

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Esther Salas (married name, Esther Anderl)

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

United States District Judge for the District of New Jersey

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.

United States District Court for the District of New Jersey
Martin Luther King, Jr. Federal Building
50 Walnut Street
Newark, New Jersey 07102



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

1968; Los Angeles, California

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.

1991 – 1994, Rutgers University School of Law; J.D., 1994

1987 – 1991, Rutgers University; B.A., 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.

2006 – Present
United States District Court for the District of New Jersey
Martin Luther King, Jr. Federal Building
50 Walnut Street
Newark, New Jersey 07102
United States Magistrate Judge

1997 – 2006
Office of the Federal Public Defender
1002 Broad Street
Newark, New Jersey 07102
Assistant Federal Public Defender

1995 – 1997
Garces & Grabler, P.C.
415 Watchung Avenue
Plainfield, New Jersey 07060
Associate

1994 – 1995
Superior Court of New Jersey, Essex County Vicinage
Historic Courthouse
470 Martin Luther King, Jr. Boulevard
Newark, New Jersey 07102
Law Clerk to the Honorable Eugene J. Codey, Jr., J.S.C.

1992 – 1994
Office of the Prosecutor, Essex County
50 West Market Street
Newark, New Jersey 07102
Legal Intern

Other Affiliations (uncompensated)

2003 – Present
District Court Historical Society
Martin Luther King, Jr. Federal Building
50 Walnut Street
Newark, New Jersey 07102
Member, Board of Directors

2003 – 2006
New Jersey Lawyer
One Constitution Square
New Brunswick, New Jersey 08901
Member, Board of Directors

2002 – 2006

Association of Criminal Defense Lawyers of New Jersey
P.O. Box 180
West Allenhurst, New Jersey, 07711
Trustee

2001 – 2002

Hispanic Bar Association of New Jersey
P.O. Box 25562
Newark, New Jersey 07101
President

2000 – 2006

Hispanic Bar Foundation of New Jersey
No current address as entity is inactive
President (2005 – 2006)
Trustee (2000 – 2004)

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 have not registered 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.

Hispanic Business Magazine, named one of the “Top 100 Influentials” (2009)
Whipple Memorial Award, Association of Criminal Defense Lawyers of New Jersey
(2008)

Honoree, Hispanic Bar Association of New Jersey Scholarship Gala (2007)
Super Lawyer (2005 and 2006)

New Jersey Monthly’s Top 50 Female Super Lawyers (2006)

Marie Slocum Memorial Scholarship Recipient, Rutgers University School of Law
(1991)

Dean’s List, Rutgers University (1988)

Political Science Honor Society, Rutgers University (1988)

Golden Key National Honor Society, Rutgers University (1988)

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
Association of Criminal Defense Lawyers of New Jersey
Trustee (2002 – 2006)
Education & Seminars Committee
Membership Committee
Association of the Federal Bar of New Jersey
Federal Magistrate Judges Association
Hispanic Bar Association of New Jersey
President (2001 – 2002)
Hispanic Bar Foundation of New Jersey
President (2005 – 2006)
Trustee (2002 – 2004)
Historical Society of the U.S. District Court for the District of New Jersey
Member, Board of Directors (2007 – Present)
New Jersey State Bar Association
Membership and Public Relations Committee Co-Chair (2003 – 2005)
New Jersey Supreme Court
Committee on Women in the Courts
Committee on Minority Concerns
U.S. District Court for the District of New Jersey
Federal Public and Community Defender Committee
Committee on Civil Pro Se Litigation

10. **Bar and Court Admission:**

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

New Jersey, 1994

Pennsylvania, 1995 (presently on inactive status)

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.

Supreme Court of the United States, 2005

United States District Court for the District of New Jersey, 1995

In addition, I was admitted to practice before the United States Court of Appeals for the Third Circuit in 1997 by virtue of being and during my service as an Assistant Federal Public Defender. I did not separately seek admission to the court.

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.

District Court Historical Society, Board of Directors (2003 – present)
Goddard Parent Organization, Co-Chair (2001 – 2002)
Governor’s Hispanic Advisory Council for Policy Development (2002 – 2003)
New Jersey Lawyer, Board of Directors (2002 – 2006)

- 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, the organizations listed above do not currently discriminate, and did not formerly discriminate, on the basis of race, sex, religion or national origin.

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.

A Tribute to Our Magistrate Judges, Nunc Pro Tunc, Volume X, Issue 1, Feb. 2008. Copy supplied.

“Trailblazers,” Nunc Pro Tunc, Volume VII, Issue 1, June 2004. 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.

I served as a member of Governor James McGreevey's Hispanic Advisory Council on Policy Development. On October 27, 2003, the Council released a report entitled, *Latinos and the State of New Jersey: A Promising Partnership for a Better Future*. Copy supplied.

In March 2002, while I served as a member of the New Jersey Supreme Court Committee on Minority Concerns, the Committee released a 2000-2002 Report. 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.

I helped prepare a March 13, 2006 letter from the Federal Public and Community Defenders to Judge Ricardo Hinojosa on proposed amendments being considered by the United States Sentencing Commission. 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.

After a thorough review of my records and the internet, I have listed all presentations that I am able to identify. Although I have maintained records since 2006, there may be other presentations during and prior to that time that I have been unable to locate and/or recall. For example, I have regularly given talks at Rutgers University since the mid-1990s; I have listed those events that I have been able to identify, but there were others for which I do not recall the date and for which I have no written materials.

August 4, 2010: Judge, New Jersey Law and Education Empowerment Project (NJLEEP), Summer Law Institute Mock Trial Competition, Seton Hall University School of Law. I have no notes, transcript or recording. The address of the organization is Seton Hall University School of Law, One Newark Center, Newark, New Jersey 07102.

June 10, 2010: Speaker, Lowenstein Sandler Diversity Initiatives Committee, Summer Associate – Sixth Annual Dinner. I have no notes, transcript or recording. Law firm coverage of the event is supplied.

June 10, 2010: Speaker, Legal Services of New Jersey, Federal Practice Training. I have no notes, transcript, or recording. The address of the organization is 100 Metroplex Drive, Suite 402, P.O. Box 1357, Edison, New Jersey 08818.

June 8, 2010: Keynote Speaker, American Board of Trial Advocates, Inaugural ABOTA Trial College at Princeton University. Notes supplied.

May 26, 2010: Speaker, Nativity Mission School, Day in Federal Court with Honorable Maryanne Trump Barry. I have no notes, transcript or recording. The address of the courthouse is Federal Square, Newark, New Jersey 07102.

May 11, 2010: Speaker, Caldwell College, “United States Courts, the Structure and Function.” I have no notes, transcript or recording. The address of the college is 120 Bloomfield Avenue, Caldwell, New Jersey 07006.

April 23, 2010: Panelist, American Bar Association, 2010 ABA Section of Litigation Annual Conference CLE, “Magistrates Panel on Discovery Issues.” I believe the panel may have been videotaped, but I have been unable to obtain a copy. If I am able to obtain a copy, I will supply it. The address of the Association is 321 North Clark Street, Chicago, IL 60654.

April 22, 2010: Panelist, Hispanic Bar Association of New Jersey, Gibbons Diversity Initiative. Notes supplied.

April 21, 2010: Speaker, Union City High School, Twelfth Annual Career Day, School-to-Career Initiative. I have no notes, transcript or recording. The address of the school is 2500 Kennedy Boulevard, Union City, New Jersey 07087.

April 15, 2010: Keynote Speaker, New Jersey Law and Education Empowerment Project (NJLEEP) & Hispanic Bar Association of New Jersey, Community Law Day. Notes supplied.

