

UNITED STATES SENATE  
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Rebecca Grady Jennings

Rebecca Christine Grady

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

United States District Judge for the Western District of Kentucky

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.

Office: Middleton Reutlinger, PSC  
401 South Fourth Street  
Suite 2600  
Louisville, Kentucky 40202

Residence: Prospect, Kentucky

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

1978; Wilmington, Delaware

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.

1999 – 2002, American University Washington College of Law; J.D., 2002

1996 – 1999, Emory University; B.A., 1999

1997, University College, Oxford University; no degree conferred (study abroad program)

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.

2003 – present  
Middleton Reutlinger, PSC  
401 South Fourth Street  
Suite 2600  
Louisville, Kentucky 40202  
Chair, Litigation Department (2014 – present)  
Director (2009 – present)  
Associate (2003 – 2009)

2002 – 2003  
Hon. William J. Haynes, Jr.  
United States District Court for the Middle District of Tennessee  
801 Broadway  
Nashville, Tennessee 37203  
Law Clerk

Summer 2001  
C-CAPE  
305 Front Street  
Beaufort, North Carolina 28516  
Equal Justice Foundation Fellow

Fall 2000  
Hon. Nan R. Shuker  
District of Columbia Superior Court  
510 E Street, N.W.  
Washington, D.C. 20001  
Legal Intern

Summer 2000  
American University Community and Economic Development Law Clinic  
4300 Nebraska Avenue, N.W.  
Washington, D.C. 20016  
Student Attorney

Other Affiliations (Uncompensated)

2008 – 2010  
ConKerr Cancer  
(*now known as Ryan's Case for Smiles*)  
Louisville Chapter  
401 South Fourth Street  
Louisville, Kentucky 40202  
Regional Director

2007 – 2014  
Christ Church United Methodist  
4614 Brownsboro Road  
Louisville, Kentucky 40207  
Administrative Council  
    Chairperson (2012 – 2014)  
    Member (2007 – 2012)  
Servant Leadership Team  
    Chairperson (2012 – 2014)  
    Member (2010 – 2012)  
Stewardship Committee  
    Chairperson (2010)

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

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

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

*The Best Lawyers in America* – Recognized for Labor & Employment Litigation (2018)

20 People to Know in the Law – Recognized by Louisville Business First (2017)

Super Lawyers – Kentucky Super Lawyers Rising Stars (2013 –2017)

Martindale-Hubbell – AV Preeminent Rating Rated (2011 – present)

Equal Justice Foundation Fellowship (2001)

James Day Oil and Gas Law Scholarship (2001)

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 (2002 – 2007)

DRI (2016 – present)

    Women in the Law Section (2016 – present)

Joint Federal Local Rules Commission for the Eastern and Western Districts of Kentucky

(2016 – present)

Kentucky Bar Association (2002 – present)

Louisville Bar Association (2003 – present)

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.

Kentucky, 2002

There has been no lapse in membership.

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

United States District Court for the Sixth Circuit, 2003

United States District Court for Colorado, 2010

My membership was administratively dissolved in 2015 because I am not currently practicing in this court.

United States District Court for the Southern District of Indiana, 2010

United States District Court for the Eastern District of Kentucky, 2006

United States District Court for the Western District of Kentucky, 2004

United States District Court for the Western District of Missouri, 2013

My membership is inactive because I am not currently practicing before this court.

United States Bankruptcy Court for the Eastern District of Kentucky, 2011

Unless otherwise indicated, 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.

Big Springs Country Club (2011 – present)

Kentucky Chamber of Commerce Political Education Committee (2007 – 2009)

Lawyers Club (2017 – present)

MothersEsquire (2016 – present)

Parsyd, LLC (2014 – present)

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

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

*Review Your Company's Document-Retention Policy*, Louisville Business First, August 24, 2012. Copy supplied.

*Follow Readiness Plan to Comply With Electronic Discovery Rules*, Louisville Business First, January 1, 2007. Copy supplied.

*Tsitsi Dangarembga, Biography, Postcolonial Studies @ Emory*, Fall 1997. 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.

