

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR NON-JUDICIAL NOMINEES

PUBLIC

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

Patrick Hovakimian

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

I have been nominated to serve as a part-time member of the Foreign Claims Settlement Commission of the United States.

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.

I maintain two office addresses:

United States Attorney's Office
Southern District of California
United States Department of Justice
880 Front Street, Room 6293
San Diego, CA 92101

United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

I also maintain two residences, one in San Diego, CA, and one in Washington, DC.

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

June 16, 1983
San Francisco, CA

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.

Stanford Law School, Juris Doctor, 2010 (2007–2010)

University of Oxford, Master of Philosophy, degree requirements met in 2007, degree conferred in 2008 (2005–2007)

Washington Semester Program, American University, no degree conferred (Spring Semester 2004)

Occidental College, Bachelor of Arts (*summa cum laude*), 2005 (2001–2005)

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.

United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Senior Counsel to the Associate Attorney General; Deputy Associate Attorney General
(detail assignment)
(2017—Present)

United States Attorney's Office
Southern District of California
United States Department of Justice
880 Front Street, Room 6293
San Diego, CA 92101
Assistant United States Attorney, Criminal Division (career federal prosecutor)
(2014—Present)

Latham & Watkins LLP
650 Town Center Drive, 20th Floor
Costa Mesa, CA 92626
Associate (2012—2014; 2010—2011)

Hon. J.L. Edmondson
United States Court of Appeals for the Eleventh Circuit
56 Forsyth Street, NW
Atlanta, GA 30303
Law Clerk (2011—2012)

Professor George Fisher
Stanford Law School
559 Nathan Abbott Way
Stanford, CA 94305
Research Assistant for Criminal Prosecution Clinic Manual Update (2010)

Santa Clara County District Attorney's Office
(Stanford Law School Criminal Prosecution Clinic)
70 W. Hedding Street, West Wing
San Jose, CA 95110
Law Clerk (2009)

Latham & Watkins LLP
650 Town Center Drive, 20th Floor
Costa Mesa, CA 92626
-and-
355 S. Grand Avenue

Los Angeles, CA 90071
Summer Associate (2009)

United States Attorney's Office
Northern District of California
United States Department of Justice
450 Golden Gate Avenue, 11th Floor
San Francisco, CA 94102
Law Clerk (2008)

Senator John McCain
241 Russell Senate Office Building
Washington, DC 20510
Intern (2006)

Republican National Committee
310 First Street, SE
Washington, DC 20003
Intern (2005)

Other Affiliations (Uncompensated)

Human Relations Commission
City of San Diego
1010 Second Avenue, Suite 1325
San Diego, CA 92101
Commissioner (2016—Present)

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

I have not served in the U.S. Military. I registered for the Selective Service.

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

U.S. Attorney's "Getting it Done" Award, Southern District of California, 2016

Wiley W. Manuel Certificate for Pro Bono Legal Services, State Bar of California, 2013

Stanford Law Review, Distinguished Editor Award, 2009

Best Oral Advocate, Stanford Law School Criminal Prosecution Clinic, 2009

Stanford Law School Summer Public Interest Grant, 2009

Hilmer Oehlmann, Jr. Award for Legal Research and Writing, Stanford Law School, 2007

Marshall Scholarship (national award), 2005

Occidental College Politics Department Award, named Top Graduate, 2005

Mortar Board National Honor Society member, 2005

Truman Scholarship (national award), 2004

Phi Beta Kappa (elected as a junior), 2004

Lilly Endowment Grant, 2004

Dean's List, 2001—2005

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.

Orange County (California) Bar Association (approximately 2010—2011, 2012—2014)

San Diego County (California) Bar Association (approximately 2014—2016)

Federal Bar Association, San Diego, California (approximately 2015—2016)

Federal Bar Association, Orange County, California (approximately 2011, 2012—2014)

Association of Business Trial Lawyers, Orange County, California (approximately 2011, 2012—2014)

Hon. William B. Enright Inn of Court (approximately 2016—2017)

Hon. William A. Ingram Inn of Court (approximately 2009—2010)

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.

State Bar of California, admitted 2010

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 Ninth Circuit, 2014

United States District Court for the Southern District of California, 2014

United States District Court for the Central District of California, 2013

Supreme Court of California, 2010

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.