March 25, 2010: Panelist, Association of the Federal Bar of New Jersey, Thirty-Fourth Annual United States District Court Judicial Conference, Issues in E-Discovery. I have no notes, transcript or recording. The address of the Association is 707 Bendermere Avenue, Interlaken, New Jersey 07712.

March 4, 2010: Panelist, New York University School of Law, Judicial Clerkship Roundtable. I have no notes, transcript or recording. The address of the School of Law is 40 Washington Square South, New York, New York 10012.

January 25, 2010: Panelist, New Jersey Institute for Continuing Legal Education, Federal Practice Training, "Practice Before a United States Magistrate Judge." Audio supplied.

October 22, 2009: Panelist, Association of Latin American Law Students, Rutgers School of Law, "Obama and Sotomayor: The Age of Minority Leadership." Notes supplied.

October 16, 2009: Speaker, Latino Job Service Employer Committee, Twelfth Annual Rising Star Awards Gala Reception, Accepted Lifetime Achievement Award on behalf of Justice Sonia Sotomayor. Notes supplied.

September 24, 2009: Keynote Speaker, Hispanic Bar Association of New Jersey Young Lawyers Division, Career Alternatives and Opportunities in a Changing Economic Environment: "So you have a law degree! Now what?" I have no notes, transcript or recording. The address of the Bar Association is P.O. Box 25562, Newark, New Jersey 07101.

September 22, 2009: Panelist, New Jersey Intellectual Property Law Association, Patent Law and Pharmaceuticals Symposium, "Ethics and E-Discovery." I have no notes, transcript or recording. The address of the Association is P.O. Box 693, Westfield, New Jersey 07091.

September 4, 2009: Panelist, Hispanic National Bar Association, 34th Annual Convention and First Judicial Summit, "Litigation Track: The Right Way to Settle: Ethical and Disclosure Considerations in the Settlement Context." I have no notes, transcript or recording. The address of the Association is 800 Rio Grande Boulevard NW, Albuquerque, New Mexico 87104.

August 7, 2009: Panelist, Rutgers University School of Law, Minority Student Program, Minority Law Student Lecture. I have no notes, transcript or recording. The address of the School of Law is 123 Washington Street, Newark, New Jersey 07102.

July 29, 2009: Judge, New Jersey Law and Education Empowerment Project (NJLEEP), Summer Law Institute Mock Trial Competitions. I have no notes, transcript or recording. The address of the organization is Seton Hall University School of Law, One Newark Center, Newark, New Jersey 07102.

July 9, 2009: Keynote Speaker, Hispanic National Bar Foundation, New Jersey Regional Event. Notes supplied.

June 16, 2009: Panelist, Legal Services of New Jersey, Federal Practice Training, "Practice Before a United States Magistrate Judge." I have no notes, transcript or recording. The address of the organization is 100 Metroplex Drive, Suite 402, P.O. Box 1357, Edison, New Jersey 08818.

May 14, 2009: Panelist, New Jersey State Bar Association, "Tales from the Top: Unraveling Work-Life Balance Issues," Work-Life Balance Task Force. Notes provided.

April 2, 2009: Keynote Speaker, New Jersey Law and Education Empowerment Project (NJLEEP). I have no notes, transcript or recording. The address of the organization is Seton Hall University School of Law, One Newark Center, Newark, New Jersey 07102.

March 7, 2009: Panelist, Hispanic National Bar Association, Mid-Year Conference, "Diversity and Access to Justice: Perspectives from the Bench and Bar." I have no notes, transcript or recording. The address of the Association is 800 Rio Grande Boulevard NW, Albuquerque, New Mexico 87104.

February 24, 2009: Panelist, Rutgers University School of Law, Law Student Lecture, Black Law Students Association, Association of Latin American Law Students, and Asian Pacific Law Students Association. I have no notes, transcript, or recording. The address of the School of Law is 123 Washington Street, Newark, New Jersey 07102.

February 4, 2009: Speaker, Nativity Mission School, Day in Federal Court with the Honorable Maryanne Trump Barry. I have no notes, transcript or recording. The address of the school is 204 Forsyth Street, New York, New York 10002.

November 12, 2008: Speaker, Union City High School, Bilingual Motivational Program Lecture. I have no notes, transcript or recording. The address of the school is 2500 Kennedy Boulevard, Union City, New Jersey 07087.

October 20, 2008: Speaker, Lincoln Early School, Latino Heritage Month Celebration. I have no notes, transcript or recording. The address of the School is 51 West Englewood Avenue, Englewood, New Jersey 07631.

October 15, 2008: Panelist, Rutgers University School of Law, Minority Student Program, Minority Law Student Lecture. I have no notes, transcript or recording. The address of the School of Law is 123 Washington Street, Newark, New Jersey 07102.

July 29, 2008: Judge, New Jersey Law and Education Empowerment Project (NJLEEP), Summer Law Institute Mock Trial Competitions. I have no notes, transcript or recording, but NJLEEP newsletter coverage is supplied. The address of the organization is Seton Hall University School of Law, One Newark Center, Newark, New Jersey 07102.

June 17, 2008: Panelist, Legal Services of New Jersey, "Practice in Federal Court." I have no notes, transcript or recording. The address of the organization is 100 Metroplex Drive, Suite 402, P.O. Box 1357, Edison, New Jersey 08818.

May 21, 2008: Panelist, Council of Urban Professionals, Federal Judges Panel. I have no notes, transcript or recording. The address of the Council is 55 Exchange Place, Suite 501, New York, New York 10005.

May 8, 2008: Speaker, Association of Criminal Defense Lawyers of New Jersey, Recipient of the Honorable Lawrence A. Whipple Memorial Award. I have no notes, transcript or recording. The address of the Association is 510 Corlies Avenue, Allenhurst, New Jersey 07052.

April 9, 2008: Keynote Speaker, New Jersey Law and Education Empowerment Project (NJLEEP), Community Law Day. Notes supplied.

March 29, 2008: Panelist, Hispanic Bar Association of New Jersey, Women's Leadership & Advocacy Conference, "Judicial Remedies." I have no notes, transcript or recording. The address of the Bar Association is P.O. Box 25562, Newark, New Jersey 07101.

March 26, 2008: Keynote Speaker, Essex County College, WISE Women's Center, Women's History Month Program. I have no notes, transcript or recording. The college's newsletter coverage of the event is supplied. The address of the College is 303 University Avenue, Newark, New Jersey 07102.

January 16, 2008: Panelist, New Jersey Institute for Continuing Legal Education, "Practice Before U.S. Magistrate Judges." Notes and audio supplied.

January 15, 2008: Panelist, Seton Hall University School of Law, Women's Law Forum. I have no notes, transcript or recording. The address of the School of Law is One Newark Center, Newark, New Jersey 07102.

November 2, 2007: Panelist, Emerson High School, First Annual Motivational Program. I have no notes, transcript or recording. The address of the School is 318 18th Street, Union City, New Jersey 07087.

September 27, 2007: Panelist, United States Attorney's Office for the District of New Jersey, Seventeenth Annual Hispanic Heritage Program. I have no notes, transcript or recording. The address of the Office is 970 Broad Street, Newark, New Jersey 07102.

June 23, 2007: Panelist, Hispanic Bar Association of New Jersey, Annual Gala Event. I have no notes, transcript or recording. The address of the Association is P.O. Box 25562, Newark, New Jersey 07101.

February 22, 2007: Keynote Speaker, Association of Latin American Law Students (ALALS), Rutgers University School of Law, Tenth Annual Fiesta Con Sabor. Notes supplied.

February 1, 2007: I reported on my experience with electronic discovery at the meeting of the Lawyers' Advisory Committee. Minutes supplied.

January 18, 2007: Speech, Investiture Ceremony of United States Magistrate Judge Esther Salas. Transcript supplied.