As a member of the Joint Federal Local Rules Commission for the Eastern and Western Districts of Kentucky, I have contributed to draft rules issued for public comment in 2016 and 2017. All rules are published for comment by the

Kentucky Bar Association. The Kentucky Bar Association's address is 514 West Main Street, Frankfort, Kentucky 40601.

Letter from MothersEsquire to Ky. Bd. of Bar Exam'rs (May 12, 2015). The letter requested appropriate accommodations be allowed for nursing mothers who sit for the Kentucky Bar Exam. 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.

In February of 2005, I testified before the Kentucky Senate Election Contest Committee on behalf of Dana Seum Stephenson. A partial video recording of my testimony is 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.

September 18, 2015: Speaker, "Current Issues in Title IX Practice," University of Kentucky Education Law Conference, Lexington, Kentucky. Presentation supplied.

October 20, 2004: Speaker, "Looking Smart In A Pinch When Handling The Extraordinary Event," Louisville Bar Association, Louisville, Kentucky. Presentation supplied.

- 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.

*Clerkships Valuable for Rising Lawyers*, Louisville Business First, Aug. 18, 2017. Copy supplied.

*Galt House No Longer For Sale*, Louisville Courier-Journal, February 23, 2017. Copy supplied.

*GOP Will Select Candidate for 49th Race*, Pioneer News (Shepherdsville, Ky.), July 25, 2016. Copy supplied.

*Election Eligibility Still to be Decided in 49th District*, Pioneer News (Shepherdsville, Ky.), July 13, 2016. Copy supplied.

*Sisters Allege Defamation, Civil Conspiracy in Al J. Schneider Trust Case*, Insider Louisville, June 1, 2016. Copy supplied.

*Schneider Trust Takes Step to End Family Disputes over Real Estate*, Louisville Business First, May 24, 2016. Copy supplied.

*Columbia Sussex Bids on Louisville Hotel*, Cincinnati Enquirer, May 14, 2016. Copy supplied.

*Galt House Feud: Family Reaches Tentative Deal*, Louisville Courier-Journal, May 14, 2016. Copy supplied.

*NKY's Columbia Sussex Loses Bid on Louisville Hotel*, Louisville Courier-Journal, May 13, 2016. Copy supplied (reprinted in multiple outlets).

*Possible Galt House Buyer Halts Talks, Sale in Limbo*, Louisville Business First, May 13, 2016. Copy supplied.

*Piece of Al J. Schneider Co. Case Settled*, Insider Louisville, May 13, 2016. Copy supplied.

*Potential Galt House Buyer Can't Get Insured*, Louisville Courier-Journal, May 2, 2016. Copy supplied.

*Federal Lawsuit Dismissed*, The Herald-News (Hardinsburg, Ky.), June 22, 2011. Copy supplied.

*Woodward Won't Appeal Ruling*, Louisville Courier-Journal, Feb. 1, 2005. Copy supplied.

*Contested Senate Seat in Limbo as Session Resumes*, Associated Press, Jan. 31, 2005. Copy supplied.

*Judge Won't Tell Senate to Accept Woodward*, Louisville Courier-Journal, Jan. 29, 2005. 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.

I have not held judicial office.

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

or judgment? \_\_\_\_\_

i. Of these, approximately what percent were:

jury trials:	_____%
bench trials:	_____% [total 100%]
civil proceedings:	_____%
criminal proceedings:	_____% [total 100%]

- b. Provide citations for all opinions you have written, including concurrences and dissents.
- 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).
- 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.
- e. Provide a list of all cases in which certiorari was requested or granted.
- 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.
- 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.
- 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.
- 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.

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:

I have not held judicial office.

- 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.

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. I have had no unsuccessful candidacies for public 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.

None.

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

- a. Describe chronologically your law practice and legal experience after graduation from law school including:
  - i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

From 2002 to 2003, I served as a law clerk to the Honorable William J. Haynes, Jr., United States District Judge for the Middle District of

Tennessee.

- 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.