Commissioner, City of San Diego Human Relations Commission (2016—Present)

Lincoln Club of San Diego County (approximately 2014—2016)

Republican Party (San Diego, Orange, and Santa Clara Counties, California, membership ongoing)

Federalist Society for Law & Public Policy (approximately 2007—Present)

Stanford Alumni Association (variously in San Diego and Orange Counties, California, and Washington, DC, 2010—Present)

Oxford Alumni Association (approximately 2007—Present)

Association of Marshall Scholars (approximately 2007—Present)

Truman Scholars Association (approximately 2004—Present)

- b. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

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

12. Published Writings and Public Statements:

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

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

As an undergraduate, I occasionally wrote news articles for the student newspaper, the Occidental Weekly, from about 2002 to about 2003. I do not have copies of these articles.

- 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.

From time to time, the City of San Diego Human Relations Commission issues reports and other documents. As a Commissioner, my name has appeared on some of these reports or other documents along with the names of every other Commissioner. To the best of my knowledge, I have not prepared or contributed in the preparation of any reports, memoranda, or policy statements either on behalf of the Commission or any bar association, committee, conference, or other organization of which I was or am a member.

- 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.

To the best of my knowledge, no such testimony, official statements, or other communications exist. Since March 2016, I have served as a member of the City of San Diego Human Relations Commission. Meetings of the Commission are open to the public, and the minutes of the Commission's meetings are made available at <https://www.sandiego.gov/human-relations/meetings>.

- 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.

As an Assistant U.S. Attorney, I have participated in trainings for federal law enforcement officials, informal question-and-answer sessions as well as outreach efforts to high school students through the United States District Court for the Southern District of California. In addition, as a campaign volunteer, over the years I have delivered informal remarks to various groups. I have searched my files to identify as many of these events as possible. Except where noted, at each of the below listed events, I spoke extemporaneously, without notes or a pre-made outline.

February 2, 2018: Master of Ceremonies, United States Department of Justice Human Trafficking Summit. I introduced speakers and panels and provided logistical information to the audience at a summit to discuss efforts to combat human trafficking. A copy of the prepared portions of my remarks and the summit's agenda are supplied. The address for the U.S. Department of Justice is 950 Pennsylvania Avenue, NW, Washington, DC 20530.

January 23, 2017: Panelist, Discussion with High School Seniors on Legal Careers and Service as a Federal Prosecutor, U.S. Attorney's Office for the Southern District of California. The U.S. Attorney's Office address is 880 Front Street, Room 6293, San Diego, CA 92101.

May 26, 2016: Speaker, "Meet and Greet" Event Hosted by Point Loma Republican Women Federated Chapter of California Federation of Republican Women. The address for this group is P.O. Box 6342, San Diego, CA 92166.

March 17, 2016: Speaker, Discussion with High School Students on Legal Careers and Service as a Federal Prosecutor, U.S. District Court for the Southern District of California. The address for the U.S. District Court is 333 West Broadway, San Diego, CA 92101.

December 2, 2015: Speaker, Training for U.S. Department of Homeland Security, Homeland Security Investigations Special Agents Regarding Liquid Methamphetamine and Fentanyl. Copies of the presentations given by other speakers or law enforcement professionals are supplied; I did not draft the presentations but occasionally referred to them. The address where this meeting occurred is 2255 Niels Bohr Court, San Diego, CA 92154.

October 28, 2015: Speaker, Training for U.S. Department of Homeland Security, Customs and Border Protection Officers Regarding Liquid Methamphetamine and Fentanyl. Copies of the presentations given by other speakers or law enforcement professionals are supplied; I did not draft the presentations but occasionally referred to them. This meeting occurred at the San Ysidro Port of Entry, 720 East San Ysidro Boulevard, San Ysidro, CA 92173.

October 27, 2015: Speaker, Training Session for U.S. Department of Homeland Security, Homeland Security Investigations Special Agents Regarding Liquid Methamphetamine and Fentanyl. Copies of the presentations given by other speakers or law enforcement professionals are supplied; I did not draft the presentations but occasionally referred to them. To the best of my knowledge, the address for this training session was 2051 North Waterman Avenue, El Centro, CA 92243.

February 19, 2011: Speaker, Retirement Celebration for Dr. Larry T. Caldwell, Cecil H. and Louise Gamble Professor in Political Science, Occidental College. The address for Occidental College is 1600 Campus Road, Los Angeles, CA 90041.

