

UNITED STATES SENATE  
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Nancy Ellen Brasel (Nancy Noteboom)

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

United States District Judge for the District of Minnesota

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

C12th Floor Government Center  
Minneapolis, Minnesota 55487

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

1969; Durham, United Kingdom

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.

1993 - 1996, University of Minnesota; Juris Doctor, 1996

1991 - 1993, University of Texas at Austin; Master of Arts, English Literature, 1993

1987 - 1991, Trinity University; Bachelor of Arts, 1991

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

2011 - Present  
State of Minnesota, Fourth Judicial District  
C12th Floor Government Center  
Minneapolis, Minnesota 55487

District Court Judge

2008 - 2011

United States Attorney's Office for the District of Minnesota  
300 South Fourth Street, Suite 600  
Minneapolis, Minnesota 55415  
Assistant United States Attorney

1999 - 2008

Greene Espel PLLP  
222 South 9<sup>th</sup> Street, Suite 2200  
Minneapolis, Minnesota 55402  
Partner (2002 - 2008)  
Member (1999 - 2001)

1997 - 1999

Leonard, Street and Deinard (now Stinson Leonard Street)  
50 South 6<sup>th</sup> Street  
Minneapolis, Minnesota 55402  
Associate

1996 - 1997

United States Court of Appeals for the Eighth Circuit  
316 North Robert Street  
St. Paul, Minnesota 55101  
Law Clerk to The Honorable Donald P. Lay

1995

Leonard, Street and Deinard (now Stinson Leonard Street)  
50 South 6<sup>th</sup> Street  
Minneapolis, Minnesota 55402  
Summer Associate

Other Affiliations (Uncompensated):

2012

Minnesota District Judges Association  
4805 Bald Eagle Avenue  
St. Paul, Minnesota 55110  
Board Member

2006 - 2007

Minnesota Women Lawyers  
600 Nicollet Mall, Suite 390B  
Minneapolis, Minnesota 55402  
Board Member

2000 - 2008  
Domestic Abuse Project  
204 West Franklin Avenue  
Minneapolis, Minnesota 55404  
Board Member

2000 - 2001  
William Mitchell (now Mitchell Hamline) College of Law  
875 Summit Avenue  
St. Paul, Minnesota 55105  
Adjunct Professor (assistant to Judge Donald P. Lay), Civil Procedure

1995 - 1996  
University of Minnesota Law School  
229 19<sup>th</sup> Avenue South  
Minneapolis, Minnesota 55455  
Research Assistant to Professor Stephen Befort

1994 - 1995  
University of Minnesota Law School  
229 19<sup>th</sup> Avenue South  
Minneapolis, Minnesota 55455  
Research Assistant to Professor Carol Chomsky

1991 - 1993  
The University of Texas at Austin English Department  
116 Inner Campus Drive Stop G6000  
Austin, Texas 78712  
Teaching Assistant

7. **Military Service and Draft Status:** Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number (if different from social security number) and type of discharge received, and whether you have registered for selective service.

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

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

Awards and commendations from the DEA, ATF, and Minnesota State Troopers as an AUSA (2009-2011)

Minnesota Journal of Law and Politics Super Lawyer (2004 - 2008)

Minnesota Journal of Law and Politics Rising Star (2002 - 2003)

Equal Justice Award, Minnesota Women Lawyers (1996)

Order of the Coif, University of Minnesota Law School (1996)

Law Review, Managing Editor, University of Minnesota Law School (1995 - 1996)

Phi Beta Kappa Society, Trinity University (1991)

English Department Honors Thesis, Trinity University (1991)

President, Gamma Chi Delta Sorority, Trinity University (1990 - 1991)

Student Senator, Trinity University (1989 - 1991)

Member, Blue Key Honor Society, Trinity University (1988)

Outstanding First-Year Student Award, Trinity University (1987)

Presbyterian Scholar, Trinity University (1987)

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.

Federal Bar Association (2006 - 2008)

Fourth District Court Bylaws Committee (2016 - present)

Hennepin County Bar Association (1998 - 2008)  
Chair, Technology Oversight Committee (1999 - 2001)

Hennepin County Family Violence Coordinating Council, Juvenile Committee (2015 - 2016)

Hennepin County Girls Continuum of Care Committee (2013 - 2015 (est.))

Hennepin County Infant Team (2014 - 2016 (est.))

Hennepin County No Wrong Door Committee (2014 - 2016 (est.))

Minnesota District Judges Association (2012 - 2017)  
Board Member (2012)

Minnesota State Bar Association (1996 - 2008)

Minnesota Women Lawyers (1993 - 2009)  
Board Member (2006 - 2007)

State of Minnesota Safe Harbor Protocol Working Group (2016)

10. **Bar and Court Admission:**

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

Minnesota, 1996

There have been no lapses in membership.

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

United States Court of Appeals for the Eighth Circuit, 1996

United States District Court for the District of Minnesota, 1997

Minnesota Supreme Court, 1996

There have been no lapses in membership.

11. **Memberships:**

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

Domestic Abuse Project (2000 - 2008)  
Board Chair (2005 - 2006)  
Board Member (2000 - 2008)

The Minikahda Club (2014 - present)  
Nominating Committee (2017)

The Minneapolis Club (2013 - present)

Westminster Presbyterian Church  
Criminal Justice Reform Task Force (2017)

- 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.

The Minneapolis Club excluded women from membership until the 1970s, when women were able to join as full members. To the best of my knowledge, none of the other organizations listed above 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.

Letter to Editor, *Token Choices*, MINN. STAR TRIB., Jan. 16, 2004, at 14A. Copy supplied.

*Ad Hoc Deceptions in Private Disputes: When Does a Private Plaintiff Confer a Public Benefit Under Minnesota's Private Attorney General Statute?* 29 WILLIAM MITCHELL L. REV. 321 (2002). Copy supplied.

*Serving Members, the New-Fangled Way*, THE HENNEPIN LAWYER (Dec. 2001). 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.

Ramsey County Attorney's Office, *Safe Harbor Protocol Guidelines* (2017). Copy supplied.

Westminster Presbyterian Church Criminal Justice Reform Task Force Report, *Calling for Systemic Change* (2017). Copy supplied.