January 10, 2007: Panelist, New Jersey Institute for Continuing Legal Education, "Practice Before United States Magistrate Judges." Audio supplied.

October 12, 2006: Panelist, United States Attorney's Office for the District of New Jersey, Sixteenth Annual Hispanic Heritage Program. I have no notes, transcript or recording. The address of the Office is 970 Broad Street, Newark, New Jersey, 07102

January 2006: Speaker, Association of Criminal Defense Lawyers, 2006 Seminar for CJA Panel Attorneys, New Jersey Law Center. I have no notes, transcript or recording. The address of the Association is 510 Corlies Avenue, Allenhurst, New Jersey 07052.

2006: Keynote Speaker, Horizon Blue Cross Blue Shield of New Jersey, First Annual Hispanic Affinity Group Luncheon. Notes supplied.

October 23, 2003: Panelist, New Jersey Supreme Court Committee on Women in the Courts, "Survival, Empowerment and Growth: The Legal Landscape." Transcript supplied.

June 8, 2003 (air date): Panelist, Channel My9, Hispanic Horizons State Funding and Latino Judges. I have been unable to obtain a copy of this broadcast. If I am able to do so, I will supply it. The address of Channel My9 is 9 Broadcast Plaza, Secaucus, New Jersey 07096.

April 22, 2003: Speaker, Hispanic Bar Association of New Jersey, Press Conference on Governor McGreevey's State Supreme Court nominee. I have no notes, transcript or recording. The address of the Association is P.O. Box 25562, Newark, New Jersey 07101.

- 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.

Since assuming my judicial position in 2006, it has not been my practice to give interviews. I have searched my personal records and conducted an internet search for any and all interviews in which I have personally been quoted. I have noted the following publications but there may be others that I have been unable to locate.

Jeff Whelen, *From Poor Roots, A Judge Grows*, Star-Ledger, Oct. 9, 2007. Copy supplied.

Charles Toutant, *Salas, Former Public Defender, is New Magistrate Judge in Newark*, 186 N.J.L.J. 713 (Nov. 20, 2006). Copy supplied.

Guy Sterling, *Ex-Worker Admits to Role in Royalty Scheme: More Than \$1M Taken from Songwriters Guild and Given to Her Kin*, Star-Ledger, Sept. 8, 2006, at 34. Copy supplied.

Staff, *Crime Doesn't Pay (Except in This Case)*, Asbury Park Press, Apr. 20, 2006. Copy supplied.

MichaelAnn Knotts, *Warning to McGreevey; Hispanic Voters May Stay Home*, New Jersey Lawyer, Volume 12, Number 17, Apr. 28, 2003, at 3. Copy supplied.

Michael Booth, *Judges Mentioned as Successors to Stein on N.J. Supreme Court*, 168 N.J.L.J. 341 (Apr. 29, 2002). Copy supplied.

Maria Vogel-Short, *Her Goal for the Year: More Hispanic Judges*, New Jersey Lawyer, Volume 11, Number 7, Feb. 18, 2002, at 4. Copy supplied.

Barbara Fitzgerald, *After a Slow Climb, Hispanics Gather Power*, New York Times, Jan. 20, 2002, at 1. 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.

On November 3, 2006, I was appointed and sworn in as a United States Magistrate Judge for the United States District Court for the District of New Jersey.

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

I have not presided over any cases that have gone to verdict.

i. Of these, approximately what percent were:

jury trials:	0 %
bench trials:	0 %
civil proceedings:	0 %
criminal proceedings:	0 %

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

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. *New Jersey Dep't of Env'tl. Prot. v. Am. Thermoplastics Corp.*, Civil Action No. 98-0478 (WHW/ES) (D.N.J. June 15, 2009) (consent decree entered). In 1998, the United States Environmental Protection Agency (EPA) filed an action against twenty-four potentially responsible parties for recovery of response costs at the Combe Fill South Landfill Superfund Site (the "Site") pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"). During the same period of time, the New Jersey Department of Environmental Protection ("NJDEP") and the Administrator of the New Jersey Spill Compensation Fund filed an action against many of the same parties. Both actions were consolidated and the direct defendants brought contribution claims against 382 third parties, including federal entities alleged to have arranged to dispose of waste at the Site. Although there had been two rounds of settlements between various parties in 2003 and 2005, the bulk of the matter remained active for close to ten years. After presiding over more than thirty lengthy conferences, the parties, with my direct assistance, were able to reach a global settlement of all matters. This required an in-depth knowledge of the law and complex subject matter. The Consent Decree resolved the environmental claims by the State plaintiffs and the United States against all of the remaining defendants and all of the parties third-partied by the direct defendants.

Counsel for Plaintiff NJDEP: Mary Ellen Halloran
Office of the New Jersey Attorney General
R.J. Hughes Justice Complex
25 Market Street
Trenton, NJ 08625
(609) 984-4931

Counsel for Consolidated
Plaintiffs:

Steven Richard Baer
United States Department of Justice
Environmental and Natural Resources
Division
P.O. Box 7611
Washington, DC 20044
(202) 514-2794

Liaison Counsel for Original
and Certain Third Party
Defendants:

Eric B. Rothenberg
O'Melveny and Myers, LLP
Times Square Tower
7 Times Square
New York, NY 10036
(212) 326-2003

Ad Hoc Direct Defendants Group:

John A. McKinney
Counsel for Mennen
Wolff & Samson, P.C.
One Boland Drive
West Orange, NJ 07052
(973) 530-2036

Ad Hoc Direct Defendants Group:

Andrew P. Foster
Counsel for Pfizer / Warner-Lambert
Drinker Biddle, LLP
One Logan Square
18th and Cherry Streets
Philadelphia, PA 19103
(215) 988-2512

Counsel for Waste Management
Of New Jersey, Inc. & CMW
Chemical Services, LLC:

Pamela S. Goodwin
Saul Ewing, LLP
750 College Road East, Suite 100
Princeton, NJ 08540
(609) 452-3109

Liaison Counsel for Transporter
Group:

David Katzenstein
McGivney & Kluger, P.C.
23 Vreeland Road, Suite 220
Florham Park, NJ 07932
(973) 822-1110

Liaison Counsel for Connecticut And New Jersey Municipalities:	Gregory J. Coffey Coffey & Associates 465 South Street Morristown, NJ 07960 (973) 539-4500
Counsel for Certain Municipal Defendants:	Ellen A. Silver Carlton T. Spiller Greenbaum Rowe Smith & Davis, LLP Metro Corporate Campus I Post Office Box 5600 Woodbridge, NJ 07095 (732) 549-5600
Counsel for Occidental:	Larry D. Silver Langsam Stevens & Silver, LLP 1616 Walnut Street, Suite 1700 Philadelphia, PA 19103 (215) 732-3255
Counsel for Defendants/Third- Party Plaintiffs Compaction System Corporation of Connecticut, Inc. and Compaction Systems Corporation (a New Jersey Corporation):	Jeffrey M. Pollock Fox Rothschild, LLP Princeton Pike Corporate Center 997 Lenox Drive, Building 3 Lawrenceville, NJ 08648 (609) 896-7660
Liaison Counsel for Third-Party Generators:	David F. Michelman 811 Church Road, Suite 117-A Cherry Hill, NJ 08002 (215) 557-9440
Liaison Counsel for Breakaway Third-Party Generator Group:	D.J. Camerson Bressler, Amery & Ross, P.C. Morristown, NJ 07962 (973) 514-1200

2. *Scheck Mech. Corp. v. PSEG Fossil, LLC*, Civil Action No. 05-02065 (HAA/ES) (D.N.J. dismissed Dec. 12, 2007). In this multi-million dollar contract dispute, the defendant hired plaintiff to install piping and mechanical systems at defendant's place of business. Although plaintiff was paid for completion of the project, plaintiff brought suit to recover damages that it incurred as a result of delays. Defendant maintained that the claim was frivolous because the parties had allegedly entered into a lump sum, fixed contract price. Despite an unsuccessful mediation attempt one year earlier, the parties came in for a lengthy conference. Prior to the conference, each side submitted a settlement position and

presented their respective positions through the use of a PowerPoint presentation. The case was successfully settled.

