuit nominees.

For your planning purposes for the rest of the year, we are also looking at nominations hearings on 11/14, 11/28, and 12/12.

Thank you,
Mike Davis

Mike Davis, Chief Counsel for Nominations
United States Senate Committee on the Judiciary
Senator Chuck Grassley (R-IA), Chairman
224 Dirksen Senate Office Building
Washington, DC 20510

[REDACTED] (direct)

[REDACTED] (cell)

[REDACTED] (fax)

From: Davis, Mike (Judiciary-Rep)
Sent: Monday, August 27, 2018 8:10 PM
To: Hearron, Marc (Judiciary-Dem) <[REDACTED]>
Subject: RE: Next 2 non-SCOTUS nominations hearings

Ha!

Thank you,
Mike Davis

Mike Davis, Chief Counsel for Nominations
United States Senate Committee on the Judiciary

Senator Chuck Grassley (R-IA), Chairman
224 Dirksen Senate Office Building
Washington, DC 20510

[REDACTED] (direct)

[REDACTED] (cell)

[REDACTED] (fax)

[REDACTED]

From: Hearnon, Marc (Judiciary-Dem)

Sent: Monday, August 27, 2018 8:07 PM

To: Davis, Mike (Judiciary-Rep) <[REDACTED]>

Subject: RE: Next 2 non-SCOTUS nominations hearings

Thanks, Mice, I mean Mike

From: Davis, Mike (Judiciary-Rep)

Sent: Monday, August 27, 2018 7:40 PM

To: Hearnon, Marc (Judiciary-Dem) <[REDACTED]>

Subject: RE: Next 2 non-SCOTUS nominations hearings

*Marc (sorry!)

Thank you,
Mike Davis

Mike Davis, Chief Counsel for Nominations
United States Senate Committee on the Judiciary
Senator Chuck Grassley (R-IA), Chairman
224 Dirksen Senate Office Building
Washington, DC 20510

[REDACTED] (direct)

[REDACTED] (cell)

[REDACTED] (fax)

[REDACTED]

From: Davis, Mike (Judiciary-Rep)

Sent: Monday, August 27, 2018 7:38 PM

To: Marc A. Hearnon ([REDACTED]) <[REDACTED]>
[REDACTED] >

Subject: Next 2 non-SCOTUS nominations hearings

CONFIDENTIAL

Mark,

With the upcoming SCOTUS hearing, I want to give your side plenty of advanced notice of our next 2 non-SCOTUS hearings:

-
9/26

1. TENTATIVELY: Chad Readler (CA6 / Ohio) (nomination received on 6/18/2018)
2. TENTATIVELY: Eric Murphy (CA6 / Ohio) (nomination received on 6/18/2018)
3. TENTATIVELY: Pamela Barker (N.D. Ohio) (nomination received on 4/12/2018)
4. TENTATIVELY: Sarah Morrison (S.D. Ohio) (nomination received on 4/12/2018)
5. TENTATIVELY: Rossie Alston (ED VA) (nomination received on 6/18/2018)
6. NONE, due to 2 circuit nominees.

10/10

1. TENTATIVELY: Allison Jones Rushing (CA4 / N.C.)
2. TENTATIVELY: Wendy Berger (M.D. Fla.) (nomination received on 4/10/2018)
3. TENTATIVELY: Thomas P. Barber (M.D. Fla.) (nomination received on 5/7/2018)
4. TENTATIVELY: Rodney Smith (S.D. Fla.) (nomination received on 5/7/2018)
5. TENTATIVELY: T. Kent Wetherell (N.D. Fla.) (nomination received on 5/7/2018)
6. TENTATIVELY: Corey Landon Maze (N.D. Ala.) (nomination received on 5/15/2018)

Thank you,
Mike Davis

Mike Davis, Chief Counsel for Nominations
United States Senate Committee on the Judiciary
Senator Chuck Grassley (R-IA), Chairman
224 Dirksen Senate Office Building
Washington, DC 20510

██████████ (direct)

██████████ (cell)

██████████ (fax)

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