

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Jeremy Brooks Rosen

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

United States District Judge for the Central District of California

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: Horvitz & Levy LLP
3601 West Olive Avenue, Eighth Floor
Burbank, California 91505

Residence: Sherman Oaks, California

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

1971; Hanover, New Hampshire

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.

1994 – 1997, Duke University School of Law; J.D. & L.L.M. in International and Comparative Law, 1997

1989 – 1993, Cornell University; B.A. in History and Government, 1993

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.

2013 – present
Pepperdine University School of Law
24255 Pacific Coast Highway
Malibu, California 90263
Director, Ninth Circuit Appellate Advocacy Clinic

2008 – present
Horvitz & Levy LLP
3601 West Olive Avenue, Eighth Floor
Burbank, California 91505
Partner

2010
Pepperdine University School of Law
24255 Pacific Coast Highway
Malibu, California 90263
Adjunct Professor

2001 – 2007
Horvitz & Levy LLP
3601 West Olive Avenue, Eighth Floor
Burbank, California 91505
Associate

2003 – 2006
Phillips Graduate University
19900 Plummer Street
Chatsworth, California 91311
Adjunct Professor

2002 – 2003
Pepperdine University School of Law
24255 Pacific Coast Highway
Malibu, California 90263
Adjunct Professor

2000 – 2001
Munger, Tolles & Olson LLP
250 South Grand Avenue, Fiftieth Floor
Los Angeles, California 90071
Associate

1999 – 2000
United States Court of Appeals for the Ninth Circuit
125 South Grand Avenue
Pasadena, California 91105
Law Clerk

1998 – 1999
Munger, Tolles & Olson LLP
250 South Grand Avenue, Fiftieth Floor
Los Angeles, California 90071
Associate

1997 – 1998
United States District Court, Central District of California
350 West First Street, Suite 4311
Los Angeles, California 90012
Law Clerk

1996
Munger, Tolles & Olson LLP
250 South Grand Avenue, Fiftieth Floor
Los Angeles, California 90071
Summer Associate

1996
Irell & Manella LLP
1800 Avenue of the Stars, Suite 900
Los Angeles, California 90067
Summer Associate

1993 – 1994
Cornell University
144 East Avenue
Ithaca, New York 14850
Department of Communications Lecturer

Other Affiliations (uncompensated):

2015 – present
Stephen Wise Temple
15500 Stephen S. Wise Drive
Los Angeles, California 90077
Board and Executive Committee Member

2013 – present
Wise Readers to Leaders

15500 Stephen S. Wise Drive
Los Angeles, California 90077
Board Member & Secretary

2011 – present
Public Participation Project
2903 Sacramento Street
Berkeley, California 94702
Board Vice President

1995
Los Angeles District Attorney's Office
211 West Temple Street, Suite 1200
Los Angeles, California 90012
Summer Law Clerk (uncompensated)

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 registered for the selective service upon turning 18.

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.

California Super Lawyer (2012 – 2019)

Best Lawyers in America – First Amendment (2015 – 2018)

California Lawyer Attorney of the Year (CLAY) Award (2016)

Top 100 Southern California Super Lawyers (2016)

Top 100 Lawyers in California – Los Angeles and San Francisco Daily Journal (2014 & 2015)

Pro Bono Hot List – National Law Journal (2014)

Certified Appellate Specialist, State Bar of California (2013)

Public Counsel, Pro Bono Attorney of the Year Award (2013)

California Super Lawyers Rising Star (2006 – 2011)

Cornell Debate Team Alumni of the Year (2009)

Top 20 Lawyers Under 40 – Los Angeles and San Francisco Daily Journal (2007)

Duke University School of Law

J.D. and L.L.M. in International and Comparative Law, *magna cum laude* (1997)

Order of the Coif (1997)

Cornell University

B.A., *magna cum laude* (1993)

Phi Beta Kappa (1993)

Delta Sigma Rho-Tau Kappa Alpha National Debate Honor Society (1993)

Venephe Wilson Award for excellence in Speech and Debate (1993)

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.