October 29, 2008: Panelist, Pre-Election 2008 Discussion and Debate Between a Supporter of Sen. Barack Obama and a Supporter of Sen. John McCain for

Community College Students, Cañada College. The address for Cañada College is 4200 Farm Hill Boulevard, Redwood City, CA 94061.

- 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.

To the best of my knowledge, no such interviews have taken place.

13. Public Office, Political Activities and Affiliations:

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

Commissioner, City of San Diego Human Relations Commission (2016—Present). Appointed by Mayor Kevin Faulconer; unanimously confirmed by the City Council.

- 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.

Member, Republican Party, 2001—Present (registered as a Republican upon turning 18 years of age)

Volunteer, George “Duf” Sundheim’s U.S. Senate Campaign, 2016 (advised Mr. Sundheim during his campaign to serve as a U.S. Senator for California)

Volunteer, Lawyers for Mitt Romney, 2012 (on standby for travel to Nevada on and around Election Day 2012)

Volunteer City Chair, Palo Alto, California, Senator John McCain’s Presidential Campaign, 2008 (helped campaign on-campus at Stanford University and around Palo Alto, California)

Intern, Republican National Committee, 2005 (interned with the eCampaign)

In addition, I have periodically supported Republican candidates in “get out the vote” activities. To the best of my recollection, these activities included volunteering for President George W. Bush’s reelection effort in 2004 as part of the Occidental College Republicans and participating in “Students for Bush” events during the 2004 Presidential Election.

14. Legal Career: Answer each part separately.

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

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

I served as a term law clerk to the Honorable J.L. Edmondson of the United States Court of Appeals for the Eleventh Circuit from August 2011 to August 2012.

- 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.

Latham & Watkins LLP
650 Town Center Drive, 20th Floor
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Associate (2012—2014; 2010—2011)

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United States Court of Appeals for the Eleventh Circuit
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Law Clerk (2011—2012)

United States Attorney's Office
Southern District of California
United States Department of Justice
880 Front Street, Room 6293
San Diego, CA 92101
Assistant United States Attorney, Criminal Division (career federal prosecutor)
(2014—Present)

United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Senior Counsel to the Associate Attorney General; Deputy Associate Attorney General (detail assignment)
(2017—Present)

- 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 been 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.

While in private practice at a large international law firm from 2010 to 2011 and again from 2012 to 2014, I represented public and private companies as well as some individuals, mostly in the context of civil securities litigation. I also advised clients on litigation risk pertaining to mergers and acquisitions and other transactional matters, and in the context of internal and government investigations. In addition, I maintained an active pro bono legal practice, which I describe in Question 23 below.

Upon transitioning to the United States Department of Justice in 2014, I began serving as a career federal prosecutor, investigating and litigating criminal matters in the Southern District of California. Following a brief period of handling drug and border-related crimes, my practice now comprises prosecuting primarily white-collar and public-corruption criminal matters. In addition, during my detail assignment in Washington, DC, I advise the Associate Attorney General and assist her in oversight of litigating and non-litigating components while simultaneously maintaining an active criminal caseload in the Southern District of California.

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

During my time in private practice, my clients were typically public companies and private firms and individuals seeking to comply with federal and state securities laws.

Since joining the United States Department of Justice in 2014, I represent the United States as a career prosecutor. I specialize in prosecuting white-collar and public-corruption criminal matters.

- 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.

At Latham & Watkins LLP, approximately 70% of my practice was in litigation, where I engaged in motions practice, brief drafting, discovery, and fact-gathering. I appeared in court periodically.

As an Assistant U.S. Attorney, 100% of my practice involves litigation, and I appear regularly in federal court. My detail assignment is an advisory position in which I do not litigate, although I maintain an active criminal caseload in the Southern District of California.

- i. Indicate the percentage of your practice in:
- | | |
|----------------------------|-----|
| 1. federal courts: | 80% |
| 2. state courts of record: | 20% |

- 3. other courts: 0%
- 4. administrative agencies: 0%

- ii. Indicate the percentage of your practice in:
 - 1. civil proceedings: 20%*
 - 2. criminal proceedings: 80%

*This figure represents my practice at Latham & Watkins LLP, where the vast majority of my practice was in civil proceedings. Since leaving Latham & Watkins LLP and joining the U.S. Department of Justice, 100% of my practice has been in criminal proceedings.