Middleton Reutlinger, PSC  
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Chair, Litigation Department (2014 – present)  
Director (2009 – present)  
Associate (2003 – 2009)

- iv. whether you served as a mediator or arbitrator in alternative dispute resolution proceedings and, if so, a description of the 10 most significant matters with which you were involved in that capacity.

I have not served as a mediator or arbitrator.

b. Describe:

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

After finishing my clerkship with Judge Haynes, I joined Middleton Reutlinger in Louisville, Kentucky as a litigation associate in 2003. In my position as associate, I represented corporate clients in complex commercial litigation. I had primary day-to-day responsibility for civil litigation matters including breach of contract claims, non-compete and trademark enforcement, franchisee-franchisor litigation, professional malpractice litigation, and corporate board of director and shareholder disputes. I also had day-to-day briefing responsibilities for appellate practice in each of these areas of law.

In 2009, I became a non-equity director at Middleton Reutlinger and continued my work in civil litigation. In 2014, I became an equity director and was named Chair of the Litigation Department. I remain in that position. I continue to enjoy a broad-based litigation practice, including complex corporate litigation, trust litigation, education and employment law defense, defense of class actions, prosecution and defense of unfair competition claims, attorney malpractice and corporate board errors and omissions litigation. My education and employment law experience

includes defense of school districts and corporations against personnel claims, demotions, discrimination/harassment, and other constitutional compliance claims both in litigation as well as before various agencies including the Equal Opportunity Employment Commission and the Office of Civil Rights. I have continued my appellate representation in each of these areas.

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

My typical clients include corporations and their boards of directors, insurance companies, attorneys, and school districts.

- 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.

One hundred percent of my practice has been in litigation. I appear in court frequently and have throughout the course of my career.

- i. Indicate the percentage of your practice in:

- 1. federal courts: 30%
- 2. state courts of record: 55%
- 3. other courts: 0%
- 4. administrative agencies: 15%

- ii. Indicate the percentage of your practice in:

- 1. civil proceedings: 100%
- 2. criminal proceedings: 0%

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

I estimate that I have tried five cases to verdict, judgment or final decision (other than settlement). In two of these cases I was sole or chief counsel and in three cases I was associate counsel.

- i. What percentage of these trials were:

- 1. jury: 80%
- 2. non-jury: 20%

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

I have never practiced before the Supreme Court of the United States.

17. **Litigation:** Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:
- a. the date of representation;
  - b. the name of the court and the name of the judge or judges before whom the case was litigated; and
  - c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

1. *A.N.A. ex rel. S.F.A. v. Breckinridge Cty. Bd. Of Educ.*, 833 F. Supp. 2d 673, 675 (W.D. Ky. 2011) (United States District Court Judge Charles R. Simpson).

The parents of students at a Kentucky middle school challenged the legality of a school program offering students the option to participate in single-sex classes, alleging that the defendant school district, its employees, and administrators failed to comply with U.S. Department of Education and Department of Agriculture Regulations, various federal and state education laws, and the Equal Protection Clause of the Fourteenth Amendment. I served as lead counsel for the defendants, took numerous depositions of parents, students, administrators and experts, drafted multiple summary judgment and standing dispositive motions as well as addressed class action certification issues in motion practice, and hired and worked with expert witnesses. After multiple class certification and partial summary judgement motions, District Court Judge Charles R. Simpson held that the program did not violate DOE regulations, was not discriminatory and that plaintiffs had no damages as a result of participation in the program.

Co-Counsel for Defendants Breckinridge County Board of Education

David T. Wilson II  
Skeeters, Bennett & Wilson PLC  
550 West Lincoln Trail Boulevard  
Post Office Box 610  
Radcliff, Kentucky 40160  
(270) 351-4404

Counsel for Plaintiffs

Ninamary Buba Maginnis

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2212 Bradford Drive, Suite 102  
Louisville, Kentucky 40218  
(502) 458-5875

Counsel for the American Civil Liberties Union Foundation, Women's Rights Project

Araceli Martinez-Olguin  
Ariela Midgal  
Lenora M. Lapidus  
American Civil Liberties Union  
Foundation – Women's Rights Project  
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*Previously with Fried, Frank, Harris, Shriver & Jacobson LLP*