Counsel for Plaintiff: Charles Francis Kenny, Jr.
Peckar & Abramson, Esqs.
70 Grand Avenue
River Edge, NJ 07661
(201) 343-3434

Counsel for Defendant: Julian W. Wells
Riker, Danzig, Scherer, Hyland &
Perretti, LLP
One Speedwell Avenue
Morristown, NJ 07962
(973) 538-0800

3. *Estate of Jose Luis Ives v. Jaramillo*, Civil Action No. 05-03522 (PGS/ES) (D.N.J. dismissed Feb. 25, 2008). This matter involved the death of Jose Luis Ives, Jr., which resulted from an altercation with an off-duty Weehawken police officer. Ives' estate sued the defendants for assault, battery, negligence, negligent hiring and retention, violation of his civil rights in violation of 42 U.S.C. § 1983, wrongful death and survivorship. After several in-person conferences with the parties, at which I addressed the legal hurdles that surrounded the plaintiff's case against the municipal defendants, the case ultimately settled.

Counsel for Plaintiff: Anthony C. Mack
60 Park Place, Suite 1104
Newark, NJ 07102
(973) 624-7800

Counsel for Defendant Jaramillo: Dina M. Mastellone
Genova, Burns & Vernoia
Eisenhower Parkway – Plaza II
Livingston, NJ 07039
(973) 533-0777

Counsel for Defendants Director
Wells and Township of
Weehawken: William T. Connell
Dwyer, Connell & Lisbona
100 Passaic Avenue
Fairfield, NJ 07004
(973) 276-1800

4. *Raetsch v. Lucent Techs., Inc.*, Civil Action No. 05-05134 (PGS/ES) (D.N.J. June 3, 2010) (order preliminarily approving class action settlement). Plaintiffs, retired, long-service employees of AT&T, sued defendant for allegedly violating the terms of the pension plan and the medical and dental plans covering retired

management employees of Lucent (and its predecessor, AT&T), and for allegedly violating the fiduciary, prohibited transaction and anti-inurement provisions of ERISA by making improper reductions in their program of retiree medical and dental benefits. As a result of numerous discovery related motions, I brought the parties in to address any discovery-related issues. Following the case management conference, and despite having fully briefed motions for class certification and summary judgment, at my direction the parties began engaging in settlement discussions. I subsequently held multiple lengthy settlement conferences. The case was settled and the Honorable Peter G. Sheridan, U.S.D.J. approved the settlement and closed the case on November 8, 2010.

Counsel for Plaintiffs: Alan M. Sandals
Scott P. Lempert
Sandals & Associates, P.C.
One South Broad Street, Suite 1850
Philadelphia, PA 19107
(215) 825-4000

Counsel for Defendant: Howard Shapiro
Proskauer Rose, LLP
650 Poydras Street, Suite 1800
New Orleans, LA 70130
(504) 310-4088

Robert Rachal
Proskauer Rose, LLP
909 Poydras Street, Suite 1100
New Orleans, LA 70112
(504) 310-4088

5. *Eisai Co., Ltd. v. Teva Pharm. USA, Inc.*, Civil Action No. 05-05727 (GEB/ES 2009 WL 4666937 (D.N.J. Dec. 8, 2009). In this consolidated Hatch-Waxman action, plaintiff alleged that the defendant infringed upon U.S. Patent No. 4,895,841. Since the matter was originally filed in 2005, I have rendered various orders and opinions with respect to numerous motions (which are listed in my response to Question 13(b)). The matter is currently stayed through and including November 25, 2010, pursuant to the Honorable Chief Judge Garrett Brown's Order dated July 19, 2010.

Counsel for Plaintiff: William J. Heller
Mark Anania
McCarter & English, LLP
Four Gateway Center
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6. *Ford Motor Co. v. Edgewood Props. Inc.*, Civil Action No. 06-1278 (GEB/ES), 257 F.R.D. 418 (D.N.J. 2009). This multi-party action has presented an assortment of discovery-related issues. Although the facts are hotly debated by the parties, the case arose from the demolition of an automobile assembly plant owned by Ford Motor Company (plaintiff and counterclaim defendant). Edgewood Properties, Inc. (defendant and counterclaimant) agreed to remove excess concrete from the demolition site for use in the development of its various residential properties. I have helped the parties resolve and have ruled on various discovery disputes since this action was filed in 2006. Although the matter is still pending, I regard this case as one of my most significant because many of the issues that have presented themselves for resolution have been highly complex. For example, I have had to decide matters that relate to whether plaintiff waived work product protection when it used information gathered during an interview with a witness in December 2008. It should be noted that there are motions currently pending before me in this matter.

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Party Defendant Ford Motor
Land Development Corp.:

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Stephanie Rebecca Feingold
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7. *Spears v. Don Bosco Prep. High Sch.*, Civil Action No. 06-03610 (WJM/ES (D.N.J. dismissed June 3, 2009). In this personal injury action, plaintiff Charles Spears, III, a freshman at Don Bosco Preparatory High School, was seriously injured during an accident that occurred while he attended the school's freshman baseball team practice. Due to inclement weather, the practice was held at an indoor facility called The Home Run Factory, which was owned and operated by Don Bosco's freshmen Baseball Coach, Michael Bellovich. During practice, Spears was struck in the eye and face by a ball delivered from a pitching machine and, as a result, suffered permanent, serious injury. Although the matter presented a host of counter-claims and cross-claims, I conducted numerous settlement conferences and the matter was successfully settled.

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<p>Counsel for Third-Party Defendants, Matthew Gainé, Angela Gainé and John T. Gainé:</p>	<p>Jae Y. Lee Harwood Lloyd, LLC 130 Main Street Hackensack, NJ 07601 (201) 487-1080</p>
<p>Counsel for Third-Party Defendant, Stephen Montalto:</p>	<p>Jane A. Rigby McElroy, Deutsch, Mulvaney & Carpenter, LLP Three Gateway Center 100 Mulberry Street Newark, NJ 07102 (973) 565-2065</p>

8. *L-3 Commc 'ns Mobile-Vision v. ICOP Digital, Inc.*, Civil Action No. 08-3475 (PGS/ES) (D.N.J. Nov. 9, 2009) (dismissal order entered). This case was the lead in a series of cases involving alleged infringement of a patent entitled, "Wireless Microphone for Use with an In-Car Video System," which was assigned to Mobile-Vision. Through my efforts, the parties were able to reach a global settlement which resolved four active cases in total: *L-3 Commc 'ns Mobile-Vision v. ICOP Digital, Inc.*, Civil Action No. 08-3475 (PGS/ES); *L-3 Commc 'ns Mobile-Vision v. Safety Vision, LP*, Civil Action No. 08-3477 (PGS/ES); *L-3 Commc 'ns Mobile-Vision v. Enforcement Video, LLC*, Civil Action No. 08-3478 (PGS/ES); *L-3 Commc 'ns Mobile-Vision v. Enforcement Video, LLC*, Civil Action No. 08-3479 (PGS/ES). After a global settlement of the above four matters was reached, in principle, I presided over intense negotiations over the language of the settlement agreement.