- 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 have tried three cases to verdict. I was chief counsel in one case and associate counsel in two cases, including one bench trial in which I participated as a law student certified to appear in court.

- i. What percentage of these trials were:
 - 1. jury: 67%
 - 2. non-jury: 33%

- 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.

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

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

1. *United States v. Newland, et al.*, 3:17-cr-00623-JLS (S.D. Cal. 2017). United States District Court for the Southern District of California; Hon. Janis L. Sammartino.

I represent the United States in a series of matters involving a former foreign defense contractor, Leonard Glenn Francis, and his company, Glenn Defense Marine Asia, Ltd., and the United States Navy. Some media commentators and military personnel have described this series of cases as the largest and most significant corruption matter in the history of the United States military. A Grand Jury sitting in the Southern District of California returned the Indictment in this case in March 2017, and the case remains ongoing. I worked on drafting the prosecution materials, the Indictment, the Grand Jury presentation, and various fact-gathering and case-building exercises. The defendants are nine former U.S. Navy or Marine Corps officials, who served as part of the United States Seventh Fleet. The Seventh Fleet represents a vital piece of the United States military's projection of power as well as American foreign policy and national security. The largest numbered fleet in the U.S. Navy, the Seventh Fleet comprises 60-70 ships, 200-300 aircraft and approximately 40,000 Sailors and Marines. The Seventh Fleet is responsible for U.S. Navy ships and subordinate commands that operate in the Western Pacific throughout Southeast Asia, the Pacific Islands, Australia, and the Indian Ocean territories, as well ships and personnel from other U.S. Navy Fleets that enter the Seventh Fleet's area of responsibility. The defendants in this case include the former Chief of Staff for the United States Seventh Fleet and the former intelligence officer for the Seventh Fleet, who we believe to be the first Admiral ever indicted on bribery and honest services fraud criminal charges in federal court.

Co-Counsel for the United States

Mark W. Pletcher
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Fraud Section, Criminal Division
U.S. Department of Justice
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Washington, DC 20005
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Defense Counsel for David Newland

Joseph Dominic Mancano
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Defense Counsel for Bruce Loveless

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Defense Counsel for Mario Herrera

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Defense Counsel for Robert Gorsuch

Frederick Matthew Carroll
427 C Street
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2. *United States v. Michael Brooks*, 3:16-cr-01206-JLS (S.D. Cal. 2016). United States District Court for the Southern District of California; Hon. Janis L. Sammartino.

In 2016 and 2017, I prosecuted the defendant, a retired Captain in the U.S. Navy and former military advisor to the U.S. Ambassador in the Philippines. The defendant pleaded guilty to conspiracy to commit bribery and was sentenced to 41 months in prison, followed by 3 years of supervised release. The Court also ordered him to pay a fine, special assessment, and restitution to the U.S. Navy. Among other things, as U.S. Naval Attaché in the Philippines, defendant secured unprecedented diplomatic clearances for a foreign defense contractor to operate under the cover of the U.S. Embassy—effectively with impunity. On many separate occasions, defendant also provided forward-looking U.S. Navy ship schedules for port visits to the foreign contractor. In exchange, defendant received many things of value from the foreign defense contractor and his company. I served as co-lead counsel for the United States and worked on drafting the prosecution materials, the Indictment, the Grand Jury presentation, and various fact-gathering and case-building exercises, including leading negotiations with defense counsel and resolving the case.

Co-Counsel for the United States

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Defense Counsel

Nicole H. Sprinzen
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Washington, DC 20036
202-471-3451

3. *United States v. Gentry Debord*, 3:16-cr-01457-JLS (S.D. Cal. 2016). United States District Court for the Southern District of California; Hon. Janis L. Sammartino.

The defendant, formerly a Commander in the U.S. Navy and the Navy's one-time "Supply Officer of the Year," pleaded guilty to conspiracy to commit bribery and was sentenced to 30 months in prison, followed by 3 years of supervised release. The Court also ordered him to pay a fine, special assessment, and restitution to the U.S. Navy. Among other things, defendant provided internal, proprietary U.S. Navy information to a foreign defense contractor and directed the contractor to inflate invoices to reflect services not rendered. Defendant performed these acts in return for things of value, provided by the foreign defense contractor. For example, defendant received cash, travel and entertainment expenses, and the services of prostitutes. I served as co-lead counsel for the United States and worked on drafting the prosecution materials, the charging document, and various fact-gathering and case-building exercises, including leading negotiations with defense counsel and resolving the case.