Presentation to Hennepin County Board of Commissioners: *Hennepin County Infant Team Board Briefing* (Aug. 25, 2016). Presentation supplied.

Presentation to Hennepin County Family Violence Coordinating Council: *Hennepin County Infant Team: Core Components* (Feb. 11, 2016). Copy supplied.

Hennepin County No Wrong Door, Sexually Exploited Youth Work Group, *No Wrong Door: Hennepin County Response Plan To End The Sexual Exploitation of Youth* (Mar. 2014). 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.

Presentation to Hennepin County Board of Commissioners: *Hennepin County Infant Team Board Briefing* (Aug. 25, 2016). Materials supplied in response to Question 12b.

Presentation to Hennepin County Family Violence Coordinating Council: *Hennepin County Infant Team: Core Components* (Feb. 11, 2016). Copy supplied in response to Question 12b.

- 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.

July 7, 2015: Speaker, "How to find the courthouse and what to do when you get there," New Lawyer Experience CLE, Minnesota Continuing Legal Education, Minneapolis, Minnesota. Notes supplied.

March 4, 2014: Remarks at the Investiture of Hennepin County District Court Judge Nicole Engisch, Minneapolis, Minnesota. Recording and notes supplied.

February 2014: Remarks at the Investiture of Andrew Luger, United States Attorney for the District of Minnesota, Minneapolis, Minnesota. Notes supplied.

December 14, 2011: Remarks at Investiture of Hennepin County District Court Judge Nancy Brasel, Minneapolis, Minnesota. Recording and notes supplied.

August 22, 2011: Panelist, "The Dirty Dozen," Criminal Justice Institute CLE, Minneapolis, Minnesota. I was on a panel regarding various topics in criminal law, and specifically gave a basic overview of juvenile delinquency law in Minnesota. The panel discussion, which generally occurs each year at this CLE, is named "The Dirty Dozen" because it touches briefly on approximately a dozen issues. I have no notes, transcript, or recording. The address of the Minnesota Continuing Legal Education is 2550 University Avenue West, Suite 160-S, St. Paul, Minnesota 55114.

May 26, 2004: Speaker, "A Checklist for Settling Employment Law Disputes," Upper Midwest Employment Law Institute CLE. I gave this presentation with my partner Cliff Greene. We discussed the settlement of employment law disputes from the perspective of defendants, including items to include or consider in a settlement agreement. I have no notes, transcript, or recording. The address of the Minnesota Continuing Legal Education is 2550 University Avenue West, Suite 160-S, St. Paul, Minnesota 55114.

September 18, 1998: Speaker, "Employee Misconduct and References," Minnesota Institute of Legal Education. I gave this presentation with Ellen G. Sampson. We discussed the parameters of employment references. I have no notes, transcript, or recording. The address of the Minnesota Institute of Legal Education is 2550 University Avenue West, Suite 160-S, St. Paul, Minnesota 55114.

January 1998: Speaker, "How to Count the Hours of Work," Minnesota Institute of Legal Education. I gave this presentation with Ellen G. Sampson. We discussed overtime employment law. I have no notes, transcript, or recording. The address of the Minnesota Institute of Legal Education is 2550 University Avenue West, Suite 160-S, St. Paul, Minnesota 55114.

- 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.

Kelly Smith, *Hennepin County Focuses on Infants to Break Child Protection Cycle*, MINN. STAR TRIB., Aug. 7, 2017. Copy supplied (reprinted in multiple media outlets).

Joy R. Anderson, *New to the Bench: Hon. Nancy E. Brasel, Hennepin County District Court*, THE HENNEPIN LAWYER, January 2012. Copy supplied.



Dee DePass and Kara McGuire, *Rowan Gets 14 Months and a Scolding—Judge Said She Hopes Hecker’s Ostensible Wife Finds Respect for Law While Behind Bars*, STAR TRIBUNE, March 16, 2011. Copy supplied.

Judy Arginteanu, *Revival Redux—A Minneapolis Home Gets a Makeover That Restores Its Classical Style and Updates It for the Future*, STAR TRIBUNE, Jan. 10, 2010. Copy supplied.

Martin Moylan, *Growing Number of Employees Subject to Non-Compete Agreements*, MINN. PUBLIC RADIO, May 2, 2007. Copy supplied.

Gregory A. Patterson, *For the First 97 Years It Was ... Dayton’s; Since 2000 we’ve known it as ... Marshall Field’s; WHAT’S NEXT?*, MINN. STAR TRIB., Feb. 26, 2005, at 1A. 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.

District Court Judge, State of Minnesota, Fourth Judicial District (Hennepin County). Appointed 2011, elected 2012. The district courts in Minnesota are courts of general jurisdiction, and I have presided over all manner of cases, including misdemeanor criminal cases, felony criminal cases, juvenile delinquency, child protection, and civil litigation.

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

Over the last six years, approximately 75 cases have gone to trial and to verdict.

- i. Of these, approximately what percent were:

jury trials:	30%
bench trials:	70% [total 100%]
civil proceedings:	50%
criminal proceedings:	50% [total 100%]

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

Please see attached list.

- 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. *State v. Charette*, No. 27-CR-11-28468. No written opinion.

This is a felony criminal case in which the defendant was charged and convicted of first-degree aggravated robbery and attempted aggravated robbery after a jury trial. I made several pretrial and trial rulings that were challenged on appeal. The rulings were upheld, and the sentence was reversed for a procedural error because I failed to sentence the defendant in the order of which his offenses occurred, and instead sentenced the defendant in the order in which the offenses were charged. *State v. Charette*, No. A12-1541, 2013 WL 4710685 (Minn. Ct. App. Nov. 12, 2013). The defendant ultimately was sentenced serve time in prison.

Counsel for State:  
Stuart Shapiro  
Hennepin County Attorney's Office  
Health Services Building  
525 Portland Avenue South, 11th Floor  
Minneapolis, Minnesota 55415  
612-348-7916

Counsel for Defendant:  
Seth Benjamin Cobin  
Solo Practitioner  
310 4<sup>th</sup> Ave South, Suite 1050  
Minneapolis, Minnesota 55415  
651-236-9615

2. *State v. Taylor*, No. 27-CR-12-8310. Decision supplied.