Douglas H. Flaum  
Paul Hastings LLP  
200 Park Avenue  
New York, New York 10166  
(212) 318-6000  
*Previously with Fried, Frank, Harris, Shriver & Jacobson LLP*

Counsel for American Civil Liberties Union of Kentucky

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Legal Director  
ACLU of Kentucky Foundation, Inc.  
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Louisville, Kentucky 40202  
(502) 581-9746

David A. Friedman  
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*Previously with ACLU of Kentucky*

2. *Donaway, et al. v. Rohm and Haas, Co.*, 2013 WL 3872228, Case No. 3:06-CV-575-H (W.D. Ky. 2013)(United States District Judge John G. Heyburn, II).

This was a proposed class action in which plaintiffs claimed that emissions from the Rohm and Haas Louisville plant caused legal nuisance to their properties located in areas surrounding the plant and caused personal injuries. Plaintiffs also asserted negligence claims against Rohm and Haas. After many years of litigation and voluntary dismissal of plaintiffs' personal injury claims, United States District Judge John G. Heyburn, II granted summary judgment on the remaining legal nuisance claims and dismissed the matter. I served as associate counsel for Rohm and Haas Co., took numerous class plaintiff depositions, hired and worked with expert witnesses, drafted summary judgment briefs, and handled the preliminary class action certification issues on behalf of the client.

Counsel for Plaintiffs

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Matthew L. White  
Gray & White  
713 East Main Street, Suite 200  
Louisville, Kentucky 40203  
(502) 805-1800

Peter W. Macuga, II  
Contact Information Unknown  
*Previously with Macuga & Liddle, P.C.*

3. *HealthONE of Denver, Inc. v. UnitedHealth Grp. Inc.*, 872 F. Supp. 2d 1154 (D. Colo. 2012) (United States District Court of Colorado Chief Judge Wiley Y. Daniel).

I represented HealthONE of Denver, Inc. and HCA- HealthONE, LLC, healthcare service providers, in this action alleging that UnitedHealth Group Inc.'s use of the UnitedHealthOne mark in the health insurance sector constituted trademark infringement and was a deceptive trade practice under Colorado Consumer Protection Act (CCPA). Defendant moved for summary judgment, which District Court of Colorado Chief Judge Wiley Y. Daniel granted as to the CCPA claims. The federal trademark claims were left for jury trial on factual issues pertaining to the likelihood of confusion. The case ultimately settled prior to trial. I was co-counsel in this matter, took depositions, hired and worked with experts on likelihood of confusion survey evidence and reports, and drafted dispositive motions.

Co-Counsel for HealthONE of Denver, Inc. and HCA- HealthONE, LLC

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Brownstein Hyatt Farber Schreck, LLP  
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Denver, Colorado 80202  
(303) 223-1251  
*Previously with Davis Graham & Stubbs LLP*

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John A. Francis  
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Counsel for UnitedHealth Group Incorporated

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U.S. Securities and Exchange Commission  
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Austin, Texas 78702  
(512) 817-3977  
*Formerly with Fulbright & Jaworski L.L.P.*

4. *Shane v. Frost Brown Todd, et al.*, Civil Action No. 08-CI-10428, Jefferson County Kentucky Circuit Court, Division Eight (Jefferson Circuit Court Judge A.C. McKay Chauvin).

Plaintiff filed a professional negligence action against Frost Brown Todd, LLC (“FBT”) and one of its attorneys, stemming from their representation of plaintiff in a breach of contract claim involving an oral agreement and \$71 million in commissions. Plaintiff contended that FBT improperly pled and handled portions of his breach of contract action and that certain of his claims would not have been dismissed and he would have recovered additional damages from a jury for his breach of contract claims. I was associate counsel on this matter. This action went to a jury trial and settled prior to the close of plaintiff’s proof. I participated in taking depositions, drafted pretrial motions *in limine*, jury instructions and Daubert motions, worked with expert witnesses and participated in jury selection and trial.

