

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Bridget Shelton Bade

Bridget Anne Shelton

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

United States Circuit Judge for the Ninth Circuit

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

Sandra Day O'Connor U.S. Courthouse
401 West Washington Street, Suite 324
Phoenix, Arizona 85003

Residence: Chandler, Arizona

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

1965; Phoenix, Arizona

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

1987 – 1990, Arizona State University, Sandra Day O'Connor College of Law; J.D. (*cum laude*), 1990

1987, University of Texas at Tyler; Non-degree program

1983 – 1987, Arizona State University; B.A. (*summa cum laude*), 1987

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

and address of the employer and job title or description.

2012 – present

United States District Court for the District of Arizona
Sandra Day O'Connor U.S. Courthouse
401 West Washington Street, Suite 324
Phoenix, Arizona 85003
United States Magistrate Judge

2006 – 2012

United States Attorney's Office, District of Arizona
Two Renaissance Square
40 North Central Avenue, Suite 1800
Phoenix, Arizona 85004
Assistant United States Attorney

2005 – 2006

Steptoe & Johnson, LLP
201 East Washington Street, Suite 1600
Phoenix, Arizona 85004
Special Counsel

1995 – 2005

Beshears Wallwork Bellamy
[Merged with Steptoe & Johnson]
2700 North Central Avenue, Suite 1200
Phoenix, Arizona 85004
Shareholder

1991 – 1995

United States Department of Justice
Civil Division, Torts Branch, Environmental Torts Litigation Section
1331 Pennsylvania Avenue, N.W., Suite 800 South
Washington, District of Columbia 20004
Trial Attorney

1990 – 1991

The Honorable Edith H. Jones
United States Court of Appeals for the Fifth Circuit
U.S. Courthouse
515 Rusk Avenue, Room 12505
Houston, Texas 77002
Judicial Clerk

Fall 1989 – Summer 1990

BarBri

45 West University Drive, Suite A
Tempe, Arizona 85201
Student Representative

Spring 1990
Mesa City Prosecutor's Office
250 E. First Avenue, Suite 222
Mesa, Arizona 85210
Student Extern

Summer 1989
Snell & Wilmer
One Arizona Center
400 East Van Buren Street, Suite 1900
Phoenix, Arizona 85004
Summer Associate

Summer 1989
Evans, Kitchel & Jenckes
[Firm no longer exists]
2600 N. Central Avenue
Phoenix, Arizona, 85004
Summer Associate

Summer 1988
Fennemore Craig
2394 East Camelback Road, Suite 600
Phoenix, Arizona 85016
Summer Associate

Fall 1987
State Press
Arizona State University
950 S. Cady Mall
Tempe, Arizona 85287
Copy Editor

Other Affiliations (uncompensated)

2012 – 2014
Archway Classical Academy Chandler
1951 North Alma School Road
Chandler, Arizona 85224
Member, Board of Directors

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

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

I have not served in the military. I was not required to register for selective service.

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

John S. Lancy Distinguished Alumni Award, Arizona State Law Journal (2017)

Commendation from U.S. Border Patrol for handling catastrophic tort cases (2010)

U.S. Attorney's Office Performance Award (2007, 2008, 2009, 2010)

Martindale-Hubbell AV Rating (2005 – 2012)

Department of Justice Special Achievement Award (1993, 1994)

Recruited to the Department of Justice through the Attorney General's Honors Program (1990)

Arizona State Law Journal (1988 – 1990)
Articles Editor (1989 – 1990)

Sandra Day O'Connor Constitutional Law Award (1990)

Law Journal Scholarship (1989 – 1990)

Writing Instructor, Legal Research and Writing Program (1988 – 1989)

Best Brief, First-Year Moot Court Competition (1988)

Phi Beta Kappa (1987)

E. Blois du Bois Foundation Scholarship (1983 – 1987)

Student Foundation Leadership Scholarship (approximately 1986 – 1987)

Outstanding Senator, Associated Students of Arizona State University (1986)

Omicron Delta Kappa, National Leadership Honorary (approximately 1985)

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 (1995 – 2005)

Arizona Association of Defense Counsel (past member, dates unknown)

Arizona Bar Foundation Fellow (1996 – 2000)

Arizona Women Lawyers Association (approximately 1995 – 2005)

District of Arizona, Alternative Dispute Resolution (ADR) Committee (2017 – present)

District of Arizona, Local Rules Advisory Committee (2009 – 2012, 2014 – present)
Civil and Administrative Subcommittees (2009 – 2012, 2014 – present)
Chair, Administrative Subcommittee (2017 – present)

District of Arizona, Magistrate Judges Midterm Review Committee (2016)

District of Arizona, Magistrate Judges Utilization Committee (2012 – 2016)

Federal Bar Association Judicial Liaison (2012 – present)

Federal Magistrate Judges Association (2012 – present)
Civics Outreach Committee (2018 – present)

Maricopa County Bar Association (1995 – 2005)

Ninth Circuit Courts and the Community Committee (2015 – present)

District of Arizona Lawyer Representative Ninth Circuit Judicial Conference (2010 – 2012)
Co-Chair of Arizona Lawyer Representatives (2011 – 2012)
Lawyer Representatives Coordinating Committee (2011 – 2012)

State Bar of Arizona (1990 – present)
Civil Practice and Procedure Committee (1999 – 2013)
Vice Chair (2005 – 2007)
Secretary (2001 – 2005)
Environmental and Natural Resources Law Section (approximately 1995 – 2005)

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.

Arizona, 1990.

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 Court of Appeals for the Fifth Circuit, 1992
United States Court of Appeals for the Ninth Circuit, 2007
United States District Court, District of Arizona, 1995
United States Court of Federal Claims, 1992

My membership to the United States Court of Appeals for the Fifth Circuit has lapsed for inactivity.

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.

Archway Classical Academy Chandler
Member, Board of Directors (2012 – 2014)

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

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

12. Published Writings and Public Statements:

- a. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited, including

material published only on the Internet. Supply four (4) copies of all published material to the Committee.

With Carolina L. Carver, *Toxic Torts & Insurance Developments*, ENRLS Update (State Bar of Arizona Environmental & Natural Resources Law Section, Phoenix, Arizona), July 1999. Copy supplied.

With Carolina L. Carver, *Toxic Torts & Insurance Developments*, ENRLS Update (State Bar of Arizona Environmental & Natural Resources Law Section, Phoenix, Arizona), March 1999. Copy supplied.

Note, *Changing the Standards of Probable Cause in Malicious Prosecution: Bradshaw v. State Farm Mutual Automobile Insurance Co.*, 157 Ariz. 411, 758 P.2d 1313 (1988), 21 Ariz. St. L.J. 123 (1989). Copy supplied.

With Warren E. Platt and Bill McManus, *Post Sale Duty to Warn*, in *Product Liability 1989: Warnings, Instructions, and Recalls (PLI)*. 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.

District of Arizona Local Rules of Practice Committee, *2017–2018 Local Rules Cycle Committee's Recommendations to Judges*, 2018. Copy supplied.

District of Arizona Local Rules of Practice Committee, *2016–2017 Local Rules Cycle Summary of Committee's Recommendations to Judges*, 2017. Copy supplied.

District of Arizona Local Rules of Practice Committee, *2015–2016 Local Rules Cycle Recommendations to Judges*, 2016. Copy supplied.

District of Arizona Local Rules of Practice Committee, *2014–2015 Local Rules Cycle Recommendations to Judges*, 2015. Copy supplied.

State Bar of Arizona, *Amended Petition and Response to Comments on Petition to Amend Arizona Rules of Civil Procedure 16, 16.1, 26, 37, 38, 38.1, 72, 73, 74, and 77*, May 2, 2013. Copy supplied.

State Bar of Arizona, *Comment of the State Bar of Arizona on Petition to Amend Rule 47(a)(3), Arizona Rules of Civil Procedure, and Rule 18.6(b), Arizona Rules of Criminal Procedure*, Apr. 29, 2013. Copy supplied.

State Bar of Arizona, *Comment of the State Bar of Arizona on Petition to Amend Rule 42(f)(1)(D)(ii)(dd), Arizona Rules of Civil Procedure*, Apr. 29, 2013. Copy supplied.

State Bar of Arizona, *Petition to Amend Rules 54 and 58, Ariz. R. Civ. P., and Rule 9, Ariz. R. Civ. App. P.*, Jan. 8, 2013. Copy supplied.

State Bar of Arizona, *Petition to Amend Rule 15(a)(1), Ariz. R. Civ. P.*, Dec. 19, 2012. Copy supplied.

State Bar of Arizona, *Petition to Amend Rule 7.1, Ariz. R. Civ. P.*, Dec. 19, 2012. Copy supplied.

State Bar of Arizona, *Petition to Amend Rules 7.1 and 56, Ariz. R. Civ. P.*, Dec. 19, 2012. Copy supplied.

State Bar of Arizona, *Comment of the State Bar of Arizona on Petition to Amend Rule 15(a)(3), Arizona Rules of Civil Procedure*, May 18, 2012. Copy supplied.

State Bar of Arizona, *Comment of the State Bar of Arizona on Petition to Amend Rule 45(b)(1), Arizona Rules of Civil Procedure, and Adopt a New Rule 45.1*, May 18, 2012. Copy supplied.

State Bar of Arizona, *Comment of the State Bar of Arizona Regarding Petition to Amend Arizona Rule of Civil Procedure 4.1(i)*, May 7, 2012. Copy supplied.

State Bar of Arizona, *Comment of the State Bar of Arizona on Petition to Amend Rule 55 of the Arizona Rules of Civil Procedure and Rule 44 of the Arizona Rules of Family Law Procedure*, May 7, 2012. Copy supplied.

State Bar of Arizona, *Comment of the State Bar of Arizona on Petition to Amend Rule 26(b)(4), Arizona Rules of Civil Procedure*, Apr. 5, 2012. Copy supplied.

State Bar of Arizona, *Comment of the State Bar of Arizona Regarding Petition to Amend Rule 10(d), Arizona Rules of Civil Procedure*, Apr. 2, 2012. Copy supplied.

District of Arizona Local Rules of Practice Committee, *2011–2012 Proposed Local Rule Amendments for Final Adoption*, 2012. Copy supplied.

State Bar of Arizona, *Petition to Abrogate Rule 16(g)(2) and Rule 84, Form 3 of the Arizona Rules of Civil Procedure*, Dec. 22, 2011. Copy supplied.

State Bar of Arizona, *Petition to Amend Rule 56 of Arizona Rules of Civil Procedure*, Nov. 28, 2011. Copy supplied.

State Bar of Arizona, *Petition to Amend Rule 8(c) of the Arizona Rules of Civil Procedure*, Nov. 28, 2011. Copy supplied.

State Bar of Arizona, *Petition to Amend Rule 53(b)(3), Arizona Rules of Civil Procedure*, Oct. 5, 2011. Copy supplied.

State Bar of Arizona, *Comment of the State Bar of Arizona Regarding Petition to Permanently Adopt Rules 8(h)(3), 8(i), 16.3 and 39.1, Arizona Rules of Civil Procedure*, May 3, 2011. Copy supplied.

State Bar of Arizona, *Comment of the State Bar of Arizona on Petition to Amend Ariz. R. Civ. P. Rule 11(a), Ariz. R. Crim. P. Rules 31.13, 31.18, and 31.19, and Ariz. R. Civ. App. P. Rules 13, 22, and 23*, Mar. 31, 2011. Copy supplied.

District of Arizona Local Rules of Practice Committee, *2010–2011 Proposals and Subcommittee Recommendations*, Mar. 1, 2011. Copy supplied.

State Bar of Arizona, *Petition to Amend Rule 77, Arizona Rules of Civil Procedure*, Jan. 5, 2011. Copy supplied.

State Bar of Arizona, *Petition to Amend Arizona Rules of Civil Procedure to Abrogate Rule 13(f) and Amend Rule 15(a)(1)*, Jan. 5, 2011. Copy supplied.

State Bar of Arizona, *Petition to Amend Rule 55(a)(1), Arizona Rules of Civil Procedure*, Nov. 29, 2010. Copy supplied.

State Bar of Arizona, *Petition to Amend Arizona Rules of Civil Procedure by Amending Rule 68(h) and Adopting Rule 74(g)*, June 15, 2010. Copy supplied.