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Counsel for Defendant:

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9. *In re Extradition of Aquino*, 697 F. Supp. 2d 586 (D.N.J. Mar. 4, 2010). I presided over an application for extradition, pursuant to 18 U.S.C. § 3184. Mr. Aquino, a former Philippine National Police officer, had been charged with a double murder in the Philippines in November 2000. He subsequently fled to the United States and was charged with espionage in 2005. He pleaded guilty in 2006 to possessing secret documents containing information related to the national defense. The Government's request for extradition was hotly contested and generated substantial media coverage. After reviewing all briefs and conducting oral argument, I granted the Government's motion to extradite Mr. Aquino.

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Counsel for the Government: Eric Todd Kanefsky
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10. *Gianfredi v. Hilton Hotels Corp., Inc.*, Civil Action No. 08-5413, 2010 WL 1381900 (PGS/ES), 2010 WL 1381900 (D.N.J. Apr. 5, 2010). This matter involved a slip and fall accident at the Caribe Hilton San Juan Hotel in Puerto Rico. Plaintiff brought an action against Hilton International of Puerto Rico d/b/a Caribe Hilton San Juan (HIPR) and Hilton Hotels Corporation (HHC). The central issues were whether the Court had personal jurisdiction over HIPR and whether plaintiffs could maintain a cause of action against HHC. At the direction of the District Judge, the parties engaged in extensive jurisdictional discovery, over which I presided, and submitted formal motions to dismiss. Resolving these motions required a highly fact-sensitive analysis of general and specific personal jurisdiction, which included an assessment of the Hilton's revenues and advertising practices, including its internet presence. I recommended that the District Court grant HIPR's motion to dismiss for lack of personal jurisdiction and HHC's motion to dismiss for failure to state a claim. On April 22, 2010, the District Court issued an order adopting my report and recommendation.

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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. *Eisai Co., Ltd. v. Teva Pharm. USA, Inc.*, 247 F.R.D. 445 (D.N.J. 2007)

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2. *Eisai Co., Ltd. v. Teva Pharm. USA, Inc.*, 247 F.R.D. 440 (D.N.J. 2007)

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3. *Ford Motor Co. v. Edgewood Props., Inc.*, 257 F.R.D. 418 (D.N.J. 2009)

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4. *Mack Boring & Parts Co. v. Novis Marine, Ltd.*, Civil Action No. 06-2692, 2008 WL 5136955 (D.N.J. Dec. 5, 2008)

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5. *Collezione Europa U.S.A., Inc. v. Amini Innovation Corp.*, Civil Action No. 06-4929, 2009 WL 2634648 (D.N.J. Aug. 26, 2009)

Counsel for Plaintiff: Thomas Michael Walsh
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6. *Gibbs v. Massey*, Civil Action No. 07-3604, 2009 WL 838138 (D.N.J. Mar. 26, 2009)

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7. *Roy v. Brahmhatt*, Civil Action No. 07-5082, 2008 WL 5054096 (D.N.J. Nov. 26, 2008)

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8. *Roy v. Brahmhatt*, Civil Action No. 07-5082, 2009 WL 1575276 (D.N.J. June 4, 2009)

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9. *Pegasus Blue Star Fund, LLC v. Canton Prods., Inc.*, Civil Action No. 08-1533, 2009 WL 331413 (D.N.J. Feb. 10, 2009)

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10. *Gianfredi v. Hilton Hotels Corp., Inc.*, Civil Action No. 08-5413, 2010 WL 1381900 (D.N.J. Apr. 5, 2010)

Counsel for Plaintiffs: Arthur L. Porter, Jr.
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- e. Provide a list of all cases in which certiorari was requested or granted.

To the best of my knowledge, certiorari has not been requested or granted in any of my cases.

- 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.

The following cases involve decisions by the District Court not to adopt my recommendations.

Kuropatkin v. TRT Int'l Ltd., Civil Action No. 09-5512, 2010 WL 2035822 (D.N.J. May 21, 2010): This breach of contract and negligence action arose out of an agreement whereby Defendant TRT International agreed to ship plaintiff's automobiles and other personal effects from the United States to Russia. Plaintiff originally filed the action against TRT and Defendant FedEx Corporation and it was subsequently removed to federal court pursuant to 28 U.S.C §1441(b) on the basis of federal question jurisdiction. Defendant alleged that the Convention for the Unification of Certain Rules for International Carriage by Air signed in Warsaw in 1929, as amended at the Hague, 1955, codified at 49 United States Code, Section 40105 (the Warsaw Convention) applied in the instant matter. Plaintiff maintained that the damage to the property in question did not occur during the carriage by air, and filed a Motion to Remand. Since there was evidence in the record that the goods arrived at the Moscow facility and were destroyed nine days later, I issued a Report & Recommendation granting plaintiff's motion. The District Court judge declined to adopt the recommendation. Plaintiff appealed the matter to the Third Circuit Court of Appeals. Thereafter, I successfully settled the matter and the appeal has been dismissed.

Eisai Co., Ltd. v. Teva Pharm. USA, Inc., 557 F. Supp. 2d 490 (D.N.J. 2008): In this consolidated Hatch-Waxman action, I granted plaintiff's motion to strike portions of defendant's Amended Answer, namely, the affirmative defense of inequitable conduct. The Honorable Judge Ackerman reversed my decision and held that the motion to strike should have been denied because defendant, contrary to my holding, adequately alleged the affirmative defense at issue.

- 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.

In my capacity as a Magistrate Judge, I routinely issue orders on non-dispositive matters. Those orders can range from matters involving scheduling to more complex matters, such as motions to amend the pleadings and/or sanction motions. If the issues are dispositive in nature, then my orders must be done on a report and recommendation basis. It should be noted that any and all orders issued by me are filed with our court's Electronic Case Filing (ECF) system. Since I assumed my position in 2006, the court has been utilizing the ECF system and I have no control over which opinions are designated as unpublished.

- 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.

None.

- 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.

Williams v. Paterson Bd. of Educ., Inc., No. 2:09-cv-02999 (PGS/ES). On October 1, 2010, I denied a motion by pro se plaintiff Deonca Williams seeking that I recuse myself pursuant to 28 U.S.C. § 144 or § 455. Following two in-person status conferences, plaintiff filed her recusal motion alleging that I (1) expressed my opinion concerning the outcome of the case; (2) expressed personal knowledge and familiarity with the disputed evidentiary facts; (3) treated plaintiff in an aggressive manner; and (4) wished to suppress the evidence and testimony. As is customary with any motion that is filed in this court, the defendant was permitted to oppose the recusal motion. This is the only time a litigant has requested that I recuse myself.

In keeping with the federal recusal statutes and the Code of Conduct for United States Judges, I review every new file assigned to me to ensure that no conflict of interest exists before handling the matter. Furthermore, I maintain a standing recusal list with the Clerk's Office. Currently on my recusal list are my husband,

Mark A. Anderl, and his two law partners, David Oakley and Ricardo Del Rio. My husband's firm, Anderl, Oakley and Del Rio, P.C., is a small criminal defense firm. As is required, I have and will continue to recuse myself, if confirmed, from all cases in which my husband's firm is assigned or retained. Also included on my recusal list is a prior colleague of mine, Carol Gillen, who is my mentee.

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 judicial office. I have had no unsuccessful candidacies for elective office or unsuccessful nominations for appointed 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.

Since being sworn in as a United States Magistrate Judge on November 3, 2006, I have not engaged in any political activity. Approximately five years ago, my husband held a fundraiser in our home for Senator Robert Menendez.

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;

In 1994-1995, I clerked for the Honorable Eugene J. Codey, Superior Court of New Jersey, Essex County Vicinage.

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

I have never 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.