This is a felony criminal case in which the defendant was charged and convicted of first-degree driving while impaired (refusal to submit to chemical testing) after a jury trial. The defendant challenged the state's warrantless attempt to collect a urine sample as unconstitutional. I upheld the search. The defendant was sentenced to serve time in prison.

Counsel for State:  
Stuart Shapiro  
Hennepin County Attorney's Office  
Health Services Building  
525 Portland Avenue South, 11th Floor  
Minneapolis, Minnesota 55415  
612-348-7916

Counsel for Defendant:  
F. Clayton Tyler

Law Offices of F. Clayton Tyler  
331 2<sup>nd</sup> Avenue South, Suite 230  
Minneapolis, Minnesota 55401  
612-333-7309

3. *State v. Gassoway*, No. 27-CR-12-22947. No written opinion.

This is a felony criminal case in which the defendant was charged and convicted of first-degree criminal sexual conduct after a jury trial. I admitted *Spriegel* evidence (evidence of past conduct) during trial. My trial decisions were upheld on appeal. *State v. Gassoway*, No. A13-0608, 2014 WL 1875571 (Minn. Ct. App. May 12, 2014). The defendant was sentenced to serve time in prison.

Counsel for State:  
Debra Jean Lund  
Hennepin County Attorney's Office  
C-2100 Government Center  
300 South Sixth Street  
Minneapolis, Minnesota 55487  
612-348-5561

Counsel for Defendant:  
Matthew Michael Jaimet  
Hennepin County Public Defender  
701 4<sup>th</sup> Avenue South, Suite 1400  
Minneapolis, Minnesota 55415  
612-348-7530

4. *In the Matter of the Welfare of the Children of I.M.A. and A.T.N.*, No. 27-JV-15-1346. Decision supplied.

This is a Termination of Parental Rights case in which I terminated the parental rights of both parents to five children after a three-day trial.

Counsel for State:  
Todd Fellman  
Hennepin County Attorney's Office  
Health Services Building  
525 Portland Avenue South, Suite 1210  
Minneapolis, Minnesota 55487  
612-348-3027

Counsel for Mother:  
Andrew Small  
Hennepin County Public Defender  
Health Services Building

525 Portland Avenue South, 10<sup>th</sup> Floor  
Minneapolis, Minnesota 55415  
612-348-7530

Counsel for Father:  
Rachelle Stratton  
Hennepin County Public Defender  
Health Services Building  
525 Portland Avenue South, 10<sup>th</sup> Floor  
Minneapolis, Minnesota 55415  
612-348-7530

Counsel for Guardian ad Litem:  
Michael Biglow  
895 Tri Tech Office Center  
331 Second Avenue South  
Minneapolis, Minnesota 55401  
612-339-9221

5. *In the Matter of the Welfare of the Children of C.A.P.*, Nos. 27-JV-14-7814 and 27-JV-16-1631. Decisions supplied.

These are two separate Termination of Parental Rights cases, in which the older brother of the two children at issue was killed by his father after a child protection case. Both cases went to trial, and I terminated the rights of the parents in both cases.

Counsel for State:  
Michael Furnstahl (now a Hennepin County Judicial Referee)  
Family Justice Center  
110 South Fourth Street  
Minneapolis, Minnesota 55401-2279  
612-348-2043

Michelle Hatcher  
Hennepin County Attorney's Office  
Health Services Building  
525 Portland Avenue South, Suite 1210  
Minneapolis, Minnesota 55487  
612-348-3027

Counsel for Mother:  
Andre Morant  
Hennepin County Public Defender  
Health Services Building  
525 Portland Avenue South, 10<sup>th</sup> Floor

Minneapolis, Minnesota 55415  
612-348-7530

Tracy Reid  
Hennepin County Public Defender  
525 Portland Avenue South, 10<sup>th</sup> Floor  
Minneapolis, Minnesota 55415  
612-348-7530

Counsel for Father:  
Colin Nelson  
*Prior Contact Information (now retired):*  
Hennepin County Public Defender  
525 Portland Avenue South, 10<sup>th</sup> Floor  
Minneapolis, Minnesota 55415  
612-348-7530

Counsel for Guardian ad Litem:  
Tom Nolan  
Solo Practitioner  
Post Office Box 583719  
Minneapolis, Minnesota 55458  
612-414-7214

Michael Biglow  
Solo Practitioner  
895 Tri Tech Office Center  
331 Second Ave South  
Minneapolis, Minnesota 55401  
612-339-9221

6. *Third Wave Systems, Inc. v. Marusich*, No. 27-CV-15-13883. Decisions supplied.

This is a civil lawsuit between two brothers who owned a software company regarding the buy-out of one brother's interest in the company. I issued many orders in the case, including an order on cross-motions for summary judgment determining whether a settlement agreement between the parties was a binding contract. The case settled prior to trial.

Counsel for Third Wave Systems, Inc:  
Mary Knoblauch and Richard Ostlund  
Anthony Ostlund Baer & Louwagie  
90 South 7<sup>th</sup> Street, Suite 3600  
Minneapolis, Minnesota 55402  
612-349-6969

Counsel for T. Marusich:  
Pam Abbate  
Fredrikson & Byson P.A.  
200 South 6<sup>th</sup> Street, Suite 4000  
Minneapolis, Minnesota 55402  
612-492-7000

Counsel for K. Marusich:  
Douglas Elsass  
Nilan Johnson Lewis  
120 South 6<sup>th</sup> Street, Suite 400  
Minneapolis, Minnesota 55402  
612-305-7500

7. *Building Restoration Corporation v. B&B Companies, Inc.*, No. 27-CV-15-21845. Decision supplied.

This is a civil lawsuit for breach of contract over commercially installed flooring. I presided over a three-day bench trial and found for the Plaintiff.

Counsel for Building Restoration Corporation:  
Stephen Yoch  
Felhaber Larson  
220 South 6<sup>th</sup> Street, Suite 2200  
Minneapolis, Minnesota 55402  
612-339-6321

Counsel for B&B Companies:  
Patrick Doran (during trial)  
Miller & Stevens  
92 Lake Street South  
Forest Lake, Minnesota 55025  
651-462-0206

Mark Kalla (post-trial proceedings)  
Lapp Libra Thompson Stoebner Pusch  
120 South 6<sup>th</sup> Street, Suite 2500  
Minneapolis, Minnesota 55402  
612-338-5815

8. *KLC Financial v. Plymouth Harvest Grill LLC et al.*, No. 27-CV-15-9291. Decision supplied.