State Bar of Arizona, *Comment of the State Bar of Arizona on Petition to Amend Rule 26(b)(5), Arizona Rules of Civil Procedure*, May 20, 2010. Copy supplied.

State Bar of Arizona, *Comment of the State Bar of Arizona Regarding Petition to Amend Rule 4.1, Arizona Rules of Civil Procedure*, May 11, 2010. Copy supplied.

District of Arizona Local Rules of Practice Committee, *2009–2010 Proposals and Subcommittee Recommendations*, Feb. 28, 2010. Copy supplied.

State Bar of Arizona, *Comment of the State Bar of Arizona on Petition to Establish a Rule Setting Guidelines for Jury Service by Court Employees*, Feb. 1, 2010. Copy supplied.

State Bar of Arizona, *Petition to Amend Rules 35 and 37, Arizona Rules of Civil Procedure*, Dec. 18, 2009. Copy supplied.

State Bar of Arizona, *Comment of the State Bar of Arizona Regarding Petition to*

Amend Rule 6(e), Arizona Rules of Civil Procedure, Dec. 18, 2009. Copy supplied.

State Bar of Arizona, *Petition to Amend Rules 45 and 84, Arizona Rules of Civil Procedure*, Dec. 10, 2009. Copy supplied.

State Bar of Arizona, *Comment of the State Bar of Arizona Regarding Petition to Add Rule 57.1 and Rule 57.2, Arizona Rules of Civil Procedure*, Apr. 27, 2009. Copy supplied.

State Bar of Arizona, *Petition to Amend Rule 50 Arizona Rules of Civil Procedure*, May 6, 2008. Copy supplied.

State Bar of Arizona, *Comments of the State Bar of Arizona Regarding Petition to Adopt Rule Governing Application to Transfer Structured Settlement Payment Rights*, Apr. 1, 2008. Copy supplied.

State Bar of Arizona, *Comments of the State Bar of Arizona Regarding Petition to Amend Rules 8(h)(1) and 84 of the Arizona Rules of Civil Procedure*, Apr. 1, 2008. Copy supplied.

State Bar of Arizona, *Petition to Amend the Arizona Rules of Civil Procedure to Adopt Rule 5.2 and Amend Rule 84*, Dec. 12, 2007. Copy supplied.

State Bar of Arizona, *Petition to Amend Rule 33.1 of the Rules of Civil Procedure, Its Comments and the Uniform Interrogatories Forms*, Dec. 11, 2007. Copy supplied.

State Bar of Arizona, *Comments of the State Bar of Arizona Regarding Petition to Amend the Arizona Rules of Civil Procedures for Injunctions in Actions Filed That Are Governed by A.R.S. § 23-212*, Oct. 30, 2007. Copy supplied.

State Bar of Arizona, *Comments of the State Bar of Arizona Regarding Petition to Amend the Arizona Rules of Civil Procedure for Compulsory Arbitration*, May 21, 2007. Copy supplied.

State Bar of Arizona, *Comments of the State Bar of Arizona Regarding Petition to Amend the Arizona Rules of Civil Procedure to Adopt Electronic Discovery Rules*, May 21, 2007. Copy supplied.

State Bar of Arizona, *Petition to Amend Rule 45(a)(3), Arizona Rules of Civil Procedure to Allow the State Bar to Issue Online Subpoenas on Behalf of the Clerks of the Superior Court*, Oct. 31, 2006. Copy supplied.

State Bar of Arizona, *Petition for Change in Rule 7.1(E), Arizona Rules of Civil Procedure, Regarding Motions for Reconsideration*, Oct. 11, 2006. Copy

supplied.

State Bar of Arizona, *Petition to Amend Rule 15(a) of the Arizona Rules of Civil Procedure*, July 27, 2006. Copy supplied.

State Bar of Arizona, *Petition to Amend Rule 68 of the Arizona Rules of Civil Procedure*, July 27, 2006. Copy supplied.

State Bar of Arizona, *Petition to Amend Rule 16(d) of the Arizona Rules of Civil Procedure*, July 27, 2006. Copy supplied.

State Bar of Arizona, *Petition to Amend Rules 5 and 6 of the Arizona Rules of Civil Procedure and Rule 124 of the Rules of the Arizona Supreme Court*, May 24, 2005. Copy supplied.

State Bar of Arizona, *Petition for Change in Rules 56(a), 56(b) and 56(c)(1), Arizona Rules of Civil Procedure, and in Related Local Rules, Regarding the Timing of Summary Judgment Motions*, May 24, 2005. Copy supplied.

State Bar of Arizona, *Petition to Amend Rule 53, Arizona Rules of Civil Procedure*, Jan. 3, 2005. Copy supplied.

State Bar of Arizona, *Petition to Amend the Arizona Rules of Civil Procedure by Adding Rule 7.2 Providing for Pre-trial Resolution of Evidentiary Issues Through Motions In Limine*, Apr. 29, 2004. Copy supplied.

State Bar of Arizona, *Petition to Amend Rule 58(e), Arizona Rules of Civil Procedure*, Apr. 29, 2004. Copy supplied.

State Bar of Arizona, *Petition for Change in Rules 45(a)(3) and 45(b), Arizona Rules of Civil Procedure, to Allow Attorneys to Issue and Sign Subpoenas*, Mar. 1, 2004. Copy supplied.

State Bar of Arizona, *State Bar's Comment to Amended Petition for Change in Rule 30(b)(4) of the Arizona Rules of Civil Procedure*, Apr. 15, 2003. Copy supplied.

State Bar of Arizona, *Comment of State Bar of Arizona*, Sept. 23, 2002. Copy supplied.

State Bar of Arizona, *Rule 28 Petition to Repeal Rule 12(f), Ariz. R. Civ. P.*, Mar. 12, 2001. Copy supplied.

State Bar of Arizona, *Comment*, Sept. 12, 2000. Copy supplied.

State Bar of Arizona, *Rule 28 Petition to Amend Rule 77(e), Ariz. R. Civ. P.*, Mar.

3, 2000. Copy supplied.

State Bar of Arizona, *Comment*, Dec. 10, 1999. Copy supplied.

State Bar of Arizona, *Comment*, Dec. 10, 1999. 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.

Minutes of December 2017 Local Rules of Practice Advisory Committee (Dec. 14, 2017). Copy supplied. Typo in the original.

Minutes of September 2017 Local Rules of Practice Advisory Committee (Sept. 12, 2017). Copy supplied.

Minutes of December 2016 Local Rules of Practice Advisory Committee (Dec. 15, 2016). Copy supplied.

Minutes of September 2016 Local Rules of Practice Advisory Committee (Sept. 20, 2016). Copy supplied.

Minutes of December 2015 Local Rules of Practice Advisory Committee (Dec. 1, 2015). Copy supplied.

Minutes of October 2015 Local Rules of Practice Advisory Committee (Oct. 6, 2015). Copy supplied.

Minutes of December 2014 Local Rules of Practice Advisory Committee (Dec. 11, 2014). Copy supplied.

Minutes of September 2014 Local Rules of Practice Advisory Committee (Sept. 23, 2014). Copy supplied.

Minutes of March 2013 State Bar of Arizona Committee on Civil Practice and Procedure (Mar. 7, 2013). Copy supplied.

Minutes of February 2013 State Bar of Arizona Committee on Civil Practice and Procedure (Feb. 7, 2013). Copy supplied.

Minutes of January 2013 State Bar of Arizona Committee on Civil Practice and Procedure (Jan. 10, 2013). Copy supplied.

Minutes of December 2012 State Bar of Arizona Committee on Civil Practice and Procedure (Dec. 6, 2012). Copy supplied.

Minutes of September 2012 State Bar of Arizona Committee on Civil Practice and Procedure (Sept. 6, 2012). Copy supplied.

Minutes of April 2012 State Bar of Arizona Committee on Civil Practice and Procedure (Apr. 5, 2012). Copy supplied.

Minutes of March 2012 State Bar of Arizona Committee on Civil Practice and Procedure (Mar. 1, 2012). Copy supplied.

Minutes of February 2012 State Bar of Arizona Committee on Civil Practice and Procedure (Feb. 2, 2012). Copy supplied.

Minutes of December 2011 Local Rules of Practice Advisory Committee (Dec. 1, 2011). Copy supplied.

Minutes of November 2011 State Bar of Arizona Committee on Civil Practice and Procedure (Nov. 3, 2011). Copy supplied.

Minutes of October 2011 Local Rules of Practice Advisory Committee (Oct. 6, 2011). Copy supplied.

Minutes of October 2011 State Bar of Arizona Committee on Civil Practice and Procedure (Oct. 6, 2011). Copy supplied.

Minutes of September 2011 State Bar of Arizona Committee on Civil Practice and Procedure (Sept. 1, 2011). Copy supplied.

Minutes of May 2011 State Bar of Arizona Committee on Civil Practice and Procedure (May 5, 2011). Copy supplied.

Minutes of April 2011 State Bar of Arizona Committee on Civil Practice and Procedure (Apr. 7, 2011). Copy supplied.

Minutes of March 2011 State Bar of Arizona Committee on Civil Practice and Procedure (Mar. 3, 2011). Copy supplied.

Minutes of March 2011 Local Rules of Practice Advisory Committee (Mar. 1, 2011). Copy supplied.

Minutes of February 2011 State Bar of Arizona Committee on Civil Practice and Procedure (Feb. 3, 2011). Copy supplied.

Minutes of January 2011 State Bar of Arizona Committee on Civil Practice and Procedure (Jan. 13, 2011). Copy supplied.

Minutes of December 2010 State Bar of Arizona Committee on Civil Practice and Procedure (Dec. 2, 2010). Copy supplied.

Minutes of November 2010 Local Rules of Practice Advisory Committee (Nov. 30, 2010). Copy supplied.

Minutes of October 2010 State Bar of Arizona Committee on Civil Practice and Procedure (Oct. 7, 2010). Copy supplied.

Minutes of September 2010 Local Rules of Practice Advisory Committee (Sept. 28, 2010). Copy supplied.

Minutes of September 2010 State Bar of Arizona Committee on Civil Practice and Procedure (Sept. 2, 2010). Copy supplied.

Minutes of June 2010 State Bar of Arizona Committee on Civil Practice and Procedure (June 3, 2010). Copy supplied.

Minutes of May 2010 State Bar of Arizona Committee on Civil Practice and Procedure (May 6, 2010). Copy supplied.

Minutes of March 2010 State Bar of Arizona Committee on Civil Practice and Procedure (Mar. 4, 2010). Copy supplied.

Minutes of February 2010 State Bar of Arizona Committee on Civil Practice and Procedure (Feb. 4, 2010). Copy supplied.

Minutes of January 2010 State Bar of Arizona Committee on Civil Practice and Procedure (Jan. 14, 2010). Copy supplied.

Minutes of October 2009 State Bar of Arizona Committee on Civil Practice and Procedure (Oct. 1, 2009). Copy supplied.

Minutes of September 2009 Local Rules of Practice Advisory Committee (Sept. 22, 2009). Copy supplied.

Minutes of April 2009 State Bar of Arizona Committee on Civil Practice and Procedure (Apr. 2, 2009). Copy supplied.

Minutes of March 2009 State Bar of Arizona Committee on Civil Practice and Procedure (Mar. 5, 2009). Copy supplied.

Minutes of February 2009 State Bar of Arizona Committee on Civil Practice and Procedure (Feb. 5, 2009). Copy supplied.

Minutes of November 2008 State Bar of Arizona Committee on Civil Practice and

Procedure (Nov. 6, 2008). Copy supplied.

Minutes of October 2008 State Bar of Arizona Committee on Civil Practice and Procedure (Oct. 2, 2008). Copy supplied.

Minutes of June 2008 State Bar of Arizona Committee on Civil Practice and Procedure (June 5, 2008). Copy supplied.

Minutes of May 2008 State Bar of Arizona Committee on Civil Practice and Procedure (May 1, 2008). Copy supplied.

Minutes of April 2008 State Bar of Arizona Committee on Civil Practice and Procedure (Apr. 3, 2008). Copy supplied.

Minutes of March 2008 State Bar of Arizona Committee on Civil Practice and Procedure (Mar. 6, 2008). Copy supplied.

Minutes of December 2007 State Bar of Arizona Committee on Civil Practice and Procedure (Dec. 6, 2007). Copy supplied.