1995 – 1997
Garces & Grabler, P.C.
415 Watchung Avenue
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Associate

1997 – 2006
Office of the Federal Public Defender
1002 Broad Street
Newark, New Jersey 07102
Assistant Federal Public Defender

- 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.

Since assuming the position of United States Magistrate Judge in 2006, I have conducted numerous settlement conferences and successfully settled hundreds of cases. Although I have previously referenced some of my most significant settlements in response to Question 13(c), below are ten additional significant cases that I have settled.

1. *Zauderer v. Lumbermans Mut. Cas. Corp.*, Civil Action No. 2:05-cv-01241 (GEB/ES) (D.N.J. dismissed on May 20, 2010). In this breach of employment contract and employment discrimination case, the plaintiff alleged a host of violations under state and federal statutory law against his former employer. With my direct assistance, the parties reached a settlement in May 2010.
2. *Kovacs v. Rutgers Univ.*, Civil Action No. 2:05-cv-02970 (PGS/ES) (D.N.J. dismissed on June 30, 2008). Plaintiff sued and alleged that defendant had violated his right to freedom of speech as guaranteed by the First Amendment. Plaintiff claimed that he suffered an adverse employment consequence, which resulted in his wrongful termination. After a series of motions, the parties came before me for three lengthy settlement conferences. A settlement was finalized and a stipulation of dismissal was entered by the District Court.
3. *Swaminathan v. Piscataway Bd. of Educ.*, Civil Action No. 2:06-02714 (DMC/ES) (D.N.J. dismissed on Nov. 23, 2009). This action arose from plaintiff's employment with the Piscataway Board of Education as a school teacher at Conackamack Middle School. Plaintiff alleged that the Board, the Board's Superintendent, and the School's Principal unlawfully took an adverse employment action against her on the basis of racial animus, in violation of state and federal statutory law. Defendants claimed both that they had a legitimate non-discriminatory reason for

taking the adverse employment action, and that they did not possess any racial animus toward plaintiff. After numerous settlement conferences, and with my immediate control over all proceedings, the matter was successfully settled.

4. *D'Aurizio v. Fair Lawn Bd. of Educ.*, Civil Action No. 06-4350 (PGS/ES) (D.N.J. dismissed Nov. 21, 2008). Plaintiffs were owners of eight residential homes located adjacent to defendant's property. The defendant discovered upon the removal of two underground fuel storage tanks that gasoline constituents had been released and had contaminated the surrounding soil. Plaintiffs sued, alleging that as a result of a "continuing release of hazardous substances" from defendant's maintenance yard, their properties had been damaged and the value of all their homes had been diminished. In light of defendant's budgetary constraints, I was able to fashion a settlement which required staging of payments. The case was successfully settled.

5. *Parker v. Rutgers Univ.*, Civil Action No. 07-0773 (PGS/ES) (D.N.J. dismissed May 14, 2009). Plaintiff sued a former employer, asserting claims for discriminatory failure to promote and discriminatory discharge in violation of the federal Age Discrimination in Employment Act and the New Jersey Law Against Discrimination. The parties came before me in two separate settlement conferences and the matter was successfully settled.

6. *Kitchen Kaboodle, Inc. v. Ovation Cabinetry, Inc.*, Civil Action No. 08-5317 (PGS/ES) (D.N.J. dismissed July 13, 2009). Plaintiff, a retail business engaged in the design, sale and installation of custom residential kitchen cabinetry, alleged that it formed an agreement with defendant to display, carry, sell and install the latter's line of premium custom kitchen cabinetry and vanities. According to plaintiff, defendant delivered defective kitchen cabinetry and subsequently failed to remediate any and all defects. As a result, plaintiff originally brought this action in the Superior Court of New Jersey, which was then removed to federal court. Following numerous conferences, the case eventually settled.

7. *Krurapp Commc'ns Inc. v. Kidsville News!, Inc.*, Civil Action No. 08-5832 (PGS/ES) (D.N.J. dismissed Oct. 15, 2009). Global settlement included resolution of *Kidsville News, Inc. v. Krurapp Commc'ns Inc.*, Civil Action No. 08-6112 (PGS/ES). Krurapp and Kidsville News!, Inc. ("KVN") entered into a licensing agreement for Krurapp to use KVN's Kidsville News! trademark and for use of KVN content for Krurapp's free, monthly child-oriented newspaper. The parties disagreed on a non-compete provision within the agreement. The matters came before me and the cases were successfully settled.

8. *Derosé v. WTW USA, LLC*, Civil Action No. 08-4903 (PGS/ES) (D.N.J. dismissed May 17, 2010). Plaintiffs brought suit, alleging breach of contract, breach of the covenant of good faith and fair dealing, and in the alternative, quantum merit. Despite defendant's intention to file a Motion to Compel Arbitration, I persuaded the parties to conduct limited discovery for the purposes of engaging in mediation. The parties settled the matter before me without having to engage in full blown discovery and without the necessity of filing formal motions.

9. *Montoya v. Borough of Roselle Park*, Civil Action No. 09-2371 (SDW/ES) (D.N.J. dismissed May 4, 2010). Plaintiff brought suit, alleging that the Borough of Roselle Park and police officers from the Borough unlawfully detained, harassed, assaulted, arrested and charged her with resisting arrest and obstruction of the administration of law. The facts of this case were troubling in that plaintiff initially volunteered to translate for the victim, who had been hit by a motor vehicle. The investigation immediately after the accident consumed more time than the plaintiff had to offer since she had child care responsibilities. There was a factual dispute as to whether the plaintiff refused to cooperate with the defendants, but there was no doubt that she was arrested, handcuffed and charged with purposely preventing or attempting to prevent a public servant from lawfully performing his duties, in violation of New Jersey Statute Annotated 2C:29-2A(1). The settlement negotiations were emotionally charged but the case was successfully settled.

10. *United States v. Quality Formulation Labs., Inc.*, Civil Action No. 09-3211 (JAG/ES) (D.N.J. dismissed Feb. 1, 2010). Following extensive inspections of defendant's facility, the United States Food and Drug Administration ("FDA") issued a Warning Letter that cited a series of violations including, but not limited to, insanitary conditions and labeling violations. Defendant maintained that it had brought the facility into compliance and although it did not oppose entering into a consent decree, the defendant was opposed to an up-front and indefinite shut down of the company's operations. Plaintiff moved for immediate summary judgment. After extensive negotiating, the parties, with my direct assistance, finalized the terms and conditions of the Consent Decree which was entered by the District Court.

b. Describe:

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

I began my career as an associate for the law firm of Garces & Grabler, P.C. in October 1995. For the most part, my practice consisted of criminal defense and appellate work. In addition to state and municipal criminal

matters, the firm would occasionally assign me to handle matrimonial, immigration and worker's compensation matters. Apart from my law related responsibilities, I was assigned to manage the firm's Trenton office.

In September 1997, I was hired by the Office of the Federal Public Defender for the District of New Jersey. In my capacity as an Assistant Federal Public Defender, I represented indigent clients in federal criminal matters. I researched and drafted motions for discovery and evidentiary hearings as well as sentencing memoranda, and I appeared frequently in federal court. I also handled all appellate responsibilities, including argument before the Court of Appeals, on cases I had been assigned for trial.

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

At Garces & Grabler, P.C., I primarily represented individuals who were charged with either state or municipal crimes.

At the Office of the Federal Public Defender for the District of New Jersey, I represented indigent clients who qualified for court-appointed counsel. The types of charges varied, but since all individuals were facing federal charges, I was often required to work with many federal agencies. Throughout my nine years at the Federal Public Defender's Office, I represented hundreds of clients and appeared exclusively in federal court. I second-chaired two trials in the District of New Jersey and was lead counsel in a matter tried before a magistrate judge.