This is a civil lawsuit for fraud and other counts of action in which I granted summary judgment for the defendant.

Counsel for KLC Financial:  
Dennis Dressler  
Dressler Peters LLC  
70 West Hubbard Street, Suite 200  
Chicago, Illinois 60654  
312-602-7360

Counsel for Defendants Aspen Showroom, Inc. and J. Ayaz:  
Michael Brutlag  
Brutlak, Harmann & Trucke  
3555 Plymouth Blvd, Suite 117  
Minneapolis, Minnesota 55447  
763-222-2500

9. *Miller v. Soo Line R.R. Co.*, No. 27-CV-14-8066, 2017 WL 1499023 (Minn. Dist. Ct. Feb. 14, 2017) (Order Denying Third-Party Defendants Knoedler Manufacturers, Inc. and Knoedler Manufacturers Canada, Ltd. Motions for Summary Judgment).

This is a consolidated FELA lawsuit by three plaintiffs against Canadian Pacific and a contribution action by Canadian Pacific against Knoedler Manufacturers Canada, Ltd. and Knoedler Manufacturers Inc. I inherited the case upon taking a civil assignment, and the three individual plaintiffs settled with the railroad. I then presided over a two-week trial for the contribution action, in which a jury found the Knoedler entities partly liable for the settlements to the plaintiffs. I issued several pre-trial opinions, including a denial of summary judgment for the Knoedler entities. Judgment was entered for Canadian Pacific.

Counsel for Canadian Pacific:  
Randall Pattee  
Fox Rothschild LLP  
222 South 9<sup>th</sup> Street, Suite 2000  
Minneapolis, Minnesota 55402  
612-607-7000

Daniel Mohan  
Daley Mohan Groble, PC  
55 West Monroe, Suite 1600  
Chicago, Illinois 60603  
312-422-9999

Counsel for Knoedler Manufacturers Canada, Ltd.:  
James Smith  
Huffman, Usem, Crawford & Greenberg, P.A.  
5101 Olson Memorial Highway, Suite 1000

Minneapolis, Minnesota 55422  
763-200-6595

Counsel for Knoedler Manufacturers Inc.:  
John Wells  
HKM Law Group  
30 East 7<sup>th</sup> Street, Suite 3200  
St. Paul, Minnesota 55101  
651-227-9411

10. *Fox Rothschild v. Bison Advisors LLC*, No. 27-CV-16-18048. Decision supplied.

This is a civil lawsuit involving a claim by a law firm for breach of contract over attorneys' fees, and a responding claim by the client for legal malpractice. I issued several pre-trial opinions in the case, including a denial of a motion for partial dismissal. The case settled prior to trial.

Counsel for Fox Rothschild LLP:  
Brooke Anthony  
Anthony Ostlund Baer & Louwagie  
90 South 7<sup>th</sup> Street, Suite 3600  
Minneapolis, Minnesota 55402  
612-349-6969

Counsel for Bison Advisors LLC:  
Andrew Parker  
Parker Daniels Kibort  
888 Colwell Building  
123 North 3<sup>rd</sup> Street  
Minneapolis, Minnesota 55401  
612-355-4100

- 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. *State v. Taylor*, No. 27-CR-12-8310 (Minn. Dist. Ct. July 20, 2012).  
Decision supplied in response to Question 13c.

Counsel for State:  
Stuart Shapiro  
Hennepin County Attorney's Office  
Health Services Building  
525 Portland Avenue South, 11th Floor



Minneapolis, Minnesota 55415  
612-348-7916

Counsel for Defendant:  
F. Clayton Tyler  
Law Offices of F. Clayton Tyler  
331 2<sup>nd</sup> Avenue South, Suite 230  
Minneapolis, Minnesota 55401  
612-333-7309

2. *In the Matter of the Welfare of the Children of C.A.P.*, Nos. 27-JV-14-7814 and 27-JV-16-1631 (Minn. Dist. Ct. Apr. 27, 2015 and July 26, 2016). Decisions supplied in response to Question 13c.

Counsel for State:  
Michael Furnstahl (now a Hennepin County Judicial Referee)  
Family Justice Center  
110 South Fourth Street  
Minneapolis, Minnesota 55401-2279  
612-348-2043

Michelle Hatcher  
Hennepin County Attorney's Office  
Health Services Building  
525 Portland Avenue South, Suite 1210  
Minneapolis, MN 55487  
612-348-3027

Counsel for Mother:  
Andre Morant  
Hennepin County Public Defender  
Health Services Building  
525 Portland Avenue South, 10<sup>th</sup> Floor  
Minneapolis, Minnesota 55415  
612-348-7530

Tracy Reid  
Hennepin County Public Defender  
Health Services Building  
525 Portland Avenue South, 10<sup>th</sup> Floor  
Minneapolis, Minnesota 55415  
612-348-7530

Counsel for Father:  
Colin Nelson  
*Prior Contact Information (now retired):*

Hennepin County Public Defender  
525 Portland Avenue South, 10<sup>th</sup> Floor  
Minneapolis, Minnesota 55415  
612-348-7530

Counsel for Guardian ad Litem:  
Tom Nolan  
Solo Practitioner  
Post Office Box 583719  
Minneapolis, Minnesota 55458  
612-414-7214

Michael Biglow  
Solo Practitioner  
895 Tri Tech Office Center  
331 Second Avenue South  
Minneapolis, Minnesota 55401  
612-238-4782

3. *Third Wave Systems, Inc. v. Marusich*, No. 27-CV-15-13883 (Minn. Dist. Ct. Mar. 10, 2017) (Order on Cross-Motions for Summary Judgment). Decision supplied in response to Question 13c.