Counsel for Joe Shane

Douglas H. Morris  
Emily F. Whitty  
Morris & Player, PLLC  
1211 Herr Lane, Suite 205  
Louisville, Kentucky 40222  
(502) 426-3430

William F. McMurry  
624 West Main Street, Sixth Floor  
Louisville, Kentucky 40202  
(502) 326-9000

5. *Watkins v. Stock Yards Bank & Trust Co.*, 2012 WL 2470692 (Ky. Ct. App. June 29, 2012) (Jefferson Circuit Court Judge Frederic Cowan and Kentucky Court of Appeals Judges Michelle Keller, Glenn Acree and Denise Clayton).

A trust beneficiary filed two derivative actions (that were eventually consolidated). In the first action the trust beneficiary, both individually and derivatively, sued the trustee of Beargrass Corporation’s majority shareholder, alleging that the corporation’s chairman, president, and trustees breached their fiduciary duties by recommending sale of a shopping mall at an inadequate price. In the second action, the trust beneficiary sued the mall managers who later purchased the mall from Beargrass Corporation. He argued that they had engaged in mismanagement of the property leading up to sale, as well as aided and abetted Beargrass’ corporate officers in breaching their fiduciary duties.

Jefferson Circuit Court Judge Frederic Cowan, granted summary judgment in favor of defendants. Watkins appealed and Beargrass cross-appealed. The Kentucky Court of Appeals held that (1) Watkins’ lacked standing to bring his derivative claims; (2) Watkins failed to demonstrate a specific injury to himself outside the diminution in the



value of the corporate assets and his stock, and (3) the Circuit Court's denial of certain defendants' request for attorney fees did not constitute an abuse of discretion. Discretionary review before the Kentucky Supreme Court was denied.

I served as associate counsel for defendants at both the trial court and court of appeals, drafting all dispositive motions and appellate briefs.

Counsel for Plaintiff

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Lea A. Player  
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Bahe, Cook, Cantley & Jones, PLC  
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Co-Counsel for Defendants

R. Michael Sullivan  
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F. Larkin Fore  
Fore & Schwartz  
First Trust Centre, Suite 700 North  
200 South Fifth Street  
Louisville, Kentucky 40202  
(502) 589-5250

John David Dyche  
Fultz Maddox & Dickens PLC

101 South Fifth Street, 27th Floor  
Louisville, Kentucky 40202  
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6. *Woodward v. Stephenson*, Civil Action No. 04-CI-09261, Jefferson Circuit Court Division One (2004) (Jefferson Circuit Court Judge Barry Willett); *Woodward v. Stephenson*, Civil Action No. 04-CI-01676, Franklin Circuit Court Division II (2004) (Franklin Circuit Court Judge William Graham and Special Judge Jennings by designation); *Stephenson v. Woodward*, No. 2005-SC-0096-TG, 2005 WL 629002 (Ky. Mar. 17, 2005); *Stephenson v. Woodward*, 182 S.W.3d 162 (Ky. 2005), *as modified* (Jan. 19, 2006).

Virginia Woodward, a candidate for a seat in the Kentucky State Senate filed a motion, the evening before the general election, to disqualify her opponent Dana Seum Stephenson for failing to meet residency requirements. Stephenson received the most votes at the general election. After the election, the Circuit Court, Jefferson County, granted Woodward's motion to disqualify Stephenson. Neither party appealed. Stephenson instead filed election contest in the State Senate, and Woodward sought declaratory and injunctive relief in Franklin County Circuit Court. The President of the Kentucky State Senate, David Williams intervened in his official capacity. The Senate seated Stephenson at the conclusion of the election challenge procedure. The Franklin County Circuit Court granted partial summary judgment to Woodward, but denied Woodward's request for injunctive relief to require the Senate to seat her as State Senator. Cross-appeals were taken, and the case was transferred from the Court of Appeals to the State Supreme Court. Neither party was seated as a result of the Supreme Court's ruling. I was associate counsel for Stephenson in all three of the actions. I took witness testimony at the statutory evidentiary hearing, drafted numerous dispositive motions and all appellate briefs. Additionally, I also represented Stephenson in the election contest in the State Senate, testifying and arguing on her behalf before the State Senate Committee chosen to hear the contest.