Co-Counsel for the United States

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Defense Counsel

Robert C. Schlein
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619-235-9026

4. *United States v. Bobby Pitts*, 3:16-cr-01207-JLS (S.D. Cal. 2016). United States District Court for the Southern District of California; Hon. Janis L. Sammartino.

The Defendant, a Commander in the U.S. Navy, pleaded guilty to conspiracy to defraud the United States and was sentenced to 18 months in prison, followed by 3 years of supervised release. The Court also ordered him to pay a fine, special assessment, and restitution to the U.S. Navy. Defendant provided internal, proprietary U.S. Navy information to a foreign defense contractor. In so doing, he obstructed the U.S. Navy's oversight of its defense contracts with the foreign contractor. I served as co-lead counsel for the United States and worked on drafting the prosecution materials, the charging document, and various fact-gathering and case-building exercises, including negotiations with defense counsel and resolving the case.

Co-Counsel for the United States

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Defense Counsel

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5. *United States v. Neil Peterson & Raja Shamsa*, 3:14-cr-03703-JLS (S.D. Cal. 2014).
United States District Court for the Southern District of California; Hon. Janis L.
Sammartino.

These defendants, both former executives of the Singapore-headquartered company Glenn Defense Marine Asia, Ltd., pleaded guilty to conspiracy to defraud the United States. One defendant was sentenced to 70 months of imprisonment followed by 3 years of supervised release, while the other was sentenced to 46 months of imprisonment followed by 3 years of supervised release. The Court also ordered restitution to the U.S. Navy in the amount of \$34,800,000 (joint and several liability with other conspiracy defendants). These defendants defrauded the United States by, among other things, generating false price quotes and inflated invoices and submitting the fraudulent information to the U.S. Navy. I served as co-lead counsel for the United States and worked, post-Indictment, on securing the extradition of these two defendants to the United States from Singapore, and various fact-gathering and case-building exercises, including negotiations with defense counsel and resolving the case.

Co-Counsel for the United States

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Defense Counsel for Neil Peterson

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Defense Counsel for Raja Shamsa

John Owen Lanahan
550 West C Street
Suite 1670

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619-237-5498

6. *United States v. Robert Gilbeau*, 3:16-cr-01313-JLS (S.D. Cal. 2016). United States District Court for the Southern District of California; Hon. Janis L. Sammartino.

A former Admiral in the U.S. Navy, this defendant pleaded guilty and was sentenced to prison time for making false official statements to law enforcement officials about the nature of his relationship and his receipt of things of value from a foreign defense contractor. Specifically, he lied about receiving gifts from the foreign contractor, and following news reports of the contractor's arrest on corruption and fraud charges, destroyed paper records and computer files in an effort to cover up his involvement. Our prosecution team believes that this defendant is the first flag officer in the history of the U.S. Navy to be convicted in federal criminal court for this type of offense. I served as co-lead counsel for the United States and worked on various fact-gathering and case-building exercises, including negotiations with defense counsel and resolution of the case.

Co-Counsel for the United States

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Defense Counsel

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7. *United States v. Jesus Cantu*, 3:17-cr-02376-JLS (S.D. Cal. 2017). United States District Court for the Southern District of California; Hon. Janis L. Sammartino.

I am currently prosecuting this defendant, a former Captain in the U.S. Navy and Assistant Chief of Staff of the United States Seventh Fleet, for conspiracy to commit bribery. The defendant, who has pleaded guilty and awaits sentencing, admitted that he provided proprietary U.S. Navy information to a foreign defense contractor, and that he used his power and influence to help the foreign defense contractor and his company with their business. In return, he received drinks and dinners at posh restaurants, nightclubs and karaoke bars and lavish hotel rooms and the services of prostitutes on numerous occasions. I serve as co-lead counsel for the United States and worked on drafting the

prosecution materials, the charging document, and various fact-gathering and case-building exercises, including leading negotiations with defense counsel and resolving the case.