Counsel for Third Wave Systems, Inc:  
Mary Knoblauch and Richard Ostlund  
Anthony Ostlund Baer & Louwagie  
90 South 7<sup>th</sup> Street, Suite 3600  
Minneapolis, Minnesota 55402  
612-349-6969

Counsel for Troy Marusich:  
Pam Abbate  
Fredrikson & Byson P.A.  
200 South 6<sup>th</sup> Street, Suite 4000  
Minneapolis, Minnesota 55402  
612-492-7000

Counsel for Kerry Marusich:  
Douglas Elsass  
Nilan Johnson Lewis  
120 South 6<sup>th</sup> Street, Suite 400  
Minneapolis, Minnesota 55402  
612-305-7500

4. *Building Restoration Corporation v. B&B Companies, Inc.*, No. 27-CV-15-21845 (Minn. Dist. Ct. Feb. 14, 2017). Decision supplied in response

to Question 13c.

Counsel for Building Restoration Corporation:

Stephen Yoch  
Felhaber Larson  
220 South 6<sup>th</sup> Street, Suite 2200  
Minneapolis, Minnesota 55402  
612-339-6321

Counsel for B&B Companies:

Patrick Doran (during trial)  
Miller & Stevens  
92 Lake Street South  
Forest Lake, Minnesota 55025  
651-462-0206

Mark Kalla (post-trial proceedings)  
Lapp Libra Thompson Stoebner Pusch  
120 South 6<sup>th</sup> Street, Suite 2500  
Minneapolis, Minnesota 55402  
612-338-5815

5. *KLC Financial v. Plymouth Harvest Grill LLC et al.*, No. 27-CV-15-9291 (Minn. Dist. Ct. Dec. 2, 2016). Decision supplied in response to Question 13c.

Counsel for KLC Financial:

Dennis Dressler  
Dressler Peters LLC  
70 West Hubbard Street, Suite 200  
Chicago, Illinois 60654  
312-602-7360

Counsel for Defendants Aspen Showroom, Inc. and J. Ayaz:

Michael Brutlag  
Brutlak, Harmann & Trucke  
3555 Plymouth Blvd, Suite 117  
Minneapolis, Minnesota 55447  
763-222-2500

6. *Miller v. Soo Line R.R. Co.*, No. 27-CV-14-8066, 2017 WL 1499023 (Minn. Dist. Ct. Feb. 14, 2017) (Order Denying Third-Party Defendants Knoedler Manufacturers, Inc. and Knoedler Manufacturers Canada, Ltd. Motions for Summary Judgment).

Counsel for Canadian Pacific:

Randall Pattee  
Fox Rothschild LLP  
222 South 9<sup>th</sup> Street, Suite 2000  
Minneapolis, Minnesota 55402  
612-607-7000

Daniel Mohan  
Daley Mohan Groble, PC  
55 West Monroe, Suite 1600  
Chicago, Illinois 60603  
312-422-9999

Counsel for Knoedler Manufacturers Canada, Ltd.:  
James Smith  
Huffman, Usem, Crawford & Greenberg, P.A.  
5101 Olson Memorial Highway, Suite 1000  
Minneapolis, Minnesota 55422  
763-200-6595

Counsel for Knoedler Manufacturers Inc.:  
John Wells  
HKM Law Group  
30 East 7<sup>th</sup> Street, Suite 3200  
St. Paul, Minnesota 55101  
651-227-9411

7. *State v. Bizek*, No. 27-CR-16-17239 (Minn. Dist. Ct. Feb. 16, 2017).  
Decision supplied.

Counsel for State:  
Jennifer Spalding  
Spalding Law Office  
16526 West 78<sup>th</sup> Street #182  
Eden Prairie, Minnesota 55346  
612-618-2316

Counsel for Defendant:  
Jordan Kushner  
Solo Practitioner  
431 South 7<sup>th</sup> Street, Suite 2446  
Minneapolis, Minnesota 55415  
612-288-0545

8. *Fox Rothschild v. Bison Advisors LLC*, No. 27-CV-16-18048 (Minn. Dist. Ct. Oct. 6, 2017). Decision supplied in response to Question 13c.

Counsel for Fox Rothschild LLP:  
Brooke Anthony  
Anthony Ostlund Baer & Louwagie  
90 South 7<sup>th</sup> Street, Suite 3600  
Minneapolis, Minnesota 55402  
612-349-6969

Counsel for Bison Advisors LLC:  
Andrew Parker  
Parker Daniels Kibort  
888 Colwell Building  
123 North 3<sup>rd</sup> Street  
Minneapolis, Minnesota 55401  
612-355-4100

9. *Gluszak v. Bacon*, No. 27-CV-17-188 (Minn. Dist. Ct. Sept. 13, 2017).  
Decision supplied.

Counsel for Gluszak:  
Charles Slane  
TSR Injury Law  
7760 France Avenue South, Suite 820  
Bloomington, Minnesota 55435  
612-877-8463

Counsel for Bacon:  
Francis Rondoni  
Chestnut Cambronne PA  
17 Washington Avenue North, Suite 300  
Minneapolis, Minnesota 55401  
612-339-7300

10. *Camacho v. Kuka Equestrian Center, LLC*, No. 27-CV-17-1018 (Minn.  
Dist. Ct. Aug. 31, 2017). Decision supplied.

Counsel for Camacho:  
Robert Correia  
Robichaus & Alacantara  
1601 Hennepin Avenue, Suite 200  
Minneapolis, Minnesota 55403  
612-400-8149

Counsel for Kuka Equestrian Center, LLC:  
Brendan O'Connell  
American Family Insurance  
6131 Blue Circle Drive

Eden Prairie, Minnesota 55343  
952-933-9753

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

None.

- 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.

*Bray v. Starbucks Corp.*, No. 27-CV-16-3979 (Minn. Dist. Ct. Mar. 24, 2017) (granting summary judgment on a public accommodation and negligent retention claim), *aff'd in part, rev'd in part*, No. A17-0823, 2017 WL 6567695 (Minn. Ct. App. Dec. 26, 2017) (affirming on the negligent retention and supervision claims and reversing public accommodation claim). Decision supplied.

*Tap House Restaurant v. Cassidy Turley Commercial Real Estate Service*, No. 27-CV-16-7177, 2017 WL 3318099 (Minn. Dist. Ct. Apr. 27, 2017), *rev'd*, No. A17-0774, 2017 WL 6272940 (Minn. Ct. App. Dec. 11, 2017) (reversing grant of summary judgment for defendant in professional negligence case).