Counsel for Plaintiff

Jennifer A. Moore  
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7. *Snyder v. Baumgardner*, Civil Action No. 09 CI 04445, Jefferson County Circuit Court, Division Four (2009) (Jefferson Circuit Court Judge Charles L. Cunningham).

Three minority shareholders/members in EPI Corporation (“EPI”) and Kentucky Venture Fund, LLC (“KVF”), healthcare businesses that operated rehabilitation facilities and nursing homes, asserted that the other shareholders/members improperly voted to approve the sale of substantially all of the operating assets of EPI and KVF below their claimed fair market value. This matter was set to be tried after several years of discovery and motion practice before Circuit Court Judge Charles L. Cunningham. It was settled just a few hours before the jury was seated. I served as associate counsel to the member/shareholder defendants, EPI, and KVF. In that role I took deposition testimony, drafted numerous dispositive motions, worked with and prepared expert witnesses and fact witnesses for depositions and trial testimony, and participated in all aspects of trial preparation.

Counsel for Plaintiffs

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John David Dyche  
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8. *In re Trust Estate of Alton John Schneider*, Case No. 05-P-002737, Jefferson Circuit Court, Probate Division (2016) (Jefferson District Court Judge David L. Holton, II);

*Moseley, et. al. v. Coe, et. al.*, Civil Action No. 16-CI-01164, Jefferson Circuit Court, Division Five, (2016) (Jefferson Circuit Court Judge Mary M. Shaw); *Moseley, et. al. v. Coe, et. al.*, Civil Action No. 16-CI-01428, Jefferson Circuit Court, Division Eleven, (2016) (Jefferson Circuit Court Judge Brian C. Edwards); *Coe, et. al., v. Moseley, et. al.*, Case No. 2016-CA-000405 (Ky. App. 2016) (Kentucky Court of Appeals Judges Kramer, D. Lambert and Thompson).

I currently serve as counsel to trustees of the Alton John Schneider Restated Revocable Trust, three directors of the Al. J. Schneider Company, and two beneficiaries of the trust and shareholders of the company in a dispute filed by other beneficiary/shareholders involving the proposed sale of the Galt House Hotel, among other assets. Plaintiffs allege that defendants breached their fiduciary duties to the trust and the company by attempting to sell certain of the company assets. The original suit was filed in probate court, transferred to circuit court and jurisdiction was appealed to the Kentucky Court of Appeals which affirmed that jurisdiction in the circuit court was proper. The current case involves claims against the trustees/directors, counterclaims, and intervening derivative claims. In this case I have argued and drafted numerous discovery, preliminary and dispositive motions, participated in multiple mediations, represented my client at company board meetings and shareholder meetings, and worked to negotiate a final trust distribution plan with various parties and banks.

Counsel for Court Appointed Special Fiduciary

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Counsel for Nominal Defendant Al. J. Schneider Company and Scott Shoenberger

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Guardian Ad Litem for the Trust Beneficiaries

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9. *Richards et al v. Oldham County Board of Education et al.*, Civil Action No. 3:10-CV-00769 (W.D. Ky) (United States District Judge John G. Heyburn, II).

Plaintiffs alleged that a school's locker room assignment plan and facilities available to female athletes violated Title IX and filed suit in federal district court as well as two Office of Civil Rights ("OCR") complaints. This case and the corresponding OCR complaints involved significant discovery and briefing of Title IX issues. This case came before United States District Judge John G. Heyburn, II, who conducted his own mediation and the matter was resolved before rulings on the summary judgment motions. The OCR complaints were denied by OCR. I served as lead counsel for defendants and took depositions, represented my client before the OCR, participated in court mediation and drafted and argued dispositive motions.