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8. *United States v. John Beliveau*, 3:13-cr-03781-JLS-2 (S.D. Cal. 2013). United States District Court for the Southern District of California; Hon. Janis L. Sammartino.

In this case, our prosecution team prosecuted a former Naval Criminal Investigative Service (NCIS) supervisory special agent who was sentenced in federal court to 12 years in prison for disclosing sensitive law enforcement reports to a foreign defense contractor who was the target of a criminal investigation. I worked, post-charging and guilty plea, to build the factual record and finalize the sentencing position of the United States.

This corrupt law enforcement officer acknowledged that he regularly searched confidential NCIS databases for reports of investigations related a foreign defense contractor and his company. Over the course of years, he helped the contractor and his company avoid multiple criminal investigations by providing copies of these reports. These reports not only tipped off the target that he was the target of a criminal investigation, but provided sensitive law enforcement information about the ongoing investigation, including the identities of the subjects of the investigations; information about witnesses, including identifying information about cooperating witnesses and their testimony; the particular aspects of GDMA's billings that were of concern to the investigations; the fact that the investigations had obtained numerous e-mail accounts and the identities of those accounts; the reports to prosecutors and their interactions with the investigations; and planned future investigative activities. In exchange, defendant demanded cash and received it, along with luxury travel to Singapore, the Philippines and Thailand, the services of prostitutes, lavish dinners, entertainment and alcohol at high-end nightclubs.

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9. *United States v. Blanca Delfina Rubio-Machado*, 3:15-cr-1985-DMS (S.D. Cal. 2015).
United States District Court for the Southern District of California; Hon. Dana M.
Sabraw.

Serving as lead counsel for the United States, I prosecuted this defendant for importation of controlled substances and conspiracy to import a controlled substance. After presenting the case to the Grand Jury and securing an Indictment, and following lengthy pre-trial litigation, a jury convicted this defendant on all counts. I prepared witnesses and guided the investigative steps taken by the special agents assigned to the case, and at trial delivered the opening statement, examined witnesses, cross-examined the defendant, and delivered closing argument. Following the trial conviction, I finalized the United States' sentencing position, and the defendant is currently serving a 60-month sentence for importation of methamphetamine and cocaine and conspiracy to import a controlled substance.

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10. *In re MPG Office Trust, Inc. Stockholders Litigation*, Case No. BC507342 (Cal. Super. Ct. 2013). Superior Court of California, County of Los Angeles; Hon. Lee Smalley Edmon.

This case involved a purported class action challenge to a \$2.3 billion public-company merger. I served as associate counsel for the company and its board of directors. Litigating in extremely expedited circumstances, I drafted deposition preparation materials for a public-company executive and board of directors member, served as lead author for the substantive motions and memoranda of points and authorities that our team filed, and assisted in the negotiation of the settlement of the action. The parties negotiated a settlement, which was entered by the Court.

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16. **Legal Activities:** Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

During my practice with Latham & Watkins LLP, I regularly counseled officers and directors of public and private companies as well as financial institutions seeking to navigate federal and state securities laws. In addition to advising clients on downstream litigation risk pertaining to transactional matters, I litigated challenges to strategic transactions and other complex commercial matters. Apart from litigation, I also participated in fact-gathering and internal investigations, as well as defending enforcement actions.

Upon transitioning to the United States Department of Justice in 2014, I began serving as a career federal prosecutor, investigating and litigating criminal matters in the Southern District of California. As a federal prosecutor, I spearhead Grand Jury investigations, debrief witnesses, draft search warrants and other investigatory tools, provide operational and litigation-risk-based advice to federal law enforcement agents, and manage a proactive practice to ensure public safety. I have handled matters in diverse substantive

contexts, including investigating transnational drug trafficking organizations and various white-collar and public-corruption criminal matters. I served as point-of-contact in the Southern District of California for liquid methamphetamine and fentanyl importation cases and developed inter-agency protocols for prosecution of the importation or distribution of these deadly controlled substances. In addition, during my detail assignment in Washington, DC, I advise the Associate Attorney General and assist her in oversight of litigating and non-litigating components while simultaneously maintaining an active criminal caseload in the Southern District of California. A significant part of my ongoing active criminal caseload is comprised of a series of cases involving a former foreign defense contractor, his company, and the U.S. Navy. Some commentators have called this matter the largest and most widespread corruption matter in the history of the United States military. Serving as co-lead counsel, I lead teams of federal law enforcement agents, marshal evidence, debrief witnesses and defendants, interface with other agencies and federal government components, negotiate with defense counsel, and actively litigate in federal court.