Minutes of October 2007 State Bar of Arizona Committee on Civil Practice and Procedure (Oct. 4, 2007). Copy supplied.

Minutes of September 2007 State Bar of Arizona Committee on Civil Practice and Procedure (Sept. 6, 2007). Copy supplied.

Minutes of April 2007 State Bar of Arizona Committee on Civil Practice and Procedure (Apr. 5, 2007). Copy supplied.

Minutes of March 2007 State Bar of Arizona Committee on Civil Practice and Procedure (Mar. 1, 2007). Copy supplied.

Minutes of February 2007 State Bar of Arizona Committee on Civil Practice and Procedure (Feb. 1, 2007). Copy supplied.

Minutes of January 2007 State Bar of Arizona Committee on Civil Practice and Procedure (Jan. 4, 2007). Copy supplied.

Minutes of November 2006 State Bar of Arizona Committee on Civil Practice and Procedure (Nov. 2, 2006). Copy supplied.

Minutes of October 2006 State Bar of Arizona Committee on Civil Practice and Procedure (Oct. 5, 2006). Copy supplied.

Minutes of June 2006 State Bar of Arizona Committee on Civil Practice and Procedure (June 8, 2006). Copy supplied.

Minutes of May 2006 State Bar of Arizona Committee on Civil Practice and Procedure (May 4, 2006). Copy supplied.

Minutes of April 2006 State Bar of Arizona Committee on Civil Practice and Procedure (Apr. 6, 2006). Copy supplied.

Minutes of March 2006 State Bar of Arizona Committee on Civil Practice and Procedure (Mar. 2, 2006). Copy supplied.

Minutes of February 2006 State Bar of Arizona Committee on Civil Practice and Procedure (Feb. 2, 2006). Copy supplied.

Minutes of December 2005 State Bar of Arizona Committee on Civil Practice and Procedure (Dec. 1, 2005). Copy supplied.

Minutes of November 2005 State Bar of Arizona Committee on Civil Practice and Procedure (Nov. 3, 2005). Copy supplied.

Minutes of October 2005 State Bar of Arizona Committee on Civil Practice and Procedure (Oct. 14, 2005). Copy supplied.

Minutes of June 2005 State Bar of Arizona Committee on Civil Practice and Procedure (June 6, 2005). Copy supplied.

Minutes of May 2005 State Bar of Arizona Committee on Civil Practice and Procedure (May. 5, 2005). Copy supplied.

Minutes of February 2005 State Bar of Arizona Committee on Civil Practice and Procedure (Feb. 3, 2005). Copy supplied.

Minutes of December 2004 State Bar of Arizona Committee on Civil Practice and Procedure (Dec. 2, 2004). Copy supplied.

Minutes of November 2004 State Bar of Arizona Committee on Civil Practice and Procedure (Nov. 4, 2004). Copy supplied.

Minutes of October 2004 State Bar of Arizona Committee on Civil Practice and Procedure (Oct. 7, 2004). Copy supplied.

Minutes of September 2004 State Bar of Arizona Committee on Civil Practice and Procedure (Sept. 2, 2004). Copy supplied.

Minutes of June 2004 State Bar of Arizona Committee on Civil Practice and Procedure (June 3, 2004). Copy supplied.

Minutes of May 2004 State Bar of Arizona Committee on Civil Practice and Procedure (May 6, 2004). Copy supplied.

Minutes of April 2004 State Bar of Arizona Committee on Civil Practice and Procedure (Apr. 1, 2004). Copy supplied.

Minutes of March 2004 State Bar of Arizona Committee on Civil Practice and Procedure (Mar. 4, 2004). Copy supplied.

Minutes of January 2004 State Bar of Arizona Committee on Civil Practice and Procedure (Jan. 8, 2004). Copy supplied.

Minutes of December 2003 State Bar of Arizona Committee on Civil Practice and Procedure (Dec. 11, 2003). Copy supplied.

Minutes of November 2003 State Bar of Arizona Committee on Civil Practice and Procedure (Nov. 13, 2003). Copy supplied.

Minutes of September 2003 State Bar of Arizona Committee on Civil Practice and Procedure (Sept. 11, 2003). Copy supplied.

Minutes of June 2003 State Bar of Arizona Committee on Civil Practice and Procedure (June 19, 2003). Copy supplied.

Minutes of May 2003 State Bar of Arizona Committee on Civil Practice and Procedure (May 8, 2003). Copy supplied.

Minutes of April 2003 State Bar of Arizona Committee on Civil Practice and Procedure (Apr. 10, 2003). Copy supplied.

Minutes of March 2003 State Bar of Arizona Committee on Civil Practice and Procedure (Mar. 13, 2003). Copy supplied.

Minutes of January 2003 State Bar of Arizona Committee on Civil Practice and Procedure (Jan. 9, 2003). Copy supplied.

Minutes of December 2002 State Bar of Arizona Committee on Civil Practice and Procedure (Dec. 12, 2002). Copy supplied.

Minutes of November 2002 State Bar of Arizona Committee on Civil Practice and Procedure (Nov. 14, 2002). Copy supplied.

Minutes of October 2002 State Bar of Arizona Committee on Civil Practice and Procedure (Oct. 10, 2002). Copy supplied.

Minutes of August 2002 State Bar of Arizona Committee on Civil Practice and

Procedure (Aug. 22, 2002). Copy supplied.

Minutes of March 2002 State Bar of Arizona Committee on Civil Practice and Procedure (Mar. 14, 2002). Copy supplied.

Minutes of June 2001 State Bar of Arizona Committee on Civil Practice and Procedure (June 20, 2001). Copy supplied.

Minutes of April 2001 State Bar of Arizona Committee on Civil Practice and Procedure (Apr. 12, 2001). Copy supplied.

Minutes of February 2001 State Bar of Arizona Committee on Civil Practice and Procedure (Feb. 8, 2001). Copy supplied.

Minutes of December 2000 State Bar of Arizona Committee on Civil Practice and Procedure (Dec. 14, 2000). Copy supplied.

Minutes of September 2000 State Bar of Arizona Committee on Civil Practice and Procedure (Sept. 28, 2000). Copy supplied.

Minutes of April 2000 State Bar of Arizona Committee on Civil Practice and Procedure (Apr. 13, 2000). Copy supplied.

Minutes of March 2000 State Bar of Arizona Committee on Civil Practice and Procedure (Mar. 9, 2000). Copy supplied.

Minutes of February 2000 State Bar of Arizona Committee on Civil Practice and Procedure (Feb. 10, 2000). Copy supplied.

Minutes of November 1999 State Bar of Arizona Committee on Civil Practice and Procedure (Nov. 19, 1999). Copy supplied.

Minutes of October 1999 State Bar of Arizona Committee on Civil Practice and Procedure (Oct. 14, 1999). Copy supplied.

Minutes of September 1999 State Bar of Arizona Committee on Civil Practice and Procedure (Sept. 21, 1999). 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.

August 24, 2018; June 1, 2018; April 20, 2018; February 9, 2018; July 14, 2017; May 5, 2017; March 10, 2017; February 17, 2017; September 9, 2016; July 8, 2016; April 1, 2016; February 26, 2016; October 2, 2015; June 26, 2015; March 27, 2015; February 27, 2015; September 26, 2014; April 25, 2014; April 4, 2014 (AM and PM ceremonies); February 4, 2014; November 1, 2013; September 29, 2013; June 21, 2013; February 22, 2013; February 15, 2013; January 18, 2013; January 11, 2013; December 28, 2012; November 9, 2012; September 7, 2012; July 20, 2012: I have been the Presiding Judicial Officer at numerous Naturalization Ceremonies in the U.S. District Court for the District of Arizona in the Phoenix, Arizona courthouse. These ceremonies are not recorded or transcribed, but I have a generic script that I use at each ceremony and then modify based on the remarks of the new citizens. Copy supplied.

May 30, 2018: Presenter, "Civics Contest Awards Reception," U.S. District Court, District of Arizona, Phoenix, Arizona. Notes supplied.

April 19, 2018: Panel Introducer, "The MIDP—One Year after Adoption—How is the Pilot Working in the District of Arizona?" Federal Bar Association, Phoenix Chapter, Phoenix, Arizona. Notes supplied.

March 23, 2018: Panelist, "Combat or Conversation: Effective Oral Advocacy in Arizona Courts," State Bar of Arizona, Diversity and Inclusion Conference, Tempe, Arizona. Notes supplied.

February 15, 2018: Speaker Introducer, "The 14th Amendment—150 Years after Ratification—What Does Equal Protection Mean for Students?" Federal Bar Association, Phoenix Chapter, Phoenix, Arizona. Notes and recording supplied.

November 2, 2017: Presenter, "Choice of Forum—Federal or State," Federal Bar Association, Younger Lawyers Division, Phoenix, Arizona. Materials and Power Point supplied.

July 13, 2017: Panelist, "Extern Lunch Program," Federal Bar Association, Phoenix Chapter, U.S. District Court, District of Arizona, Phoenix, Arizona. The presentation was an informal question and answer session with law students about the benefits of joining the Federal Bar Association while still in law school. I have no notes, transcript, or recording. The address for the Federal Bar Association is 400 East Van Buren Street, Suite 1900, Phoenix, Arizona, 85004.

May 25, 2017: Moderator, "Effective Appellate Advocacy from the Court's Perspective," Federal Bar Association, Phoenix Chapter, Phoenix, Arizona. Notes supplied.

May 24, 2017: Presenter, "Civics Contest Awards Reception," U.S. District Court, District of Arizona, Phoenix, Arizona. Notes supplied.

April 7, 2017: Recipient, "John S. Lancy Distinguished Alumni Award," Arizona State Law Journal, Phoenix, Arizona. Notes supplied.

February 23, 2017: Panel Introducer, "Legal Lessons of the Japanese Internment—75 Years after E.O. 9066," Federal Bar Association, Phoenix, Chapter, Phoenix, Arizona. Notes and recording supplied.

December 14, 2016: Speaker, "New Attorney Admissions Ceremony," U.S. District Court, District of Arizona, Phoenix, Arizona. Notes supplied.

May 26, 2016: Moderator, "Miranda at Fifty: The Inside Story of the Landmark Case," Los Abogados Hispanic Bar Association, Phoenix, Arizona. I used the same notes for this event as the same presentation I gave to the Federal Bar Association on March 17, 2016. Notes and recording supplied.

May 24, 2016: Presenter, "Civics Contest Awards Reception," U.S. District Court, District of Arizona, Phoenix, Arizona. Notes supplied.

March 17, 2016: Moderator, "Miranda at Fifty: The Inside Story of the Landmark Case," Federal Bar Association, Phoenix Chapter, Phoenix, Arizona. Notes and recording supplied.

November 19, 2015: Panelist, "Ethical Issues: Perspectives from the Bench," Federal Bar Association, Phoenix Chapter, Phoenix, Arizona. Notes supplied.

April 10, 2015: Presenter, "Nuts and Bolts of Civil Practice and Procedure," State Bar of Arizona, Phoenix, Arizona. Materials and Power Point supplied.

April 2, 2015: Panelist, "Meet the Magistrate Judges," Federal Bar Association, Phoenix Chapter, Phoenix, Arizona. Notes and materials supplied.

December 17, 2014: Speaker, "New Attorney Admissions Ceremony," U.S. District Court, District of Arizona, Phoenix, Arizona. Notes supplied.

June 13, 2014 & June 14, 2013: Presenter, "The Role of United States Magistrate Judges," U.S. Attorney's Office, Phoenix, Arizona. The presentation was addressed to law student summer interns at the U.S. Attorney's Office and was an informal question and answer program about my background and my experiences as a magistrate judge. I have no notes, transcript, or recording. The address for the U.S. Attorney's Office is 40 North Central Avenue, Suite 1800, Phoenix, Arizona 85004.

March 28, 2014: Panelist, "The Ins and Outs of Oral Advocacy," State Bar of Arizona, Minority Bar Convention, Phoenix, Arizona. Notes supplied.

November 18, 2013: Panelist, "Joining the FBA," Federal Bar Association, Phoenix Chapter, presented at the ASU College of Law, Tempe, Arizona. The presentation was on the benefits of student membership in the Federal Bar Association. I have no notes, transcript, or recording. The address for the Federal Bar Association is 400 East Van Buren Street, Suite 1900, Phoenix, Arizona, 85004.