*State v. Harrington*, No. 27-CR-11-28655, 2012 WL 8898586 (Minn. Dist. Ct. June 28, 2012) (suppressing evidence of a BB gun found on respondent during a pat frisk), *rev'd*, No. A12-1146, 2012 WL 6097300 (Minn. Ct. App. Dec. 10, 2012).

*State v. Witherspoon*, No. 27-CR-11-28854 (bench trial convicting defendant of second degree riot), *rev'd*, No. A12-1247, 2013 WL 3284272 (Minn. Ct. App. July 1, 2013) (reversing for insufficient evidence). No written opinion.

*State v. Charette*, No. 27-CR-11-28468 (jury trial on two charges of aggravated robbery and one charge of attempted aggravated robbery, sentenced to 183 months), *aff'd in part, rev'd in part*, No. A12-1541, 2013 WL 4710685 (Minn. Ct. App. Sept. 3, 2013) (affirming pretrial and trial rulings and reversing for resentencing in the chronological order in which the defendant's crimes were committed). No written opinion.

- 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.

As a state trial court judge, the vast majority of my decisions are unpublished. I estimate that in my six years as a judge, I have issued over 300 opinions, not

including form orders, of which approximately 30 are published on Westlaw. My unpublished opinions are stored in my drive on the court's server in both Microsoft Word and .pdf versions in folders by case name. In addition, they are filed in our statewide e-filing system, MNCIS, and publicly available by docket number.

- 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.

*State v. Harrington*, No. 27-CR-11-28655, 2012 WL 8898586 (Minn. Dist. Ct. June 28, 2012), *rev'd*, No. A12-1146, 2012 WL 6097300 (Minn. Ct. App. Dec. 10, 2012).

*State v. Taylor*, No. 27-CR-12-8310. Decision supplied in response to Question 13c. Appellate decision available at *State v. Taylor*, No. A12-2267, 2014 WL 621322 (Minn. Ct. App. Feb. 18, 2014).

*State v. Bizek*, No. 27-CR-16-17239 (Minn. Dist. Ct. Feb. 16, 2017). Decision supplied in response to Question 13d.

*State v. Fitzpatrick*, No. 27-CR-16-28119 (Minn. Dist. Ct. June 16, 2017). Decision supplied.

*Fossum v. Commissioner of Public Safety*, No. 27-CV-15-18947 (Minn. Dist. Ct. Dec. 9, 2016). Decision supplied.

*Griefe v. Commissioner of Public Safety*, No. 27-CV-17-47 (Minn. Dist. Ct. Aug. 1, 2017). Decision supplied.

- 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.

None.

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.

When I am assigned a case, my law clerks review the case to determine whether the law firm in which my husband is a partner (Stinson Leonard Street) represents a party. If so, I recuse. When I am assigned a case, I also review to see whether there is any other reason to recuse, including whether any party or attorney is a personal friend such that an appearance of impropriety might be created. I have recused *sua sponte* from the following cases using this system:

*Winthrop Resources Corp. v. Trinity Health*, 27-CV-17-14140. The President of the Plaintiff company is personal friend.

*Aaron Carlson Corp. v. Cohen, et al.*, 27-CV-17-507. Stinson Leonard Street represented a party in a corresponding case.

*Peterkin v. Soo Line Railroad Co. v. Canadian Pacific*, 27-CV-17-655. Stinson Leonard Street represented a party.

*Episcopal Homes of MN v. St. Mark's*, 27-CV-16-18150. Stinson Leonard Street represented a party.

*Ritchie Capital Mgmt. v. Costco*, 27-CV-17-5544. I am personal friends with the attorneys at Greene Espel who represented one of the parties.

*Myers v. Comm'r of Dept. Human Services, et al.*, 27-CV-17-372. I presided over the Plaintiff's juvenile court case, and I did not issue a decision favorable to her. Therefore, I recused out of an abundance of caution so that she would feel more comfortable in court.

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

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

I have not held public office other than my judicial office.



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

None.

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

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

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

From 1996 to 1997, I served as a law clerk to the Honorable Donald P. Lay, Circuit Judge of the United States Court of Appeals for the Eighth Circuit.

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

I have not practiced law alone.

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

1997 - 1999

Leonard, Street and Deinard (now Stinson Leonard Street)  
50 South 6<sup>th</sup> Street  
Minneapolis, Minnesota 55402  
Associate

1999 - 2008

Greene Espel PLLP  
222 South 9<sup>th</sup> Street, Suite 2200  
Minneapolis, Minnesota 55402  
Member (1999 - 2001)  
Partner (2002 - 2008)

2008 - 2011

United States Attorney's Office for the District of Minnesota  
300 South Fourth Street, Suite 600  
Minneapolis, Minnesota 55415  
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 mediator or arbitrator.

b. Describe:

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

In 1997, when I began as an associate attorney at Leonard, Street and Deinard (now Stinson Leonard Street), I worked in the Employment Law Department, and my practice was in the area of employment law, both state and federal. My practice also included advice to companies in the areas of discrimination and sexual harassment. Nearly all of my employment law practice was defense work.

In 1999, when I moved to Greene Espel, I litigated general business matters, securities matters, and employment law matters in state and federal court.

In 2008, when I moved to the U.S. Attorney's office, I practiced solely criminal law.

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

At both Leonard, Street and Deinard and Greene Espel, my typical clients were medium to large-size companies. In a few circumstances at Greene Espel, I worked for individuals or small businesses. At both firms, I specialized in commercial and employment litigation. At the U.S. Attorney's Office, I focused on narcotics and white-collar criminal prosecutions.

- 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: 50%
  - 2. state courts of record: 50%
  - 3. other courts: 0%
  - 4. administrative agencies: 0%

- ii. Indicate the percentage of your practice in:
  - 1. civil proceedings: 70%
  - 2. criminal proceedings: 30%

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

I estimate that I have tried ten cases to verdict. In approximately three of these cases I was chief or sole counsel, and in approximately seven I was associate counsel.

- i. What percentage of these trials were:
  - 1. jury: 90%
  - 2. non-jury: 10%

- 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 never appeared 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. *Franklin High-Yield Tax-Free Income Fund v. City of Baudette et al.*, No. 98-CV-1576, 1999 WL 33912055 (D. Minn. Sept. 13, 1999).