Association of Business Trial Lawyers, Member (2012 – present)

Association of Southern California Defense Counsel

Member (2010 – present)

Amicus Committee (2012 – 2016)

California Academy of Appellate Lawyers, Member (2015 – present)

Los Angeles County Bar Association, Appellate Courts Section, Member (2005 – present)

Los Angeles County Bar Association's State Appellate Judicial Evaluation Committee

Member (2002 – 2012)

Vice-Chair (2013 – present)

National Chamber Litigation Center's Amicus Advisory Committee, Member (2012 – present)

Ninth Circuit Court of Appeals Lawyer Representative (Appointed by the court for a three-year term from 2015 – 2017)

State Bar of California

Member (1997 – present)

Certified Appellate Specialist (2013 – 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.

California, 1997

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 Supreme Court, 2003

United States Court of Appeals for the Fourth Circuit, 2011

United States Court of Appeals for the Fifth Circuit, 2015

United States Court of Appeals for the Eighth Circuit, 2013

United States Court of Appeals for the Ninth Circuit, 1999

United States Court of Appeals for the Tenth Circuit, 2013

United States Court of Appeals for the Federal Circuit, 2009

United States District Court for the Central District of California, 1997

United States District Court for the Eastern District of California, 2017

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

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.

Stephen Wise Temple, Board and Executive Committee Member (2015 – present)

Chancery Club, Member (2015 – present)

Cornell University Speech and Debate Advisory Committee (2014 – present)

Wise Readers to Leaders, Board Member and Secretary (2013 – present)

Public Participation Project, Vice President of Board (2011 – present)

The Federalist Society

Member (1999 – present)

President, Los Angeles Lawyers Chapter (2001 – 2009)

Chair of Advisory Board, Los Angeles Lawyers Chapter (2009 – present)

Law360 Media and Entertainment Editorial Advisory Board, Member (2013 – 2015)

Wilson High School Law Academy Mentor (2011 –2012)

California Citizens Against Lawsuit Abuse (2004 – 2006)

Republican National Lawyers Association (2003 – 2004)

- 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 in response to 11a above 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 practices.

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.

California Supreme Court Clarifies Deadline for Filing Anti-SLAPP Motions in Response to Amended Complaints, Horvitz & Levy LLP, March 26, 2018. Copy supplied.

With Jason Weintraub & Brad Pauley, *A GC's Auditor? How to Use Appellate Counsel to Add Value*, ACC Docket, March 2018. Copy supplied.

With Felix Shafir, *How Calif.'s Anti-SLAPP Law Affects Amended Complaints*, Law360, November 8, 2017, 6:50 PM. Copy supplied.

With Felix Shafir & Lacey Estudillo, *Does Calif.'s Anti-SLAPP Law Apply To Discrimination Claims?*, Law360, June 9, 2017. Copy supplied.

My Reflections on Justice Paul Turner, Los Angeles Daily Journal, May 31, 2017.

Copy supplied.

California Supreme Court Examines Scope of Anti-SLAPP Statute, Horvitz & Levy LLP, May 16, 2017. Copy supplied.

With Matthew C. Samet, *SLAPP Update*, California Lawyer, April 7, 2017. Copy supplied.

With John F. Querio & Lacey L. Estudillo, *DC Circuit Rules FedEx Drivers Are Independent Contractors, Again Rejecting NLRB View*, Washington Legal Foundation: Legal Pulse, March 30, 2017. Copy supplied.

With Felix Shafir & Matthew Samet, *Does Anti-SLAPP Law Apply To Legal Malpractice Claims?*, Law360, February 13, 2017. Copy supplied.

With Ryan Chapman, *How to Lose Your Appeal During Trial*, 30 California Litigation 3 (2017). Copy supplied.

With Felix Shafir, *Helping Americans to Speak Freely*, 18 Federalist Society Review 22 (2017). Copy supplied.

With Felix Shafir, *What Is 'Public Interest' Under California Anti-SLAPP Law?*, Law360, December 1, 2016. Copy supplied.

California Supreme Court Grants Review to Decide Important Questions Regarding Scope of California's Anti-SLAPP Statute, Horvitz & Levy LLP, September 29, 2016. Copy supplied.

With Felix Shafir, *When Demand Letters Constitute Extortion In California*, Law360, September 23, 2016. Copy supplied.

With Felix Shafir, *Revitalizing Calif.'s Often Overlooked Legislative Privilege*, Law360, August 9, 2016. Copy supplied.