Co-Counsel for Oldham County Board of Education

Anne Courtney Coorssen  
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Counsel for Plaintiffs

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E. Douglas Richards, PSC  
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10. *Bailey et. al. v. Jamos Fund I, LP, et. Al.*, Civil Action No. 10-CI-03403, Jefferson Circuit Court Division Six (Jefferson Circuit Judge Olu A. Stevens).

Plaintiffs, delinquent taxpayers, have filed suit against purchasers of certificates of delinquency and the attorneys who were hired to collect the certificates of delinquency under Kentucky law. Plaintiffs allege that defendants improperly collected attorney fees, costs and certain statutory interest. Class certification has been granted and twice appealed. The matter remains ongoing and is active both in the Kentucky Court of Appeals and Kentucky Circuit Court. I serve as lead counsel in this class action on behalf of a defendant in the matter. In this role I have been responsible for all briefing and arguments related to class action certification and dispositive motions, drafted all appellate briefs contesting certification, and have negotiated and drafted the preliminary class action settlement agreements.

Counsel for Co-Defendants

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Counsel for Plaintiffs

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

In addition to traditional litigation, I have represented clients in several likelihood of confusion opposition matters before the United States Patent and Trademark Office, Trademark Trial and Appeal Board. For example, in HCA-HealthOne, LLC (Opposer) v. Norwood (Applicant), Opposition No. 91182226, I represented HCA-HealthOne, LLC. The sole issue in the opposition was whether Applicant's mark "HEALTH ONESELF" was likely to cause confusion with Opposer's marks, namely, "HEALTH ONE" for use in connection with "hospital and healthcare services." The matter ended in a summary judgment ruling for my client HCA-HealthOne. Similarly, I have also represented clients in cease and desist negotiations related to trademark infringement.

In addition, I have served as lead counsel representing school districts before Administrative Law Judges in Teacher Tribunals and before administrative agencies such

as the Office of Civil Rights and the Equal Employment Opportunity Commission.

Finally, I have served as counsel for several attorneys in complaints filed against them before the Kentucky Bar Association for breaches of the Supreme Court Rules of Professional Conduct.

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

I have not taught any courses.

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.

Should I leave my firm, my firm's partnership agreement provides for the repurchase of my firm stock.

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

I have no plans, commitments, or agreements to pursue outside employment in the future.

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, I will recuse in any litigation where I have ever played a role in representing or advising any of the parties. I will evaluate recusal in cases involving Middleton Reutlinger, PSC, any clients that I represented while at Middleton Reutlinger, PSC, and any clients of my husband, Michael Patrick Jennings, or his firm Commonwealth Alliances. I would also recuse myself in matters involving my family, close friends, and my own financial interests. Lastly, I will evaluate any other real or potential conflict, or relationship that could give rise to an appearance of conflict, on a case-by-case basis and determine appropriate action, with the advice of parties and their counsel, including recusal where necessary.

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

If confirmed, I will carefully review and address any real or potential conflicts by reference to 28 U.S.C. § 455, Canon 3 of the Code of Conduct for United States Judges, and any and all other laws, rules, and practices governing such circumstances.

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

I have rendered pro bono services to my church and other charitable organizations through work on various committees advising on employment issues and providing contract review. My pro bono hours generally average 20 hours per year depending on the committees I have served on each year. In addition, I have volunteered time at my children's schools and participate in various activities as a service to their schools. In the past, I have also served as Regional Coordinator for ConKerr Cancer (n/k/a) Ryan's Case for Smiles.

26. **Selection Process:**

- a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

On April 27, 2017, I received a call from Senator Rand Paul's office indicating that I was under consideration for the vacancy in the United States District Court for the Western District of Kentucky. I interviewed with Senator Paul the next morning, April 28, 2017, in Louisville, Kentucky. On or about May 3, 2017, I received a call from Senate Majority Leader Mitch McConnell's office to schedule an interview, and I then interviewed with Leader McConnell on May 13, 2017 in Louisville, Kentucky. Since May 10, 2017, I have been in contact with officials from the White House Counsel's Office. On May 17, 2017, I interviewed with attorneys from the White House Counsel's Office and the Department of Justice's Office of Legal Policy in Washington, D.C. On September 7, 2017, 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.