I represented thirteen cities in Northern Minnesota who were sued as part of a putative class action for fraud regarding municipal bonds issued by the Northwest Minnesota Multi-County Housing and Redevelopment Authority. Franklin High-Yield Tax-Free Income Fund sued the cities, alleging that the cities made

fraudulent representations in conjunction with the issuance of the municipal bonds. We defeated class certification, litigated the case through discovery, and the case ultimately settled. The dates of my representation were approximately 1999 to 2001, when the case settled. The case was heard and decided by Judge James M. Rosenbaum and Magistrate Judge Richard L. Erickson.

Co-Counsel:  
William Greene  
Stinson Leonard Street  
50 South 6<sup>th</sup> Street, Suite 2600  
Minneapolis, Minnesota 55402  
612-335-1500

Counsel for Plaintiffs:  
Karen Wilson Thissen  
Ameriprise Financial  
5223 Ameriprise Financial Center  
Minneapolis, Minnesota 55474  
612-671-3602

Robert Schnell  
Faegre Baker Daniels  
90 South 7<sup>th</sup> Street, Suite 2200  
Minneapolis, Minnesota 55402  
612-766-7000

2. *Nelson Design Group, LLC v. Scoville Press, Inc. et al.*, No. 27-CV-03-12977, 2005 WL 1432197 (Minn. Ct. App. June 21, 2005).

I represented the Plaintiff Nelson Design Group in a breach of contract action. I began my representation of Nelson Design Group after the court had granted summary judgment in favor of the defendants. I appealed the summary judgment decision, obtained a reversal, and then tried the case to a jury. I obtained a verdict for Nelson Design Group, which was offset by verdicts for the Defendants on monies owed on the contract. The dates of my representation were approximately 2005 to 2007. The case was heard and decided in the district court by Judge Isabel Gomez.

Co-Counsel at Trial:  
Larry D. Espel  
Greene Espel PLLP  
222 South 9<sup>th</sup> Street, Suite 2200  
Minneapolis, Minnesota 55402  
612-373-0830

Counsel for Scoville Press:

Peter D. Gray  
Nilan Johnson Lewis PA  
120 South Sixth Street, Suite 400  
Minneapolis, Minnesota 55402  
612-305-7500

3. *Knutson v. Medtronic, Inc.*, No. 05-CV-180, 2006 WL 1851142 (D. Minn. July 3, 2006).

I represented Medtronic, Inc. in an employment discrimination case brought by a former employee. I litigated the case through discovery and obtained summary judgment for Medtronic. The dates of my representation were approximately 2005 to 2007. This case was heard and decided by Judge Richard H. Kyle and Magistrate Judge Janie S. Mayeron.

Counsel for Plaintiff:  
James C. Snyder  
Snyder Law Office, PA  
2499 Rice Street, Suite 130  
St Paul, Minnesota 55113  
651-415-0800

4. *Crest Group Inc. v. Deloitte & Touche, LLP*, No. 27-CV-03-005617, 2007 WL 2769619 (Minn. Ct. App. Sept. 25, 2007).

I was part of a team representing Deloitte & Touche, LLP in a negligent representation case over audits of a company purchased by Crest Group, Inc. I litigated the case through discovery, argued several motions in district court, and was part of the team preparing for trial. My partners tried the case while I was on maternity leave, obtaining a verdict for Deloitte. I represented Deloitte on appeal and argued the case to the Minnesota Court of Appeals. The dates of my representation were approximately 2003 to 2007. This case was heard and decided in the district court by Judge Marilyn J. Kaman.

Co-Counsel:  
Lawrence Shapiro  
Greene Espel PLLP  
222 South 9<sup>th</sup> Street, Suite 2200  
Minneapolis, Minnesota 55402  
612-373-0830

Counsel for Plaintiff:  
Joseph Anthony  
Anthony Ostlund Baer & Louwagie  
90 South 7<sup>th</sup> Street, Suite 3600  
Minneapolis, Minnesota 55402

612-349-6969

5. *United States v. Abdul-Ahad*, No. 08-CR-142, 2008 WL 5458995 (D. Minn. Oct. 27, 2008); *United States v. Abdul-Ahad*, No. 08-CR-142, 2009 WL 35473 (Jan. 5, 2009).

I prosecuted this narcotics case against 23 defendants on drug trafficking charges resulting in part from a wiretap. I argued several motions and prepared for trial. Ultimately, all defendants pled prior to trial. The dates of my representation were approximately 2008 to 2010. This case was heard and decided by Judge David S. Doty and Magistrate Judge Susan Richard Nelson.

Co-Counsel:

W. Anders Folk  
50 South 6<sup>th</sup> Street, Suite 2600  
Minneapolis, Minnesota 55402  
612-335-1500

Counsel for Defendants:

Craig Cascarano  
Cascarano Law Office  
150 South Fifth Street, Suite 3260  
Minneapolis, Minnesota 55402  
612-333-6603

Michael Colich  
Colich & Associates  
10 South Fifth Street, Suite 420  
Minneapolis, Minnesota 55402  
612-333-7007

6. *United States v. Smith*, 581 F.3d 592 (8th Cir. 2009).

My colleague Thomas Hollenhorst handled this drug trafficking prosecution at the pretrial and appellate level. I tried the case to a jury in 2008, obtaining a guilty verdict and a prison sentence. The dates of my representation were approximately 2008 to 2009. This case was heard and decided in the district court by Judge Richard H. Kyle.

Co-Counsel:

Thomas Hollenhorst  
Assistant United States Attorney  
300 South 4<sup>th</sup> Street, Suite 600  
Minneapolis, Minnesota 55415  
612-253-0945

Opposing Counsel:  
John Brink  
Brink & Gerdt Law Office  
331 2d Avenue South  
Minneapolis, Minnesota 55401  
612-371-0722

7. *United States v. Riley*, No. 09-CR-98, 2009 WL 1954633 (D. Minn. July 9, 2009).

My colleague Michael Cheever and I were part of a team prosecuting this tax fraud case. I participated in pre-trial discovery and preparing the case for trial. The defendants pled guilty and were each sentenced to serve time in prison. The dates of my representation were approximately 2009 to 2010. This case was heard and decided in the district court by Judge Patrick J. Schiltz.