California Supreme Court Decides Anti-SLAPP Statute Protects Legislators' Acts of Voting on Measures Before Legislative Bodies, Horvitz & Levy LLP, August 8, 2016. Copy supplied.

Supreme Court Resolves Long-Standing Split of Authority Involving Application of Anti-SLAPP Statute, Horvitz & Levy LLP, August 1, 2016. Copy supplied.

SPEAK FREE Act Prevents SLAPP in Face to Free Speech, Hill, July 15, 2016. Copy supplied.

With Felix Shafir & David Moreshead, *California's Anti-SLAPP Law Is Not Systematically Abused*, Law360, June 30, 2016. Copy supplied.

With Felix Shafir & David Moreshead, *Speaking Freely*, ABTL Report (Los Angeles), Summer 2016. Copy supplied.

Ninth Circuit Upholds Constitutionality of Workers' Compensation Lien Activation Fee, Horvitz & Levy LLP, June 30, 2015. Copy supplied.

With Felix Shafir, *The Fine Line Between Protected Demand Letters and Extortion*, 28 California Litigation 1 (2015). Copy supplied.

Ninth Circuit Reconsiders Case Denying Removal Under the Class Action Fairness Act, Horvitz & Levy LLP, November 18, 2014. Copy supplied.

With Eric Boorstin, *Arbitration: Be Careful What You Wish For*, Corporate Counsel, March 24, 2014. Copy supplied.

Ninth Circuit Decides to Reconsider Case Denying Removal Under the Class Action Fairness Act, Horvitz & Levy LLP, February 11, 2014. Copy supplied.

Class Action Lawyers May Not Stipulate to Avoid Federal Jurisdiction, Horvitz & Levy LLP, March 20, 2013. Copy supplied.

Ninth Circuit Confirms That the Denial of Anti-SLAPP Motion in Federal Court is Subject to Interlocutory Appeal, Horvitz & Levy LLP, January 11, 2013. Copy supplied.

Supreme Court Narrows State Constitutional Right to Protest on Certain Private Property, Horvitz & Levy LLP, January 7, 2013. Copy supplied.

Profile of my philosophy as a high school debate judge on the website "JudgePhilosophies." Copies of that post have been submitted.

With Josephine Mason Ellis, *SLAPP Update*, California Lawyer, December 2, 2012. Copy supplied.

Claim Against Insurer Properly Rejected on Summary Judgment Based on Insureds' False Statements Made During the Claim Process, Horvitz & Levy LLP November 20, 2012. Copy supplied.

With Mark Goldowitz & Josephine K. Mason, *Anti-SLAPP: Why We Need a Federal Counterpart*, Los Angeles Daily Journal, June 9, 2012. Copy supplied.

Petitions for Review in the California Supreme Court, Orange County Lawyer, June 2012. Copy supplied.

With Josephine K. Mason, *The Wide-Ranging Applications Of Calif. Anti-SLAPP*

Law, Law360, February 14, 2012. Copy supplied.

With Josephine K. Mason, *Uncertainty Looms Over Anti-SLAPP Issues in 2011*, Los Angeles Daily Journal, December 20, 2011. Copy supplied.

Punitive Damages May Be Available In Copyright Infringement Actions Under the U.S. Copyright Act, California Punitive Damages, July 29, 2011. Copy supplied.

Two Unpublished California Court of Appeal Opinions Reach Different Results in Writ Petitions Involving Claims for Punitive Damages, California Punitive Damages, July 29, 2011. Copy supplied.

Petitions for Review in the California Supreme Court, Appellate Tips for Trial Lawyers (Los Angeles County Bar Association), June 2011. Copy supplied.

California Supreme Court Will Decide Whether Evidence of Misrepresentations Regarding the Terms of a Written Contract Is Admissible Under the Fraud Exception to the Parol Evidence Rule, Horvitz & Levy LLP, April 25, 2011. Copy supplied.

California Court of Appeal Applies Anti-SLAPP Protection to Hospital Sued By Doctor Dissatisfied with Peer Review Decision, Horvitz & Levy LLP, March 12, 2011. Copy supplied.

The 2010 Election and the New Chief Justice: How Will the State Supreme Court Change?, Los Angeles Daily Journal, October 6, 2010. Copy supplied.