April 11, 2013: Panelist, "Tips Every Legal Summer Intern Should Know," Federal Bar Association, Phoenix Chapter, presented at the ASU College of Law, Tempe, Arizona. The presentation was on working as a legal intern. I have no notes, transcript, or recording. The address for the Federal Bar Association is 400 East Van Buren Street, Suite 1900, Phoenix, Arizona, 85004.

March 21, 2013: Panelist, "Ethics," Federal Bar Association, Phoenix Chapter, Phoenix, Arizona. Notes supplied.

November 2012 (approximate date): Panelist, "Becoming a Judge," Women Law Students Association, ASU College of Law, Tempe, Arizona. The presentation was on the panelists' career paths that lead them to their positions as judges. I have no notes, transcript, or recording. The address for the ASU, College of Law is 111 East Taylor Street, Phoenix, Arizona 85004.

November 2, 2012: Speaker, "Investiture Ceremony," U.S. District Court, District of Arizona, Phoenix, Arizona. Notes and recording supplied.

May 4, 2012: Presenter, "Nuts and Bolts of Civil Practice and Procedure," State Bar of Arizona, Phoenix, Arizona. Materials and Power Point supplied.

March 30, 2012: Moderator, "Expert Reports and Limits of Discovery of Draft Expert Reports and Communications Under the New Federal Discovery Rules," Arizona Lawyer Representatives to the Ninth Circuit, Phoenix, Arizona. Agenda and materials supplied.

March 25, 2011: Presenter, "Nuts and Bolts of Civil Practice and Procedure," State Bar of Arizona, Phoenix, Arizona. Materials supplied.

April 17, 2009: Presenter, "Nuts and Bolts of Civil Practice and Procedure," State Bar of Arizona, Phoenix, Arizona. Materials and Power Point supplied.

April 11, 2008: Presenter, "Nuts and Bolts of Civil Practice and Procedure," State Bar of Arizona, Phoenix, Arizona. Materials and Power Point supplied.

April 20, 2007: Presenter, "Nuts and Bolts of Civil Practice and Procedure," State Bar of Arizona, Phoenix, Arizona. Materials and Power Point supplied.

June 15, 2006: Panelist, "Rules Update Seminar, Federal Rules Update," State Bar of Arizona, Civil Practice Section, Phoenix, Arizona. The presentation was a summary of recent changes in the federal rules. I have no notes, transcript, or recording. The address for the State Bar of Arizona is 4201 North 24th Street, Suite 100, Phoenix, Arizona 85016.

April 21, 2006: Presenter, "Nuts and Bolts of Civil Practice and Procedure," State Bar of Arizona, Phoenix, Arizona. Materials and Power Point supplied.

June 23, 1999: State Bar Convention Panel Presentation, "Toxic Tort Update," State Bar of Arizona, Environmental and Natural Resources Division, Phoenix, Arizona. Power Point supplied.

1997 (approximate date): Panelist, "Legal Research and Writing," ASU College of Law, Placement Office, Tempe, Arizona. The presentation was on legal research and writing. I have no notes, transcript, or recording. The address for the ASU College of Law is 111 East Taylor Street, Phoenix, Arizona 85004.

1996 (approximate date): Speaker: "Working for the Department of Justice," ASU College of Law, Placement Office, Tempe, Arizona. The presentation was on applying for the Attorney General's Honors Program and my experiences as an attorney at the Department of Justice. I have no notes, transcript, or recording. The address for the ASU College of Law is 111 East Taylor Street, Phoenix, Arizona 85004.

- 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.

Why it Matters: Magistrate Judges Discuss Civics Ed, Magistrate Judges Executive Board Newsletter, Summer 2017. Copy supplied.

Bench, Bar Promote Ninth Circuit Civics Contest, Courts & Community Committee Newsletter, Spring 2016. Copy supplied.

Brian M Bergner, Jr., *Judicial Profile: Stepping Outside the Box*, The Record Reporter, January 23, 2015. Copy supplied.

Darrin Hostetler, *Court Issues Restraint on Group Funding Distribution*, State Press, approximately Fall 1986. Partial copy supplied.

Kari Bland, *Shelton: Increase Student Services*, State Press, March 28, 1986.

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.

From June 18, 2012 to the present, I have served as a United States Magistrate Judge. I am responsible for criminal and civil caseloads as authorized by 28 U.S.C. § 636, including presiding by consent in a variety of civil matters and class A misdemeanors, and presiding over petty offenses and Civil Violations Bureau (class B misdemeanors, class C misdemeanors, and infractions). I am responsible for all aspects of case management through jury or bench trial, and through sentencing in non-felony matters. I also conduct settlement conferences in civil cases, preside in extradition proceedings, prepare reports and recommendations in habeas corpus proceedings, and conduct pretrial management of civil rights cases. I also conduct preliminary criminal proceedings, including initial appearances, arraignments, preliminary hearings, revocation hearings, detention hearings, appointment of counsel, and competency proceedings. I review and issue search warrants, arrest warrants, and criminal complaints. I conduct proceedings on felony guilty pleas and admit/deny hearings. I was appointed to this position by the judges of the United States District Court for the District of Arizona.

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

I have presided over one civil jury trial, one civil bench trial, and two criminal bench trials.

- i. Of these, approximately what percent were:

jury trials:	<u>25</u> %
bench trials:	<u>75</u> % [total 100%]
civil proceedings:	<u>50</u> %
criminal proceedings:	<u>50</u> % [total 100%]

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

As of August 30, 2018, the court's case management electronic case filing program (CM/ECF), reports that I have entered 4,781 orders in civil cases, 222 reports and recommendations in civil cases, 7,242 orders in criminal cases, and 2,536 reports and recommendations and findings and recommendations in criminal cases. The report indicates a total of 14,781 orders and reports and recommendations from June 18, 2012 to August 30, 2018. The total number of orders and reports and recommendations includes all orders, except text entry only orders (orders entered on the docket as a text entry without a written order). As of August 30, 2018, a Westlaw search identifies 274 orders that I have filed,

and a Lexis search identifies 353 orders that I have filed. I have attached a copy of the Westlaw and Lexis reports at Appendix 13(b).

- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (3) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

1. *Equal Employment Opportunity Comm'n v. Recession Proof, USA LLC*, Case No. CV-11-1355-PHX-BSB, 2013 WL 6328000 (D. Ariz. Aug. 20, 2013), *report and recommendation adopted in part and rejected in part by Equal Employment Opportunity Comm'n v. Recession Proof, USA LLC*, 2013 WL 6327994 (D. Ariz. Dec. 5, 2013).

The EEOC alleged that the defendants terminated an employee for opposing what he reasonably believed was discrimination, and terminated another employee for participating in a proceeding under Title VII. The EEOC also alleged that one of the employees was terminated based on his race. Although properly served, the defendants failed to answer and the clerk entered default against them. The EEOC consented to magistrate judge jurisdiction, but the defendants had not appeared and so I did not have full consent and proceeded by report and recommendation. After an evidentiary hearing, I recommended that the EEOC's motion for default judgment be granted against the entity defendants, but denied against the individual defendants. The EEOC objected and the district judge adopted the report and recommendation, but reduced the award of punitive damages.

Counsel for Plaintiff

Christopher Robert Houk

[Then with the Equal Employment Opportunity Commission]

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2. *City of Glendale v. Nat'l Union Fire Ins. Co.*, Case No. CV-12-380-PHX-BSB, 2013 WL 1296418 (D. Ariz. Mar. 29, 2013).

This was a complicated insurance coverage dispute in which the parties consented to magistrate judge jurisdiction. The parties filed cross motions for summary judgment on several coverage issues and I entered summary judgment on the plaintiff's motion and denied the defendant's motion. I denied the defendant's motion for certification to the Arizona Supreme Court, and entered an amended scheduling order. The parties conducted additional discovery and eventually settled the case.

Counsel for Plaintiff

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Counsel for Defendants

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Jefferson T. Collins
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3. *Moore v. Marriott Int'l Inc.*, Case No. CV-12-770-PHX-BSB, 2014 WL 5581046 (D. Ariz. Oct. 31, 2014).

The plaintiff alleged discrimination based on disability and failure to provide reasonable accommodations. The parties filed cross motions for summary judgment, and I denied the plaintiff's motion and granted in part and denied in part the defendant's motion. After the final pretrial conference and rulings on motions in limine, objections to witnesses, exhibits, and jury instructions, the parties settled on the eve of trial.

Counsel for Plaintiff

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Counsel for Defendant

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Leigh Eric Dowell
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4. *HTS Inc., v. Boley*, Case No. CV-12-835-PHX-BSB, 954 F. Supp. 2d 927 (D. Ariz. 2013).

The plaintiff sued its former employee alleging false designation of origin and trademark infringement under the Lanham Act, misappropriation of trade secrets under the Arizona Uniform Trade Secrets Act, and common law tort claims for

breach of fiduciary duty and unfair competition. After the defendant failed to answer, the clerk entered default, and the plaintiff moved for default judgment. The plaintiff consented to magistrate judge jurisdiction, but because the defendant had not appeared, I did not have full consent and proceeded by report and recommendation. After an evidentiary hearing, I recommended entering default judgment in the plaintiff's favor and the district court adopted the report and recommendation.

Counsel for Plaintiff

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5. *Nat'l Assoc. for the Advancement of Multijurisdictional Practice v. Berch*, Case No. CV-12-1724-PHX-BSB, 973 F. Supp. 2d 1082 (D. Ariz. 2013), *aff'd* 773 F.3d 1037 (9th Cir. 2014), *cert. denied*, 135 S. Ct. 2374 (2015).

Plaintiffs, a non-profit corporation, and attorneys licensed in other states but denied admission in Arizona, sued four Arizona Supreme Court Justices in their official capacities. They challenged the Arizona Supreme Court rule that allows admission on motion to the Arizona Bar for attorneys admitted in states having reciprocal admission rules for Arizona attorneys. The parties filed several dispositive motions. I granted the defendants' motion for summary judgment, and denied the defendants' motion to dismiss as moot. I denied the plaintiffs' motion for summary judgment, their motion to admit one of the plaintiffs to the Arizona Bar, and their motion to amend. I entered judgment in the defendants' favor finding that the admission on motion rule did not violate the First Amendment and did not violate the Dormant Commerce Clause. The Ninth Circuit affirmed on appeal.

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6. *Vallejo v. Gietl et al.*, Case No. CV-13-01687-PHX-BSB (D. Ariz.).

In this personal injury action, arising from an automobile accident, the parties consented to magistrate judge jurisdiction at the conclusion of discovery. The matter was transferred to me for all pretrial proceedings, including rulings on fourteen motions in limine, objections to deposition designations, exhibits, and jury instructions. I presided over a jury trial, which resulted in a defense verdict.

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Counsel for Defendants

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7. *Berrey v. Plaintiff Investment Fund, LLC*, Case No. CV-14-847-PHX-BSB, 96 F. Supp. 3d 936 (D. Ariz. 2015), *reconsideration denied* 2015 WL 1730926 (D. Ariz. Apr. 14, 2015), *subsequent determination* 2015 WL 2093895 (D. Ariz. May 5, 2018), *and* 2015 WL 5093622 (D. Ariz. Aug. 31, 2015).

In this interpleader action, in which the parties consented to magistrate judge jurisdiction, the parties asserted claims to the plaintiff's settlement proceeds from a personal injury claim. The case raised important issues of Arizona law with respect to the assignment of personal injury claims and health care provider liens. After several rounds of briefing, I determined that the plaintiff did not face multiple liability to the funds deposited with the court, but instead potentially faced contractual claims from multiple parties. Therefore, the plaintiff had not properly pled an interpleader action. I dismissed the matter with prejudice.

Counsel for Plaintiff

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Department of Health Care Services

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Counsel for Defendant Scottsdale Healthcare Corporation

Elizabeth J. Farhart
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Counsel for Injury Assistance

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8. *Friedkin Group, Inc., v. danfriedkin.com*, Case No. CV-17-949-PHX-BSB, 2017 WL 4779217 (D. Ariz. Oct. 23, 2017).

The plaintiff alleged violations of the Anticybersquatting Consumer Protection Act (ACPA) against the domain name danfriedkin.com and asked the Court to transfer the domain name to the plaintiff. This case was important because it raised an issue of first impression about the rights of owners of common law marks to assert in rem jurisdiction under the ACPA. Because the defendant had not appeared and I did not have full consent, I entered a report and recommendation and recommended that the court order the transfer of the domain name to the plaintiff. After I entered the report and recommendation, the plaintiff requested an amended order because the registrant of the domain name had transferred it to a different registrar. The plaintiff's request for an amended order raised important issues of venue and in rem jurisdiction. I entered an amended

report and recommendation and the district court adopted it.