Co-Counsel:  
Michael Cheever  
Assistant United States Attorney  
300 South 4<sup>th</sup> Street, Suite 600  
Minneapolis, Minnesota 55415  
612-253-0945

Counsel for Defendant:  
Jon Jensen  
Supreme Court Justice, North Dakota Supreme Court  
Judicial Wing, First Floor  
600 East Boulevard Ave.  
Bismarck, North Dakota 58505  
701-328-2221

8. *United States v. Hecker*, No. 10-CR-32, 2010 WL 3463393 (July 6, 2010);  
*United States v. Hecker*, No. 10-CR-32, 2010 WL 3463396 (Aug. 30, 2010).

I prosecuted this wire fraud, money laundering, and bankruptcy fraud case against a defendant and his associates in 2010 and 2011. The case was complex and high-profile due to the defendant's ownership of several car dealerships in Minnesota. I wrote and argued several motions in district court and prepared for trial. All defendants pled before trial. The dates of my representation were approximately 2009 to 2011. This case was heard and decided in the district court by Judge Joan N. Ericksen and Magistrate Judge Susan Richard Nelson.

Co-Counsel:  
Nicole Engisch  
District Court Judge, State of Minnesota  
C12th Floor Government Center

Minneapolis, Minnesota 55487  
612-543-1788

Counsel for Defendants:  
Brian Toder  
Chestnut Cambronne, PA  
17 Washington Avenue North, Suite 300  
Minneapolis, Minnesota 55401  
612-339-3700

Robert Sicoli  
Sicoli Law, Ltd.  
333 South 7<sup>th</sup> Street, Suite 2350  
Minneapolis, MN 55402  
612-871-0708

9. *United States v. Sanchez-Gonzalez*, No. 10-CR-1179, 2009 WL 10678611 (Nov. 5, 2009); *United States v. Sanchez-Gonzalez*, No. 10-CR-1179, 2010 WL 11537554 (Jan. 7, 2010); *United States v. Sanchez-Gonzalez*, 643 F.3d 626 (8th Cir. 2011).

I prosecuted this drug trafficking case for the United States, obtaining a jury verdict convicting the defendant. I argued several motions, handled the jury trial, and argued the case on appeal. The dates of my representation were approximately 2010 to 2011. This case was heard and decided in the district court by Judge Michael J. Davis and Magistrate Judge Jeanne J. Graham.

Counsel for Defendant:  
Paul Benz Ahern  
Solo Practitioner  
5101 Thimsen Avenue, Suite 105  
Minnetonka, Minnesota 55345  
952-473-5405

10. *United States v. Chaika*, No. 10-CR-95.

I prosecuted this mortgage fraud case, including trying seven counts of fraud to a jury in 2011. The defendant was found guilty and was sentenced to prison. The dates of my representation were approximately 2009 to 2011. This case was heard and decided in the district court by Judge Richard H. Kyle.

Co-Counsel:  
David Genrich  
Assistant United States Attorney  
300 South 4<sup>th</sup> Street, Suite 600  
Minneapolis, Minnesota 55415



612-253-0945

Counsel for Defendant:  
Julius Nolen  
Berndt Law Offices, PLLC  
101 Union Plaza  
333 Washington Avenue North  
Minneapolis, Minnesota 55401  
612-746-1500

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.)

My entire legal career has been focused on litigation. During some of my tenure at Leonard, Street and Deinard and Greene Espel, I advised clients on discrimination and sexual harassment and provided sexual harassment training.

While sitting on the Juvenile Court from 2013-2016, I participated in the Hennepin County "No Wrong Door" Response Plan to juvenile sex trafficking, and I instituted a new procedure for Sexually Exploited Youth in child protection cases, whereby they will be seen by a single judge and a well-trained group of prosecutors, defense attorneys, probation officers, and service providers.

In addition, while sitting on the Juvenile Court, I presided over the "Crossover Calendar," which handles juvenile delinquency matters for children who are also part of the child protection system. The aim of the Crossover Calendar is to ensure that children who have delinquency matters obtain the services they need due to their difficult family circumstances.

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.

I assisted Judge Donald P. Lay in teaching Civil Procedure at William Mitchell College of Law in 2000. I do not have a syllabus for the 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.

None.

21. **Outside Commitments During Court Service:** Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the court? If so, explain.

No, I do not have any such plans, commitments, or agreements.

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.

My husband, Todd Noteboom, is a partner at Stinson Leonard Street, and I would recuse from any case in which any attorney from Stinson represented any party. In addition, I am close personal friends with a few attorneys in town such that I feel recusal would be appropriate. I will evaluate any other real or potential conflict, or relationship that could give rise to appearance of conflict, on a case by case basis and determine appropriate action with the advice of parties and their counsel, including recusal where necessary.

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

If confirmed, I will carefully review and address any real or potential conflicts by reference to 28 U.S.C. § 455, Canon 3 of the Code of Conduct for United States

Judges, and any and all other laws, rules, and practices governing such circumstances.

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

While in private practice from 1997 to 2008, I worked with domestic abuse victims as part of my work with the Domestic Abuse Project, where I was a board member from 2000 to 2008. I continued to volunteer with that organization after 2008. I estimate that I devoted 15-20 hours per month of work on these efforts.

While on the bench and in Juvenile Court, I led the formulation of a pilot Infant Court Team, which began as a community project I participated in with community leaders. The Infant Court Team was created in response to system issues in the child protection system. The aim of the team is to provide the most vulnerable of child abuse victims with the greatest care. It is based on a model developed at Tulane University and instituted with great success there, reducing recidivism in child protection dramatically. After studying the issue with a work group of community leaders, I brought it to court leaders and then led a group visit of court personnel to the Tulane program. At Tulane, we examined the program to determine how it could best be implemented in Hennepin County. The Infant Court Team has now been in place since 2015. In 2014 and 2015, I estimate that I devoted approximately 30 hours per month of work on these efforts.

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.

After the November 2016 election, Minnesota Representative Erik Paulson formed a committee to examine candidates for the two district court openings in the District of Minnesota. I submitted application materials to that committee. Since May of 2017, I have been in contact with officials from the White House Counsel's office. On May 23, 2017, 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 February 15, 2018, the President submitted my nomination to the Senate.

- 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.