- 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: 9%
- 3. other courts: 1%
- 4. administrative agencies:

- ii. Indicate the percentage of your practice in:

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

- 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 tried four cases in courts of record. I was associate counsel for three of the matters and sole counsel for one.

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

- 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.

All of the following cases were litigated in the United States District Court for the District of New Jersey.

1. *United States v. Holloway*, Criminal No. 04-394 (DMC): I represented the defendant from May 27, 2005 to September 2, 2005. Mr. Holloway was charged in a Superseding Indictment with being a felon in possession of a firearm and conspiracy to distribute narcotics. As lead attorney, I assumed an active role in the extensive investigation of the matter. After numerous field visits and motions to compel personnel files and other relevant documents, I was able to uncover certain major discrepancies contained in the official police report. My investigation revealed that a number of officers involved in Mr. Holloway's arrest had been indicted by a Grand Jury in Essex County, New Jersey. Specifically, the officers were accused of engaging in acts of official misconduct, including theft, tampering with public records and falsifying police reports as part of an ongoing conspiracy to steal money from criminal suspects. As a direct result of my

investigation, it was revealed that one of the officers directly involved in Mr. Holloway's arrest had been indicted. That officer's alleged criminal activity fell squarely within the time frame at issue in our case. Furthermore, police records supported Mr. Holloway's version of the events and after numerous meetings with the United States Attorney's Office, all charges against Mr. Holloway were dismissed. The Honorable Dennis M. Cavanaugh, U.S.D.J., presided over the case and signed the Order for Dismissal in September 2005.

Assistant United States Attorney: Kevin G. Walsh
United States Attorney's Office
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(973) 645-2909

2. *United States v. Agent*, Criminal No. 05-553 (WJM): I represented the defendant from July 20, 2005 to March 10, 2006. Mr. Agent was charged with knowingly and intentionally distributing five grams or more of cocaine base. Mr. Agent pled guilty before the Honorable William J. Martini, U.S.D.J. At sentencing, I moved for a departure from the advisory guideline range on the grounds that Mr. Agent's guideline range was dramatically increased by the "powder/crack disparity." Furthermore, I argued that the career offender provisions of the guidelines were also disproportionately impacted by the disparity. My motion was critical since the primary basis for the departure motion was made prior to the Commission's amendment to Section 2D1.1 of the guidelines which took effect on November 1, 2007. Judge Martini, in an exercise of his discretion, granted Mr. Agent a departure from the advisory guideline range of 188 to 235 months, and, instead, imposed a 60-month sentence.

Assistant United States Attorney: Milagros Camacho
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3. *United States v. Martinez-Bernal*, Criminal No. 04-117 (JAG): I represented the defendant from September 17, 2003 to October 21, 2005. Mr. Martinez-Bernal pled guilty to knowingly and intentionally distributing fifty grams or more of cocaine base. At his original sentencing hearing, the District Court refused to downwardly depart and sentenced Mr. Martinez-Bernal to 96 months. I appealed the matter in light of the decision by the United States Supreme Court in *United States v. Booker*, 543 U.S. 220 (2005). On October 21, 2005, the Honorable Joseph A. Greenaway, Jr., U.S.D.J., granted Mr. Martinez-Bernal's request for a *Booker* variance, reducing his original sentence of 96 months to 75 months.

Assistant United States Attorney:

Rachael Hill
United States Attorney's Office
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4. *United States v. Ford*, Criminal No. 99-620 (NHP): I represented the defendant from October 19, 1999 to June 20, 2000. Ms. Ford had pled guilty to knowingly and intentionally importing narcotics into the United States. At the sentencing, the government argued that Ms. Ford did not satisfy the requirements of United States Sentencing Guideline, Section 5C1.2 (Safety Valve), and therefore was subject to the mandatory minimum sentence of 60 months. After reviewing the sentencing submissions and hearing oral arguments, The Honorable Nicholas H. Politan, U.S.D.J., granted Ms. Ford a two-level Safety Valve reduction, imposing a sentence of 48 months.

Assistant United States Attorney:

Michael F. Buchanan
United States Attorney's Office
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5. *United States v. Starling*, Criminal No. 01-093 (DMC): I represented the defendant from February 16, 2001 to April 13, 2006. Mr. Starling faced charges out of the District of New Jersey and the Southern District of New York. The three-count information out of the District of New Jersey charged Mr. Starling with major fraud against various governmental agencies. The District of New Jersey information also charged Mr. Starling with submitting false documents to the United States Department of the Navy and to the United States Postal Services. The Southern District of New York, in a three-count information, charged Mr. Starling with mail fraud against the Port Authority of New York and New Jersey. Having attended numerous meetings at the Office of the United States Attorney for the District of New Jersey and Southern District of New York, I was able to coordinate the global plea and sentencing before the Honorable Dennis M. Cavanaugh, U.S.D.J. Although he was facing considerable jail time, Mr. Starling was sentenced to a three-year probationary term.

Assistant United States Attorney:

Richard Constable
United States Attorney's Office
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6. *United States v. Cravo*, Criminal No. 05-052 (JCL): I represented the defendant from June 17, 2004 to January 24, 2005. Mr. Cravo was indicted for maliciously damaging and destroying, and attempting to damage and destroy, by means of fire, real property. Since it appeared that the matter would not resolve itself in a guilty plea, over the course of several months, I prepared the matter for trial. Mr. Cravo, in a surprise turn of events,

decided to enter a guilty plea to the one-count indictment. The Honorable John C. Lifland, U.S.D.J., sentenced Mr. Cravo to the mandatory minimum term of imprisonment of 60 months.

Assistant United States Attorney: R. Joseph Gribko
United States Attorney's Office
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7. *United States v. Cruz*, Criminal No. 01-292 (JWB): I represented the defendant from April 25, 2001 to April 17, 2003. Mr. Cruz pled guilty to knowingly and intentionally distributing fifty grams or more of cocaine base, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(A). At sentencing, I moved for a downward departure on the ground that Mr. Cruz's criminal history score and guideline range as a career-offender overstated his actual criminal past and offense conduct. At sentencing, the Honorable John W. Bissell, U.S.D.J., refused to grant a departure and sentenced Mr. Cruz to 262 months. An appeal was taken and oral argument was granted by the Third Circuit Court of Appeals (No. 02-2884) on February 28, 2003. On April 17, 2003, Mr. Cruz's appeal was dismissed by the Third Circuit for lack of jurisdiction.

Assistant United States Attorney: Gail R. Zweig
United States Attorney's Office
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8. *United States v. Dillard*, Criminal No. 03-844 (KSH): I represented the defendant from October 19, 2004 to June 20, 2007. In a multi-count indictment, Mr. Dillard, along with numerous co-defendants, was charged with conspiracy to deal in firearms without a license, in violation of Title 18, United States Code, Section 371, and dealing in firearms without a license, in violation of Title 18, United States Code, Sections 922(a)(1) and (2). While I represented him, Mr. Dillard became extremely ill and was no longer able to assist in our preparation for trial. Since the government would not consent to sever Mr. Dillard's charges from the rest of the defendants, I formally moved to sever his case. The request was based, in large part, on Mr. Dillard's fitness to stand trial. After a very contentious hearing, the Honorable Katharine S. Hayden, U.S.D.J., granted Mr. Dillard's motion to sever on August 14, 2006. Mr. Dillard passed away on October 10, 2006, and was never tried on the charges contained in the Third Superseding Indictment.