Counsel for Plaintiffs

Shane Eric Olafson

[Then with Lewis Roca Rothgerber Christie LLP]

The Phoenix Law Group of Feldman Brown Wala Hall and Avena, PLC

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9. *Platt v. Moore, et al.*, Case No. CV-16-8262-PCT-BSB, 2018 WL 2058136 (D. Ariz. Mar. 15, 2018).

In this action under 42 U.S.C. § 1983, the plaintiffs allege that various provisions of the Arizona forfeiture statutes violate their due process rights under the Arizona and United States Constitutions. The plaintiffs asserted claims against numerous city, county, and state officials and entities. The State of Arizona intervened to defend the facial constitutionality of its civil asset forfeiture statutes. The parties filed multiple motions to dismiss and motions for reconsideration of the Court's order on those motions. In the amended order cited above, I dismissed several defendants and several claims. The parties subsequently settled the plaintiffs' supplemental state law claim for injunctive relief. The remaining defendants filed a motion to for judgment on the pleadings on the plaintiffs' remaining federal due process claim, which I granted. The plaintiffs filed a motion to remand their state law claims to state court. The motion is not fully briefed. This case is still pending before the Court.

Counsel for Plaintiffs

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Keith E. Diggs

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Eli Dovid Golob

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Counsel for Intervenor State of Arizona

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Kenneth Robert Hughes
Rusty Duane Crandall
Thomas James Rankin
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(602) 542-5200

10. *Parsons v. Ryan*, CV-12-601-PHX-DKD (D. Ariz.).

Plaintiffs brought this class action against prison officials alleging Eighth Amendment claims based on allegedly serious systemic deficiencies in the conditions of confinement in isolation cells, and in the provision of privatized medical, dental, and mental health care services. In October 2014, the parties settled this matter subject to continued monitoring for compliance with numerous performance measures. The terms of the settlement agreement allow the parties to agree upon a magistrate judge to mediate disputes under the settlement agreement in an attempt to resolve those disputes before they further litigate those issues. In August 2016, the parties jointly requested that I serve as the mediator of their disputes under the settlement agreement. The list of counsel in this case is extensive. I have listed counsel with the most involvement in the mediations.

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

1. *Broadcast Music Inc. et al. v. McDade Mgmt. LLC, et al.*, Case No. CV-11-1980-BSB, 928 F. Supp. 2d 1120 (D. Ariz. 2013).

Counsel for Plaintiffs

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Counsel for Defendants

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2. *Nat'l Assoc. for the Advancement of Multijurisdictional Practice v. Berch*, 973 F. Supp. 2d 1082 (D. Ariz. 2013), *aff'd* 773 F.3d 1037 (9th Cir. 2014), *cert. denied*, 135 S. Ct. 2374 (2015).

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3. *SellPoolSuppliesOnline.com LLC v. Ugly Pools Arizona, Inc., et al.*, Case No. CV-15-1856-PHX-BSB, 2017 WL 6420464 (D. Ariz. June 9, 2017).

Counsel for Plaintiff

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Counsel for Defendants

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4. *ICON Health & Fitness Inc. v. Korhun*, CV-15-1981-PHX-BSB (D. Ariz. Apr. 5, 2017). Copy supplied.

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Bentley J. Tolk
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5. *Lowe v. M.A. Mortenson Co.*, Case No. CV-17-477-PHX-BSB (D. Ariz. Nov. 14, 2017). Copy supplied.

Counsel for Plaintiff

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6. *Friedkin Group, Inc., v. danfriedkin.com*, Case No. CV 17-949-BSB, 2017 WL 4779217 (D. Ariz. Oct. 23, 2017); Report and recommendation (Doc. 16), Amended report and recommendation. (Doc. 19.) Copies supplied.

Counsel for Plaintiffs

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[Then with Lewis Roca Rothgerber Christie LLP]
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7. *Platt v. Moore, et al.*, Case No. CV-16-8262-PCT-BSB, 2018 WL 2058136 (D. Ariz. Mar. 15, 2018).

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8. *City of Glendale v. Nat'l Union Fire Ins. Co.*, Case No. CV-12-380-PHX-BSB, 2013 WL 1296418 (D. Ariz. Mar. 29, 2013).

Counsel for Plaintiff

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Counsel for Defendants

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9. *Wells v. Ryan*, Case No. CV 14-2048-PHX-JJT, 2015 WL 9918159 (D. Ariz. Aug. 13, 2015).

Plaintiff – Pro Se

Counsel for Respondent

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10. *Bonelli v. United States*, CV 17-618-PHX-DJH (D. Ariz. Mar. 7, 2018).
Copy supplied.

Plaintiff – Pro Se

Counsel for Respondent

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

By consulting my own records, and with the assistance of the staff of the U.S. Court of Appeals for the Ninth Circuit, I have identified the following cases in which certiorari was requested or granted:

1. *Nat'l Assoc. for the Advancement of Multijurisdictional Practice v. Berch*, 973 F. Supp. 2d 1082 (D. Ariz. 2013), *aff'd*, 773 F.3d 1037 (9th Cir. 2014), *cert. denied*, 135 S. Ct. 2374 (2015).
 2. *Odigwe v. Nat'l Mentor HealthCare, LLC*, No. CV-11-2396-PHX-SMM, 2014 WL 1760863 (D. Ariz. May 2, 2014) (ruling on an R&R), *aff'd*, 616 F. App'x 262 (9th Cir. 2015), *cert. denied*, 136 S. Ct. 2414 (2016).
- 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.
1. *Velasco v. United States*, No. CV-15-1389-PHX-NVW (BSB), 2015 WL 8276806 (D. Ariz. Oct. 23, 2015), *report and recommendation adopted by* 2015 WL 8140378 (D. Ariz. Dec. 8, 2015), *reversed and remanded by* 2018 WL 947667 (9th Cir. Feb. 5, 2018). On appeal, the parties filed a joint motion to reverse and remand and the Ninth Circuit granted the motion without explanation.
 2. *Brown v. Sperber-Porter*, No. CV-16-2801-PHX-SRB (D. Ariz. Sept. 18, 2017) (transcript of a garnishment hearing), *adopted* (D. Ariz. Sept. 19, 2017) (concluding that, as stated on the record in the Sept. 18, 2017 garnishment hearing, the party's separate property is not subject to the judgment); *set aside* (D. Ariz. Dec. 20, 2017). Copies supplied.
 3. *Amaral v. Ryan*, No. CV-16-594-PHX-JAT (BSB), 2017 WL 5186606 (D. Ariz. Aug. 25, 2017), *report and recommendation adopted in part, rejected in part by*, 2017 WL 4349390 (D. Ariz. Oct. 2, 2017), *on reconsideration in part*, 2017 WL 6463052 (D. Ariz. Dec. 19, 2017). The district judge accepted the conclusions of the report and recommendation that the petitioner had exhausted his *Miller* claim on the issue of whether he received a life sentence without parole and that he had not waived his right to bring a *Miller/Montgomery* claim in his plea agreement. However, the district judge rejected the conclusion in the report and recommendation that the petitioner had exhausted a *Miller/Montgomery* claim on whether his sentence was mandatory. The district judge remanded the petition for further proceedings and a report and recommendation.
 4. *Flowers v. O'Neil*, No. CV-15-2670-PHX-JAT (BSB), 2017 WL 8941230 (D. Ariz. Sept. 26, 2017), *report and recommendation accepted in part and rejected in part, and referred for further proceedings by* 2017 WL 6276367 (D. Ariz. Dec. 11, 2017). The district judge rejected the conclusion in the report and recommendation that petitioner's Eighth Amendment claim is not procedurally barred from habeas review. The report and recommendation

alternatively recommended that if the court concluded that the Eighth Amendment claim is procedurally barred, it should refer the case for a further report and recommendation on whether petitioner could establish a basis to excuse the procedural bar. The report and recommendation and the order were based on differing interpretations of an order from the state court of appeals. The district judge found that the Eighth Amendment claim was procedurally barred, but referred the case for a second report and recommendation on whether petitioner could establish cause and prejudice to overcome the bar.

5. *Pouncey v. Maricopa County Sheriff's Office*, No. CV-17-723-PHX-JAT (BSB) (D. Ariz. June 23, 2017) *report and recommendation rejected* (D. Ariz. Sept. 11, 2017). The report and recommendation recommended dismissal based on plaintiff's failure to serve. Plaintiff objected to the report and recommendation and explained that he needed additional time to serve defendant, and the district court ordered plaintiff to show cause why it should not dismiss the case. The district court stated that it would accept the report and recommendation if plaintiff did not show cause for failing to serve defendant. (Doc. 18.) Plaintiff served defendant and the district court rejected the report and recommendation. Copies supplied.
6. *Colter v. Colvin*, No. CV-13-1294-PHX-BSB, 2015 WL 631167 (D. Ariz. Feb. 13, 2015), *reversed and remanded by Colter v. Berryhill*, 685 F. App'x 616 (9th Cir. 2017). The Ninth Circuit reversed my order affirming the Administrative Law Judge's denial of the plaintiff's application for social security disability benefits. The court of appeals found that the Administrative Law Judge did not provide clear and convincing reasons to support her finding that plaintiff's daily activities were inconsistent with her complaints of pain, and did not provide specific, legitimate reasons supported by substantial evidence for assigning reduced weight to the opinions of plaintiff's treating physicians. Nonetheless, the Ninth Circuit found that the record as a whole raised serious doubt about plaintiff's alleged disability and therefore the court remanded for further proceedings before the Commissioner of Social Security.
7. *Miller v. Parties*, No. CV-16-1427-PHX-DGC (BSB), 2016 WL 7104868 (D. Ariz. Oct. 6, 2016), *report and recommendation adopted by* 2016 WL 7034894 (D. Ariz. Dec. 2, 2016), *reversed and remanded by* 2017 WL 6210796 (9th Cir. July 27, 2017). On appeal, the government filed a notice of concession of error and conceded that the habeas petition was timely filed. The Ninth Circuit treated the notice as a motion for summary reversal and remand and granted the motion.
8. *Dominguez-Rojas v. United States*, No. CV-16-2179-PHX-SRB (BSB) (D. Ariz. Mar. 17, 2017), *report and recommendation rejected* (D. Ariz. Apr. 25, 2017). The report and recommendation and the order addressed the

government's motion to stay proceedings pending the Ninth Circuit's decision in *United States v. Begay*, and the United States Supreme Court's decision in *Dimaya v. Lynch*. The report and recommendation accepted movant's unopposed assertion that he would be eligible for immediate release if he prevailed on his claim. Therefore, the report and recommendation found that the movant would be prejudiced by a stay. The government objected to the report and recommendation and argued that the movant would not be eligible for immediate release if he prevailed on his claim. The district judge rejected the report and recommendation based on the government's argument that the movant would not be eligible for immediate release if he prevailed on his claim and, therefore, he would not be prejudiced by a stay. Copies supplied.