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

I have not taught any courses.

18. **Deferred Income/ Future Benefits:** List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

I have a 401(k) account through my former law firm, Latham & Watkins LLP, as I have disclosed in the Financial Statement attached to this Questionnaire as well as to the Office of Government Ethics in connection with this nomination. The account still exists, but neither I nor the firm are making any more contributions to it.

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

I have been nominated to serve as a part-time member of the Foreign Claims Settlement Commission of the United States, which is administratively housed within the U.S. Department of Justice. If confirmed, I plan to continue serving as a full-time attorney at the Department of Justice concurrently with my part-time service as a member of the Commission. The Department has cleared the possible dual appointment. My understanding is that, if confirmed, I will continue to earn my present federal salary, and I will not receive additional compensation for service on the Commission.

20. **Sources of Income:** List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items

exceeding \$500 or more (if you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here).

My principal source of income during the 2016 and 2017 calendar years is my federal prosecutor salary from the U.S. Department of Justice. The U.S. Department of Justice also remits an additional \$6,000 (before taxes) per year towards certain of my law school loans as part of the Department's Attorney Student Loan Repayment Program, which I was awarded through a competitive application process in 2016. Please see the attached financial disclosure report for additional details.

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

Please see the attached net worth statement.

22. **Potential Conflicts of Interest:**

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

Based on my understanding of the functions of the Foreign Claims Settlement Commission, the potential for a conflict of interest appears minimal and remote. I am unaware of any family member or other person or entity with which I have affiliated having a matter or potentially having a matter before the Commission. Nevertheless, if confirmed, I will recuse myself from any matters in which I have ever played a role. Along with Department of Justice ethics officials, I will evaluate recusal in cases involving Latham & Watkins LLP, and any clients that I represented while at Latham & Watkins LLP. During the nomination process I have consulted with the Department's ethics officials. If confirmed, I will continue to consult with the Department's ethics officials and will recuse myself from any matter in which it is required. In all circumstances, I will comply with all applicable statutes, regulations, policies, and practices relating to this office.

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

In the event of a potential conflict of interest, I would consult with my colleagues, Department of Justice ethics officials, and all applicable statutes, regulations, policies, and practices. I would follow the established procedures of the Department and the Commission to identify and address any potential conflict of interest.

23. **Pro Bono Work:** An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each. If you are not an

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

As a U.S. Department of Justice lawyer, I am fortunate to work in public service. And while in private practice, I received the Wiley W. Manuel Certificate for Pro Bono Legal Services from the State Bar of California. I was fortunate to have had many opportunities while in private practice for meaningful pro bono work, which I actively incorporated into my practice.

For example, I provided intake services to a number of victims of domestic violence at a legal clinic. I also helped to secure a visa for a migrant-farm-worker victim of human trafficking to testify on behalf of the government in the prosecution of his traffickers. And working as part of a team, we obtained dismissal of a bogus legal action against a first-generation-American owner of a small business who was the victim of harassment by organized groups that targeted small businesses operated by new Americans.

In addition, I served as associate counsel in a Ninth Circuit case involving the immigration appeal of a victim of ethnic and religious persecution. Our client was a Nigerian Christian who suffered persecution in the past and feared future persecution by an extremist group based in northeast Nigeria. A team of Latham & Watkins LLP attorneys handled the appeal on a pro bono basis. After interviewing the client and after extensive legal research, I drafted portions of the merits brief to the Ninth Circuit. Following oral argument, the Ninth Circuit remanded the case to the Board of Immigration Appeals with a presumption that our client was entitled to a well-founded fear of future persecution.

After successfully obtaining remand from the Ninth Circuit, our team continued to represent our client in immigration court proceedings. After engaging an expert witness, conducting research into Nigeria country conditions, participating in preliminary hearings before the Court and numerous meet-and-confer sessions with the government, the government agreed not to oppose the discretionary grant of asylum. In August 2013, nearly five years since our client's prolonged confinement began and nearly forty-five years after suffering persecution in his native Nigeria, the immigration court granted our client asylum in the United States.