Assistant United States Attorneys: Marc Agnifilo
Serina M. Vash
United States Attorney's Office
970 Broad Street, Suite 502
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9. *United States v. Glenn*, Criminal No. 97-562 (JAG): I represented the defendant from September 24, 1997 to July 2, 1998. Mr. Glenn was charged in a Three Count Superseding Indictment with knowingly and with the intent to cause death and serious bodily injury, taking by force an automobile. Count Two charged that Mr. Glenn was a felon in possession of a firearm. The third and final count charged that Mr. Glenn used a firearm in relation to the crime of carjacking. Along with lead counsel, Chester Keller, I tried the case before a jury and Mr. Glenn was convicted on Count Two of the indictment. He was sentenced on July 1, 1998 by the Honorable Joseph A. Greenaway, Jr., U.S.D.J., and received the statutory maximum of 120 months. An appeal was filed on Mr. Glenn's behalf (No. 98-6169), and the Third Circuit affirmed the District Court's sentence on March 22, 1999.

Assistant United States Attorney: Sherry Hutchins-Henderson
United States Attorney's Office
970 Broad Street, Suite 502
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10. *United States v. Montalvo*, Criminal No. 99-241 (JWB): I represented the defendant from May 6, 1999 to July 30, 2001. Ms. Montalvo pled guilty to knowingly and intentionally distributing five grams or more of cocaine base. Ms. Montalvo was facing a lengthy prison term and she had lost custody of her children due to her severe addiction to narcotics. In the course of representing her, I was able to secure treatment for her in a long term in-patient facility. The intense in-patient treatment proved to be life-altering for Ms. Montalvo. After successfully completing the program, she was able to secure full-time employment and eventually regain custody of her children. At sentencing, I sought a downward departure based on Ms. Montalvo's extraordinary post-conviction rehabilitation (and her extraordinary acceptance of responsibility). The Honorable John W. Bissell, U.S.D.J., sentenced Ms. Montalvo to time served.

Assistant United States Attorneys: Lee Vilker
Matthew S. Queler
United States Attorney's Office
970 Broad Street, Suite 700
Newark, NJ 07102
(973) 645-2700

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.)

Most of the litigation matters I have handled throughout my career related to criminal defense. Many of these matters were resolved by way of plea bargaining and without the necessity of a trial. There are no other legal activities which I have pursued.

With respect to lobbying activities, I have never been involved in any such activities.

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

None. I have never formally taught at any institution of higher learning and/or law school.

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 intend 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.

If confirmed, my current computerized recusal list would remain in place and I would periodically review and, if necessary, update the list with our Clerk's Office. As is required, I will recuse myself from any case being handled by my husband's law firm, Anderl Oakley & Del Rio, P.C. Additionally, I will continue to place Carol Gillen on my recusal list. Ms. Gillen, an Assistant Federal Public Defender, is someone who I have mentored and I consider her a close friend. I will continue to review matters that come before me and I may elect to recuse myself from any matters involving certain lawyers from either Garces & Grabler, P.C. or the Office of the Federal Public Defender for the District of New Jersey. As matters are assigned to me, I will review the parties and attorneys listed to ensure that there are no conflicts of interest.

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

Since assuming my position as a United States Magistrate Judge in 2006, I have been guided by the directives mandated by the federal recusal statutes and the Code of Conduct for United States Judges. In the event that I am confirmed, I will continue to follow those directives to ensure that I resolve any potential conflict of interest appropriately. For matters in which I am unsure, in addition to complete disclosure to all parties, I will seek counsel from the Committee on Codes of Conduct of the Judicial Conference of the United States.

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.

Throughout my professional career, I have made it a point to reach out to the community, and I have participated throughout the years in programs that seek to empower urban youth to achieve academic and professional success. The New Jersey Law and Education Empowerment Project (NJLEEP) is one such program that targets children, grades eight to twelve, from underserved neighborhoods in northern New Jersey. Children are selected to participate in the program and the program aims to help the children develop habits necessary for lasting success. I remain committed to offering my time, commitment and services to programs like NJLEEP. I also have returned to my high school in Union City, New Jersey for various programs in an effort to serve as a mentor to children currently enrolled at the school. My commitment to causes aimed at combating the rapidly growing high school dropout epidemic is one that has been and will remain a constant in my life.

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.

Prior to August 2009, I expressed my interest in pursuing an appointment to the District Court to both of my United States Senators. In August 2009, I was contacted by a representative of Senator Frank Lautenberg inquiring into whether I was interested in being considered for a District Court judgeship for the District of New Jersey. Having expressed such an interest, I met with Senator Lautenberg's selection group on September 11, 2009. Subsequently, I met with Senator Lautenberg and his Chief of Staff on October 26, 2009. On February 15, 2010, I met with Senator Robert Menendez and his Chief Counsel. On February 17, 2010, I wrote to White House Counsel Robert Bauer to express my interest in an appointment to the United States District Court for the District of New Jersey. I enclosed an informational packet for Mr. Bauer's review.

Since August 25, 2010, I have been in contact with pre-nomination officials at the Department of Justice. I interviewed with attorneys from the White House Counsel's Office and the Department of Justice on October 7, 2010. On December 1, 2010, 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.

AFFIDAVIT

I, **ESTHER SALAS**, do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

November 29, 2010
(DATE)

Esther Salas
(NAME)

Kimberly Darling
(NOTARY)

KIMBERLY DARLING
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires Aug. 5, 2013

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

CHAMBERS OF
ESTHER SALAS
UNITED STATES MAGISTRATE JUDGE

MARTIN LUTHER KING COURTHOUSE
50 WALNUT ST.
ROOM 2037
NEWARK, NJ 07101
973-297-4887

January 5, 2011

The Honorable Patrick J. Leahy
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

I have reviewed the Senate Questionnaire that I filed in connection with my nomination on December 1, 2010, to be a United States District Judge for the District of New Jersey. Incorporating the additional information listed below, I certify that the information contained in the Senate Questionnaire, is, to the best of knowledge, true and accurate.

Q.12.d.: Copies, transcripts or recordings of all speeches or talks:

Prior to my nomination and Your Honor's receipt of my Questionnaire, I had requested copies of videos and/or recordings from various entities that were responsible for programs in which I had participated as a speaker or panelist. However, despite my best efforts, I did not obtain the requested copies until after my initial materials were submitted. As such, please note that I have provided video recordings for the following three presentations.

- June 10, 2010: Speaker, Legal Services of New Jersey, Federal Practice Training.
- June 16, 2009: Panelist, Legal Services of New Jersey, Federal Practice Training, "Practice Before a United States Magistrate Judge."
- June 17, 2008: Panelist, Legal Services of New Jersey, "Practice in Federal Court."

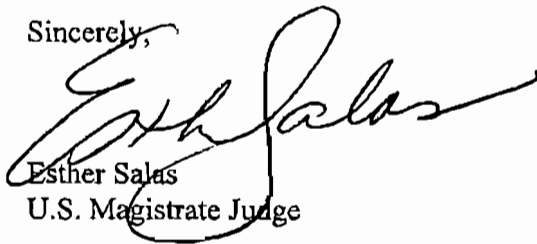
Q.13.b.: Citations:

The following is a list of citations to opinions that need to be included in my Senate Questionnaire:

- *Ford Motor Co. v. Edgewood Props.*, Civil Action No. 06-1278, 2010 U.S. Dist. LEXIS 130866 (D.N.J. Dec. 10, 2010).
- *Marucci v. Twp. of W. Orange*, Civil Action No. 10-2163, 2010 U.S. Dist. LEXIS 123567 (D.N.J. Nov. 4, 2010).

I also am forwarding an updated Net Worth Statement and Financial Disclosure Report as requested in the Questionnaire. I thank the Committee for its consideration of my nomination.

Sincerely,



Esther Salas
U.S. Magistrate Judge

cc:

The Honorable Charles Grassley
Ranking Member
Committee on the Judiciary
United States Senate
Washington, DC 20510