9. *Hudson v. Ryan*, No. CV-16-635-PHX-GMS (BSB), 2016 WL 8736836 (D. Ariz. Sept. 27, 2016), *report and recommendation accepted as modified* (D. Ariz. Apr. 13, 2017). The district judge accepted the report and recommendation, but rejected the recommendation that a certificate of appealability be granted.
10. *Brinkman v. Ryan*, No. CV-15-2027-PHX-ROS (BSB), 2016 WL 7480389 (D. Ariz. Oct. 25, 2016), *report and recommendation rejected*, 2016 WL 7474014 (D. Ariz. Dec. 27, 2016). The report and recommendation found that the plaintiff had failed to notify the Court of his address and therefore recommended dismissing the plaintiff's claims without prejudice. After the report and recommendation was entered, Plaintiff notified the Court of his address and therefore the district judge rejected the report and recommendation.
11. *Grant v. United States*, No. CV-16-2057-PHX-JAT (BSB) (D. Ariz. Sept. 21, 2016), *report and recommendation rejected*, 2016 WL 6427762 (D. Ariz. Oct. 31, 2016). The report and recommendation addressed the government's motion to stay habeas proceedings pending a possible Supreme Court decision in *Dimaya v. Lynch*. Based on the information presented in the record and the briefing, the report and recommendation found that petitioner could be released by January 2018 and, therefore, he could be prejudiced by a stay. The district judge rejected the report and recommendation based on two changed circumstances. First, the Supreme Court granted certiorari in *Dimaya v. Lynch*. Second, petitioner disclosed that he would be in custody until February 2038, regardless of the outcome of the petition. The district judge found that this information substantially affected the prejudice analysis in the report and recommendation.
12. *Andreozzi v. Tracy*, No. CV-16-562-PHX-DGC (BSB), 2016 WL 8670166 (D. Ariz. July 8, 2016), *report and recommendation adopted as modified*, 2016 WL 5687337 (D. Ariz. Oct. 3, 2016). The district judge found that the petitioner was challenging the conditions of his confinement, rather than the fact of his confinement. The government did not assert that the petitioner

sought an improper form of relief, and the report and recommendation addressed petitioner's claim as a habeas petition. However, the district judge concluded that petitioner had improperly filed his claims as a habeas petition under 28 U.S.C. § 2241. The district judge declined to characterize petitioner's complaint as a civil rights suit, and dismissed the petition without prejudice.

13. *Baxla v. Colvin*, 45 F. Supp. 3d 1116 (D. Ariz. 2014), *aff'd in part, rev'd in part, and remanded by* 671 F. App'x 477 (9th Cir. 2016). The Ninth Circuit affirmed my order finding that the Administrative Law Judge did not err in evaluating plaintiff's subjective medical symptom testimony and in evaluating medical testimony about syncope. However, the court found that the Administrative Law Judge failed to provide a legally sufficient reason, supported by substantial evidence in the medical record, for rejecting the opinion evidence from plaintiff's psychologist. The court found that plaintiff was not entitled to an immediate award of benefits and remanded for further proceedings.
14. *Muktadir v. Donahue*, No. CV-15-2009-PHX-ROS (BSB) (D. Ariz. Feb. 1, 2016), *report and recommendation rejected* (D. Ariz. Mar. 31, 2016). Petitioner challenged his continued detention in immigration proceedings pending removal. The report and recommendation concluded that petitioner's removal was imminent and recommended that the petition be denied. The district judge rejected the report and recommendation because petitioner had been removed from the United States after the report and recommendation was entered. The district court denied the petition for writ of habeas corpus as moot. Copies supplied.
15. *Walker v. Smith*, No. CV-14-1893-PHX-JAT (BSB) (D. Ariz. Mar. 3, 2015), *order vacated in part* (D. Ariz. Aug. 7, 2015). The order construed a motion to dismiss or for summary judgment as a motion for summary judgment. The district court found that summary judgment was premature and construed the motion as a motion to dismiss. Copies supplied.
16. *Hiland v. Ryan*, No. CV-13-8110-PHX-PGR (BSB), 2015 WL 3953933 (D. Ariz. Jan. 22, 2015), *report and recommendation adopted in part, rejected in part*, 2015 WL 3953945 (D. Ariz. June 29, 2015). The report and recommendation concluded that petitioner's claims were either procedurally defaulted and barred from review or lacked merit and, therefore, recommended that the petition be denied. The district judge accepted the report and recommendation and dismissed the petition, but disagreed with and did not adopt the portion of the report and recommendation analyzing whether theft and fraud schemes are the same offense for double jeopardy purposes.
17. *Bosquez v. Ryan*, No. CV-13-1714-PHX-PGR (BSB) (D. Ariz. Oct. 8, 2014), *report and recommendation adopted in part, rejected in part, referred for*

- additional proceedings* (D. Ariz. Mar. 10, 2015). The district judge accepted the conclusions of the report and recommendation that recommended dismissal of petitioner's claims in Grounds Two and Three of his petition. However, the district judge rejected the recommendation to dismiss Ground One because the report and recommendation found that petitioner did not file a petition for review of the denial of his first state petition for post-conviction relief, but the state court docket indicated that petitioner had filed a delayed petition for review. Copies supplied.
18. *Gibson v. Sternes*, No. CV-14-8156-PCT-DLR (BSB) (D. Ariz. Apr. 13, 2015) *report and recommendation rejected* (D. Ariz. May 1, 2015). The report and recommendation recommended dismissal based on plaintiff's failure to provide his current address. Plaintiff subsequently provided his current address and therefore the district court rejected the report and recommendation. Copies supplied.
 19. *Tunoa v. Corr. Corp. of Am.*, No. CV-12-2359-PHX-ROS (BSB) (D. Ariz. July 11, 2014), *affirmed in part, vacated in part* (D. Ariz. Sept. 22, 2014). The district judge accepted in part and rejected in part an order denying the plaintiff's request to waive copying fees under 28 U.S.C. § 1915. Copies supplied.
 20. *Tunoa v. Corr. Corp. of Am.*, No. CV-12-2359-PHX-ROS (BSB) (D. Ariz. Apr. 29, 2014) *order vacated* (D. Ariz. July 2, 2014). The order denied plaintiff leave to amend his admissions. The district court concluded that the motion for leave to amend plaintiff's admissions was dispositive and concluded that plaintiff had shown good cause for failing to timely respond to the requests for admissions. Copies supplied.
 21. *Equal Employment Opportunity Comm'n v. Recession Proof*, No. CV-11-1355-PHX-BSB, 2013 WL 6328000 (D. Ariz. Aug. 20, 2013), *report and recommendation adopted in part, rejected in part*, 2013 WL 6327994 (D. Ariz. Dec. 5, 2013). The district judge accepted the report and recommendation, but reduced the award of punitive damages.
 22. *Olmos v. Ryan*, No. CV-11-344-PHX-GMS (BSB) (D. Ariz. Dec. 19, 2012), *report and recommendation accepted in part, modified in part, and referred for further proceedings* (D. Ariz. June 24, 2013). The report and recommendation found that petitioner's claim that the Sex Offender Registration and Notification Act (SORNA) violated the First Amendment was procedurally barred. The district judge concluded that the SORNA claim did not need to be exhausted and referred the case for consideration of the merits of the SORNA claim. Copies supplied.
 23. *Morgal v. Ryan*, No. CV-11-2552-PHX-NVW (BSB) (D. Ariz. Oct. 25, 2012), *order vacated* (D. Ariz. Nov. 13, 2012). The order directed respondents to file

an answer addressing the merits of the claims in the petition for writ of habeas corpus. The district court found that further explanation would be beneficial and referred the matter for a further order. Copies supplied.

- 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.

Unless sealed, all orders and reports and recommendations that I have filed are available through PACER and the Court's CM/ECF system, and as selected by Westlaw and Lexis on their databases. I have not issued unpublished orders or indicated that orders are "not for publication." According to a report run through CM/ECF on August 30, 2018, I have written approximately 14,781 orders and reports and recommendations since June 2012. From those orders and opinions, 274 are available on Westlaw and 353 are available on Lexis.

- 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.

As a federal magistrate judge, I handle many cases that raise constitutional claims, especially prisoner habeas actions and prisoner civil rights actions that allege violations of federal constitutional rights. Below is a list of my opinions that I would identify as especially significant:

Nat'l Assoc. for the Advancement of Multijurisdictional Practice v. Berch, Case No. CV-12-1724-PHX-BSB, 973 F. Supp. 2d 1082 (D. Ariz. 2013), *aff'd*, 773 F.3d 1037 (9th Cir. 2014), *cert. denied*, 135 S. Ct. 2374 (2015).

Platt v. Moore, et al., Case No. CV-16-8262-PCT-BSB, 2018 WL 2058136 (D. Ariz. Mar. 15, 2018).

- i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.

I have not sat by designation on a federal court of appeals.

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

- a. whether your recusal was requested by a motion or other suggestion by a litigant

or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;

- b. a brief description of the asserted conflict of interest or other ground for recusal;
- c. the procedure you followed in determining whether or not to recuse yourself;
- d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

As a United States Magistrate Judge, I follow the federal recusal statutes and Code of Conduct for United States Judges. The Clerk of Court maintains a list of conflicts for each judge and applies a software program that compares that list to all case assignments. The program identifies potential conflicts and prompts an order of recusal in any cases in which I have a financial conflict of interest, cases in which I was previously involved as an attorney, or cases in which I have a personal conflict based on the parties or the attorneys. I regularly review and update this list.

In the following cases, I recused sua sponte for financial conflicts of interest:

- 1. *Roosevelt Irrigation Dist. v. Salt River Project Agricultural*, CV-10-00290-PHX-DAE-BGM
- 2. *Blaney v. US Bancorp et al.*, CV-11-02500-PHX-SRB
- 3. *CitiBank NA v. Hunter*, CV-12-02452-PHX-FJM
- 4. *Microsoft Corp. v. Tech. Regeneration, Inc.*, CV-12-02647-PHX-NVW
- 5. *Sylvia E. Specht Trust Dated 2/27/97 et al. v. Bank of Am. NA et al*, CV-12-08253-PCT-SLG
- 6. *Singleton v. GEICO Gen. Ins. Co.*, CV-13-00075-PHX-SRB
- 7. *Steadfast Ins. Co. v. Nat'l Fire & Marine Ins. Co. et al.*, CV-13-00724-PHX-PGR
- 8. *Vanoss et al. v. BHP Copper*; CV-13-01456-PHX-NVW
- 9. *K.T. Fabrication Inc. v. K.O.O. Constr. Inc. et al.*, CV-13-08099-PCT-SPL
- 10. *Capital Sourcing LLC v. St. Paul Mercury Ins. Co.*, CV-13-01744-PHX-HRH
- 11. *Roth v. Stryker et al.*, CV-13-01781-PHX-GMS
- 12. *Ross et al. v. GEICO Indem. Co. et al.*, CV-13-01981-PHX-NVW
- 13. *Orona v. Chase Home Fin. LLC et al.*, CV-12-02689-ROS
- 14. *Saba v. Occidental Fire & Cas. Co. of N. Carolina et al.*; CV-14-00377-PHX-GMS
- 15. *Rao et al. v. U.S. Bank NA et al.*, CV-14-01109-PHX-JWS
- 16. *Erickson et al. v. Green Tree Servicing LLC et al.*, CV-14-08089-PCT-NVW
- 17. *Gilbert et al. v. DePuy Orthopaedics Inc. et al.*, CV-14-01192-PHX-DJH

18. *Moore et al. v. JPMorgan Chase Bank et al.*, CV-14-1211-PHX-JJT
19. *Bank of New York Mellon Trust Co. NA v. Flury et al.*, CV-14-01674-PHX-GMS
20. *Counce v. JPMorgan Chase Bank*, CV-14-02658-PHX-DGC
21. *Gray v. BCI Coca-Cola Bottling Co. of Los Angeles Inc.*, CV-14-02662-PHX-SRB
22. *Mukarugwiza v. JPMorgan Chase Bank NA*, CV-15-00079-PHX-NVW
23. *Neminsky et al. v. Bank of Am. Corp. et al.*, CV-14-01196-PHX-GMS
24. *Naugle v. Accenture LLP*, CV-15-00954-PHX-ROS
25. *United States v. Moore*, CR-02-50103-PHX-SPL (DKD)
26. *Romano v. Johnson & Johnson et al.*, CV-15-01534-PHX-DJH
27. *Kaus v. Equifax Info. Servs. LLC et al.*, CV-15-02044-PHX-JJT
28. *Chacon v. Charter Oak Fire Ins. Co., et al.*, CV-15-02070-PHX-DJH
29. *Sutton v. Nissan Motor Acceptance Corp. et al.*, CV-15-01469-PHX-DLR
30. *Green v. Trans Union LLC et al.*, CV-15-02359-PHX-SPL
31. *Antillon v. Experian Info. Sol. Inc. et al.*, CV-16-00035-PHX-DLR
32. *Garcia v. JP Morgan Chase Bank NA et al.*, CV-16-01023-PHX-DLR
33. *Kendrick v. Bank of Am. Cal. NA*, CV-16-02170-PHX-GMS
34. *Jenkins v. Medtronic Inc. et al.*, CV-16-02724-PHX-DLR
35. *Daie v. Intel Corp. et al.*, CV-16-02724-DLR
36. *Travelers Indem. Co. et al. v. Meritage Homes of Ariz. Inc. et al.*, CV-16-03442-PHX-DJH
37. *Luna v. Shaw Indus. Group Inc.*, CV-16-02581-PHX-SPL
38. *Johnson v. Bank of Am. NA*, CV-16-04410-PHX-JJT
39. *Brown v. GEICO Indem. Co. et al.*, CV-17-00106-PHX-JJT
40. *Ramos et al. v. Wells Fargo Home Mortg. et al.*, CV-17-00316-PHX-GMS
41. *Smith v. Prudential Ins. Co. of Am. et al.*, CV-17-00414-PHX-JT
42. *Roman, Jr. et al. v. Travelers Home and Marine Ins. Co. et al.*, CV-17-08151-PCT-JAT
43. *Wheeler v. Trans Union LLC et al.*, CV-17-03328-PHX-JAT
44. *Brantley v. Trans Union LLC*, CV-17-03356-PHX-JJT
45. *Wynne v. Trans Union LLC et al.*, CV-17-04217-PHX-DGC
46. *Southwest Energy Sys. LLC v. Travelers Indem. Co.*, CV-17-04241-PHX-DLR
47. *Griego v. Life Ins. Co. of N. Am. et al.*, CV-17-04461-PHX-SPL
48. *Kresl v. Turner et al. Varian Medical Sys. Inc.*, CV-17-00051-PHX-ROS

In the following cases, I recused sua sponte because I worked on these matters as an attorney:

1. *United States v. Cipriano*, CR-10-01716-PHX-ROS
2. *Feliciano v. United States*, CV-12-01650-PHX-DGC
3. *Merchant Transaction v. Nelcela Inc., et al.*, CV-02-01954-PHX-NVW
4. *Thomas v. United States*, CV-16-04582-PHX-SRB

In the following cases, I recused sua sponte because of the potential for a real or

perceived conflict of interest:

1. *Boost Worldwide Inc. v. Silva*, CV-12-01865-PHX-FJM
2. *Sweet v. City of Mesa, et al.*, CV-17-00152-PHX-GMS
3. *Mitchell v. United States*, CV-16-04592-PHX-DGC (MHB)
4. *Grant v. United States*, CV-16-02057-PHX-JAT
5. *Dixon v. United States*, CV-16-04590-PHX-SRB
6. *Advocates for Individuals with Disabilities Foundation Inc., v. SCI Arizona Funeral Services Inc.*, CV-16-02980-PHX-DLR
7. *Advocates for Individuals with Disabilities Foundation Inc., v. SCI Arizona Funeral Services Inc.*, CV-16-03002-PHX-JZB
8. *A.R.D. v. Kerry et al.*, CV-14-00150-PHX-MHB

In one case, *BBK Tobacco & Foods LLP v. Juicy Vapor LLC et al.*, CV-13-00048-PCT-ROS, I recused sua sponte after it was referred to me for a settlement conference because I was presiding in another case involving the same parties.

In two prisoner civil rights case, the pro se plaintiffs filed motions for my recusal based on their disagreement with my orders in their cases. *Evans v. Ryan*, CV-17-00252-PHX-JAT (BSB); *Reed v. Barclay*, CV-11-1339-PHX-JAT (BSB). In *Evans*, I denied the motion because a motion for recusal based entirely on prior adverse rulings is not sufficient cause for recusal. In *Reed*, the district judge denied the motion as “based on unsupported conclusions that Plaintiff has drawn from the Magistrate Judge’s Orders.”

In one social security case, after I entered judgment, a pro se plaintiff filed a motion to transfer his case to a district judge, which I construed as a motion to withdraw his consent to magistrate judge jurisdiction. I issued a report and recommendation and recommended that the motion to transfer be denied, and the district judge adopted the report and recommendation and denied the motion to transfer. *Ball v. Colvin*, CV-12-1574-PHX-BSB, 2013 WL 5886604 (D. Ariz. Oct. 31, 2013) (recommending denial of motion to transfer to a district judge), *adopted by and incorporated in Ball*, 2014 WL 2569059 (D. Ariz. June 9, 2014).

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.

Executive Vice President of Student Body (1986 – 1987)

Student Senator, College of Liberal Arts and Sciences (1984 – 1986)

- 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.

In 2004, my husband and I hosted a reception at our home during the Republican primary election for the campaign of a law school classmate and friend, Mike Bailey, who was running for Maricopa County Attorney.

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

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

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

From August 1990 to August 1991, I served as a law clerk to the Honorable Edith H. Jones of the United States Court of Appeals for the Fifth Circuit in Houston, Texas.

- 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.

1991 – 1995

United States Department of Justice
Civil Division, Torts Branch, Environmental Torts Litigation Section
1331 Pennsylvania Avenue N.W., Suite 800 South
Washington, District of Columbia 20004
Trial Attorney

1995 – 2005

Beshears Wallwork Bellamy
[Beshears Wallwork Bellamy has merged with Steptoe & Johnson]
2700 N. Central Avenue, Suite 1200
Phoenix, Arizona 85004
Shareholder

2005 – 2006

Steptoe & Johnson, LLP
201 East Washington Street, Suite 1600

Phoenix, Arizona 85004
Special Counsel

2006 – 2012
United States Attorney's Office, District of Arizona
40 North Central Avenue, Suite 1800
Phoenix, Arizona 85004
Assistant United States Attorney

- 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 private mediator or arbitrator. However, in Arizona attorneys are required to serve as arbitrators in superior court for cases subject to compulsory arbitration. In Maricopa County, the local rules provide that any case in which the amount in controversy does not exceed \$50,000 is subject to compulsory arbitration before an attorney. From 1996 to 2012, I conducted six arbitration hearings in Maricopa County Superior Court. I do not have notes on all six cases, but I recall that those arbitrations usually involved claims arising from motor vehicle accidents.

b. Describe:

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

Following my clerkship, I was selected for the Attorney General's Honors Program and began my career at the United States Department of Justice (DOJ), where I worked from 1991 to 1995 in the Civil Division, Torts Branch, Environmental Torts Section. While at DOJ, I represented the United States in complex toxic torts, but also volunteered for assignments outside of my section and handled aviation, immigration, and vaccine litigation.

From 1995 until 2006, I was in private practice as a shareholder at Beshears Wallwork Bellamy, and as special counsel at Steptoe & Johnson. While primarily focusing on complex litigation in Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) cost recovery actions and toxic torts, my practice also included personal injury, medical malpractice, insurance coverage, intellectual property, and commercial litigation.

From 2006 until 2012, I was an Assistant United States Attorney in the United States Attorney's Office for the District of Arizona, where I worked in the civil and appellate divisions. In the civil division, I

represented the United States in a wide range of matters, including medical malpractice, personal injury, catastrophic torts, employment discrimination, immigration, constitutional torts, and review of agency administrative decisions. In the appellate division, I represented the United States in criminal and civil appeals.

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

From 1991 until 1995, and 2006 until 2012, when I worked at the Department of Justice and the United States Attorney's Office, my clients were the United States, its agencies, and employees. I represented the United States, its agencies, and employees in civil and appellate matters, as described above in 16(b)(i). While in private practice, from 1995 until 2006, I represented business entities, more specifically mining companies, in complex litigation matters involving toxic tort and CERCLA cost recovery actions. I represented individual plaintiffs in personal injury and medical malpractice claims. I also represented entities, including insurance companies and closely-held businesses, as plaintiffs and defendants, in matters involving personal injury claims, insurance coverage disputes, intellectual property disputes, and commercial litigation.

- 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: 90%
- 2. state courts of record: 10%
- 3. other courts: 0%
- 4. administrative agencies: 0%

- ii. Indicate the percentage of your practice in:

- 1. civil proceedings: 90%
- 2. criminal proceedings: 10%

- 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 attorney I tried five civil cases to verdict or judgment (three non-jury trials in federal court, and two jury trials in state court).

- i. What percentage of these trials were:

- | | |
|--------------|-----|
| 1. jury: | 40% |
| 2. non-jury: | 60% |

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

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

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

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

1. *Bates v. Tenco Services, Inc., et al.*, CV 87-1313-SB (D. S.C.)

In this toxic tort class action, the plaintiffs were residents of a subdivision near Charleston, South Carolina, and adjacent to the Defense Fuel Supply Point (DFSP), a jet fuel storage and distribution facility owned by the United States. Plaintiffs alleged that leaks and discharges from the DFSP over several years had contaminated the groundwater under their homes, causing personal injuries and property damage. The co-defendants were contractors that had operated the DFSP for the government. Plaintiffs asserted claims for devaluation of their property, loss of use and enjoyment of their property, loss of quality of life, personal injuries, distress, discomfort, increased risk of disease, and other claims for personal injury and property damage. Plaintiffs also sought punitive damages and injunctive relief. I was part of a team of DOJ attorneys assigned to this matter, which included approximately 80 plaintiffs who had filed administrative claims against the United States, and an additional 50 to 100 class members. The DOJ believed this was the first class action certified against the United States under the Federal Tort Claims Act (FTCA). I was responsible for researching numerous issues, including the availability and measure of various damages claims under South Carolina law, drafting sections of the trial brief, assisting with the preparation of medical expert witnesses, and the cross examination of several plaintiffs. The case settled at the start of the trial. Published orders are reported

at *Bates v. Tenco Services, Inc., et al.*, 132 F.R.D. 160 (D. S.C. 1990), amended 132 F.R.D. 165 (D. S.C. 1990).

Dates of Representation: 1991 – 1992

Presiding Judge: Hon. Solomon Blatt, Jr.

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2. *Schwartzman, Inc. v. ACF Industries, Inc., et al.*, CV 93-0027 M (D. N.M.)

In this toxic tort case, plaintiffs owned property in the South Valley of Albuquerque, New Mexico, which has been the site of industrial manufacturing operations for decades. In 1951, the Atomic Energy Commission took over the property and, through ACF Industries, constructed plant facilities and engaged in machining of metal parts, plating, welding, and other activities related to the manufacture of nuclear weapons components. In 1967, the United States Air Force assumed control over the property and converted the facility into an aircraft engine parts manufacturing plant, which was operated by General Electric under a series of facilities contracts and leases. In 1984, the government sold the property to General Electric. In the late 1970s and early 1980s, contaminated groundwater was discovered through testing of municipal wells, and by 1983 the site was listed on the CERCLA National Priorities List (NPL). Plaintiffs brought claims for property damage against the United States and ACF Industries. I was responsible for preparing and responding to discovery requests, taking and defending depositions, document reviews and productions, and preparing the United States' motion to dismiss based on the discretionary function and independent contractor exceptions to the FTCA, including identifying appropriate exhibits and witnesses, and obtaining necessary testimony. In 1996, after I left DOJ, the court granted the government's motion to dismiss. The co-defendants settled with plaintiffs. The order granting the motion to dismiss is not published, but it is cited in *Aragon v. United States*, 950 F. Supp. 321, 327 n.4 (D. N.M. 1996).

Dates of Representation: 1993 – 1995

Presiding Judge: Hon. Edwin Leach Mechem

Co-Counsel for the United States

Burke Wong
[retired]

Counsel for Co-Defendant ACF Industries

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3. *Goewey v. United States*, CV 92-2543 CMC (D. S.C.)

In this toxic tort case, plaintiffs alleged that their one-year-old son suffered catastrophic, progressive neurological injuries after he was exposed to a sealant material in U.S. Navy housing in South Carolina. Plaintiffs alleged that the sealant contained tri-ortho-cresyl-phosphate, which caused an organo-phosphate induced delayed neuropathy. Plaintiffs asserted claims against the United States under the FTCA and against the contractor that applied the sealant to the housing unit. I worked on this case from the initial investigation until its conclusion. I was responsible for all aspects of discovery, including identifying and retaining toxicologists and neurologists as expert witnesses, deposing plaintiffs' experts, and preparing and arguing dispositive motions. I prepared the United States' motion to dismiss based on the discretionary function and independent contractor exceptions to the FTCA. The court granted that motion and dismissed plaintiffs' claims. The order is reported at *Goewey v. United States*, 886 F. Supp. 1268 (D. S.C. 1995).

Dates of Representation: 1992 – 1995

Presiding Judge: Hon. Cameron McGowan Currie

Co-Counsel for the United States

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[retired]

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4. *Pinal Creek Group v. Newmont Mining Corp., et al.*, CV 91-1764-DAE
(D. Ariz.)

In this CERCLA cost recovery action, I was part of a large team of attorneys from various firms representing three mining companies that had formed the Pinal Creek Group (PCG) to implement and fund the remediation of contaminated groundwater in the Globe-Miami area resulting from a century of mining activities. The PCG sought to recover remediation costs from other mining companies that had operated in the area. The case was extremely large and complex and conducted in phases. I was primarily involved in phase I of the case against Atlantic Richfield Company (ARCO), as the successor to the Anaconda Mining Company. I was responsible for all phases of discovery, including extensive document productions, identifying experts and developing theories of liability, deposing defendants' experts, defending expert depositions, and preparing motions. This phase of the case settled in 2005. I had a lesser role in phase II of the case and my involvement ended when I went to the U.S. Attorney's Office in 2006. The case was eventually settled several years later in 2010. I have listed the primary counsel for each party. Over the years of the litigation numerous attorneys appeared in this matter with varying degrees of involvement.

Dates of Representation: 1995 – 2006

Presiding Judge: Hon. David A. Ezra

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5. *Wilkes v. Cyprus Miami Mining, et al.*, CV 94-275-JBM

In this toxic tort class action, I represented defendants against claims that their mining and metals processing activities released acidic waste that contaminated the alluvium under the Miami Wash and Pinal Creek in Gila County, Arizona. Plaintiffs asserted claims for response costs under CERCLA, negligence, nuisance, trespass, strict liability, joint and several liability, medical monitoring, and punitive damages. The case was settled based on a class certification of approximately 450 plaintiffs in a property owners class and a medical monitoring class. I was responsible for working with plaintiffs' counsel and preparing the necessary documents for all stages of the class certification, notice, and settlement approval.

Dates of Representation: 1998 – 2001

Presiding Judge: Hon. James J. Moran

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Kieron Finian Quinn
[deceased]

6. *Harmon v. United States*, CV 06-359-ROS (D. Ariz.)

In this wrongful death suit brought under the FTCA, plaintiffs alleged that the U.S. Forest Service improperly marked gates on a popular snowmobile trail in the Apache-Sitgreaves National Forest and that this negligence caused decedent's fatal accident in which he drove his snowmobile into a Forest Service gate at night, at a high rate of speed. I worked on this case from filing until its conclusion and was responsible for all aspects of case development, discovery, retaining experts, depositions, and preparing and arguing dispositive motions. I prepared the United States' motion to dismiss based on the discretionary function exception to the FTCA and its motion for summary judgment. The court granted the motion to dismiss and entered judgment in the United States' favor.

Dates of Representation: 2007 – 2008

Presiding Judge: Hon. Roslyn O. Silver

Plaintiffs' Counsel

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7. *Robinson v. United States*, CV 06-1924-SMM (D. Ariz.)

In this medical malpractice action, plaintiff alleged that during an aortic-bifemoral bypass surgery doctors at the Veterans Administration sutured a portion of his small intestine into the surgical wound, which caused a series of complications including delayed healing, wound dehiscence, incisional hernias, infections, enterocutaneous fistula, hernia repair, bowel resection, implantation of surgical mesh, skin grafting and continuing medical and surgical care. I was responsible for all aspects of this case from the initial investigation through its conclusion. I conducted all aspects of discovery, including defending the depositions of the defendant doctors, identifying and preparing medical experts, and deposing

plaintiff. I was also responsible for negotiating the settlement of plaintiff's claims. The case settled on favorable terms for the United States.

Dates of Representation: 2006 – 2007

Presiding Judge: Hon. Stephen M. McNamee

Counsel for Plaintiff

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8. *Saccuci v. United States*, CV 07-1277-GMS (D. Ariz.)

In this medical malpractice case, plaintiff alleged that doctors at the Veterans Administration negligently ordered a CT scan with contrast when it was not indicated, without informed consent, and when it was counter-indicated by plaintiff's pre-existing kidney disease. Plaintiff alleged that the CT scan caused him to suffer acute renal insufficiency, which in turn caused kidney damage, exacerbated vertigo, hypertension, anemia, gout, and an overall decline in his health. Plaintiff alleged he suffered permanent injuries and sought damages for past, present, and future medical expenses, permanent injuries, pain and suffering, severe anxiety, mental suffering, loss of past and future earnings, and loss of the enjoyment of life. I began working on the case in the pretrial stages and conducted all pretrial work with equal responsibility with co-counsel, including preparing witnesses, experts, and exhibits, and cross examining plaintiff's witnesses at trial and conducting the closing argument. We tried the case in a bench trial because it was an FTCA claim, and the court entered judgment in favor of the United States.

Dates of Representation: 2009

Presiding Judge: Hon. G. Murray Snow

Co-Counsel for the United States

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Plaintiff's Counsel

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9. *Castillejos v. United States*, CV 08-1645-DKD (D. Ariz.); *Lopez-Sauceda v. United States*, CV 07-2267-DGC (D. Ariz.)

These were very similar catastrophic tort cases, with the same plaintiffs' counsel, in which several plaintiffs in each case alleged that they suffered severe injuries, including spinal cord injuries and death, when the U.S. Border Patrol attempted to stop the vehicles in which they were passengers after they crossed the border from the Republic of Mexico into the United States. In both cases, plaintiffs were passengers in severely overloaded late model SUVs, that had no seats or seatbelts, and they were injured when the drivers of those vehicles swerved to evade the Border Patrol agents who had deployed controlled tire deflation devices. The vehicles rolled, many of the plaintiffs were ejected, and suffered serious injuries. I was responsible for both of these cases from the initial investigation through resolution and conducted all discovery, defended and conducted all depositions, identified and prepared expert witnesses, and prepared dispositive motions. Both cases were settled on favorable terms very close to trial. I received a commendation from the Border Patrol for handling these cases.

Dates of Representation: *Castillejos*, 2008 – 2011; *Lopez-Sauceda*, 2007 – 2010

Presiding Judge: *Castillejos*, Hon. David G. Campbell; *Lopez-Sauceda*, Hon. David K. Duncan

Plaintiffs' Counsel

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10. *United States v. Escalanti*, CA 10-10465 (9th Cir.), decision reported at 623 F. App'x. 844 (9th Cir. 2015)

The defendant was convicted of first-degree murder, kidnapping, and felony murder. On appeal, among other issues, defendant argued that the United States

failed to present evidence to establish his status as an Indian, which is a required element of an offense under the Major Crimes Act, 18 U.S.C. § 1154. The United States had introduced defendant's certificate of Indian blood at trial to establish his status as an Indian. On appeal, defendant argued that the certificate of Indian blood was not sufficient to establish a sufficient degree of Indian blood, and was not sufficient to establish that he is a member of a federally-recognized tribe. This was a novel argument and the case law had not clearly established the standard to establish whether a tribe is federally recognized. Defendant argued that whether a tribe has federal recognition is a question of fact for the jury. I developed the argument that a tribe's status is a question of law for the court. While the *Escalanti* appeal was pending, the U.S. Attorney's Office for the District of Arizona, using my argument, also addressed this issue in *United States v. Zepeda*, 792 F.3d 1103, 1114 (9th Cir. 2015) (en banc). The decision in *Zepeda* was issued first and it held that whether a tribe is federally recognized is a question of law. In *Escalanti*, the court followed *Zepeda* and confirmed defendant's convictions.

Dates of Representation: I prepared the brief for the United States in 2011, but the argument occurred after I left the U.S. Attorney's Office to join the court.

Presiding Judges: Hon. Consuelo M. Callahan, Hon. Paul J. Watford, and Hon. Edward R. Koman, Senior District Judge

Counsel for Defendant on Appeal

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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 described above, I served on the State Bar of Arizona Civil Practice and Procedure Committee from 1999 until 2013. I was vice chair of the committee from 2005 to 2007, and secretary from 2001 to 2005. The committee considers and proposes rule change petitions for the Arizona Rules of Civil Procedure.

From 2014 to the present, I have served on the Local Rules Advisory Committee for the District of Arizona as a magistrate judge. I served on this committee as an attorney from 2009 until 2012, when I was appointed to my current position as a magistrate judge.

During my tenure on this committee, I have served on the civil and administrative subcommittees and I currently serve as chair of the administrative subcommittee. The committee considers and proposes amendments to the Local Rules of Practice. I have also served on other court committees, specifically the Magistrate Judges Utilization Committee, the Magistrate Judges Midterm Review Committee, and the ADR Committee.

From 2015 to the present, I have served on the Ninth Circuit Courts and the Community Committee. The committee develops and implements civics outreach and education programming throughout the Ninth Circuit, including the annual Ninth Circuit Civics Contest, which is an essay and video contest for high school students. I chair the District of Arizona's participation in this contest.

From 2012 to the present, I have served as a judicial liaison for the Federal Bar Association.

From 2010 until 2012, I served as a District of Arizona Lawyer Representative to the Ninth Circuit Judicial Conference. From 2011 until 2012, I was co-chair of the Arizona Lawyer Representatives and served on the Lawyer Representative Coordinating Committee.

I have never acted 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.

During my second year of law school, I was a writing instructor in the Legal Research and Writing Program. I was responsible for leading a weekly writing workshop, assisting students during office hours, and editing students' writing assignments, including their moot court briefs. I have not taught any other courses. I do not have a syllabus from that course.

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.

The only future benefits I expect to receive are from my federal retirement plan and from investments in individual retirement accounts.

21. **Outside Commitments During Court Service:** Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your

service with the court? If so, explain.

I do not have any plans, commitments, or agreements to pursue outside employment.

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

See attached Financial Disclosure Report.

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

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

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

As a United States Magistrate Judge, I follow the federal recusal statutes and Code of Conduct for United States Judges. The Clerk of Court maintains a list of conflicts and applies a software program that compares that list to all case assignments. The program identifies potential conflicts and prompts an order of recusal in any cases in which I have a financial conflict of interest, cases in which I was previously involved as an attorney, or cases in which I have a personal conflict based on the parties or the attorneys. I regularly review and update this list. If confirmed, I will continue this practice of creating, reviewing, and maintaining a list of any conflicts that may require my recusal, and comparing that list to any case assignments. I would also recuse myself in matters involving my family, close friends, and my own financial interests. I will evaluate any other real or potential conflict, or relationship that could give rise to an appearance of conflict, on a case-by-case basis and determine appropriate action, with the advice of parties and their counsel, including recusal where necessary.

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

If confirmed, I will carefully review any real or potential conflicts of interest under the standards of 28 U.S.C. § 455, Cannon 3 of the Code of Conduct of United States Judges, and any other laws, rules, and practices that may apply to such circumstances.

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

As a trial attorney at the Department of Justice and as an Assistant United States Attorney in the District of Arizona, I was prohibited from engaging in the practice of law outside of government service. However, I attempted to serve the community through service to the bar and the courts. I served on the State Bar Civil Practice and Procedure Committee and the District Court Local Rules Committee, and held positions of responsibility on these committees.

While I was in private practice, I represented clients in three different litigation matters on a pro bono basis and waived all costs. These clients would not otherwise have been able to afford to pursue their claims. I was also a Fellow of the Arizona Bar Foundation from 1996 to 2000, which is a sister organization to the state bar that works to promote access to justice.

As a magistrate judge, I serve on the Ninth Circuit Courts and the Community Committee, chair the District of Arizona's involvement in the Ninth Circuit Civics Contest, and act as the civics coordinator for the district. I also serve on the Federal Magistrate Judges Civics Outreach Committee. As an attorney, I was also interested in civics education and I volunteered for the Maricopa County Courthouse Experience 2000 – 2001.

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 December 13, 2016, I was interviewed by a member of Senator Flake's staff. Senators McCain and Flake formed a judicial selection committee and, on January 18, 2017, I submitted an application to that committee. On March 13, 2017, I interviewed with the selection committee. On April 3, 2017, Senator McCain's office informed me that the senators were forwarding my name to the White House for consideration for possible nomination to serve on the United States District Court for the District of Arizona or the United States Court of Appeals for

the Ninth Circuit. On January 9, 2018, and April 6, 2018, I met with members of Senator Flake's staff.

On April 21, 2017, and April 6, 2018, I interviewed with attorneys from the White House Counsel's Office and the Office of Legal Policy at the Department of Justice in Washington, DC. On August 27, 2018, the President submitted my nomination to the Senate.

Since then, I have been in contact with the White House Counsel's Office and the Department of Justice, Office of Legal Policy.

- 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.