Union's Right to Picket at Issue in Case Pitting Store Owner's Property Rights Against Union's Claimed Right of Free Speech, Horvitz & Levy LLP, October 1, 2010. Copies supplied.

With Tom Gede, *California 2010: The Courts and the Economy*, Federalist Society, October 2010. Copy supplied.

With John A. Taylor, Jr., *Another Exception for Judicial Review of Arbitration Awards*, Los Angeles Daily Journal, June 16, 2010. Copy supplied.

With Scott Leviant & Shaun Martin, *California 17200: Its Nature, Function, and Limits*, State Court Docket Watch (Federalist Society), Summer 2010. Copy supplied.

California Supreme Court Approves Judicial Review of Arbitration Award Based on FEHA Claim, Horvitz & Levy LLP, April 27, 2010. Copy supplied.

Court of Appeal Confirms Broad First Amendment Protection for Publishers, Horvitz & Levy LLP, February 2, 2010. Copy supplied.

California Supreme Court Applies Single-Publication Rule to Right of Publicity Case, Horvitz & Levy LLP, August 17, 2009. Copy supplied.

Asfour v. Nix: Yet Another Reversal For Lack of Financial Condition Evidence, California Punitive Damages, June 25, 2009. Copy supplied.

Electronic Funds Solutions, LLC v. Murphy: Court of Appeal Reverses Punitive Damage Award That Is Six Times Defendant's Annual Income, California Punitive Damages, June 25, 2009. Copy supplied.

California: Unfair Competition Law, State Court Docket Watch (Federalist Society), Summer 2009. Copy supplied.

The Effect of Justice Souter's Retirement on Punitive Damages, California Punitive Damages, May 22, 2009. Copy supplied.

Letter to the Editor, *State Bar's proposal to raise exam fees is a bad idea*, Recorder, May 22, 2009. Copy supplied.

Obama Administration Endorses Broad Application of Punitive Damages in Employment Class Actions Without Need for Individual Determinations, California Punitive Damages, March 20, 2009. Copy supplied.

California Supreme Court Clarifies Rules for Courts Deciding Church Property Disputes and Scope of Anti-SLAPP Statute, Horvitz & Levy LLP, January 6, 2009. Copy supplied.

Candidate Statement of Jeremy B. Rosen, California State Bar Board of Governors (2009). Copy supplied.

California Supreme Court Narrows Exception to Anti-SLAPP Statute, Horvitz & Levy LLP, December 19, 2008. Copy supplied.

Exxon Shipping: Potential Impacts are Well Beyond Maritime Law, California Punitive Damages, December 12, 2008. Copy supplied.

English Tribunal Awards First Ever Punitive Damage Award, California Punitive Damages, December 12, 2008. Copy supplied.

Federalist Society Conference Panel: "The Roberts Court and Federalism," California Punitive Damages, November 22, 2008. Copy supplied.

The Dark Lord Sauron Has Been Defeated, California Punitive Damages,

September 25, 2008. Copy supplied.

Utah Jury Awards Punitive Damages of 16 Times the Substantial Compensatory Award, California Punitive Damages, August 13, 2008. Copy supplied.

Buell-Wilson v. Ford: Two of the Three Issues Raised in the Petition are Not Dependent on the United States Supreme Court's Opinion in Williams III, California Punitive Damages, July 29, 2008. Copy supplied.

Still No Ruling on Cert. Petition in Williams II, California Punitive Damages, June 2, 2008. Copy supplied.

Adidas wins \$137 Million in Punitive Damages from Payless for Trademark Infringement, California Punitive Damages, May 6, 2008. Copy supplied.

Boston Legal Attacks Supreme Court's Punitive Damages Jurisprudence, California Punitive Damages, May 6, 2008. Copy supplied.

With Curt Cutting, *Does the Bible Encourage Lawsuits for Punitive Damages?*, California Punitive Damages, May 2, 2008. Copy supplied.

Proposed Global Online Freedom Act of 2007 (HR 275) Would Authorize Punitive Damages for Blocking Government Websites, California Punitive Damages, May 1, 2008. Copy supplied.

With Curt Cutting, *Utah AG Calls for Punitive Damages Caps*, California Punitive Damages, April 28, 2008. Copy supplied.

California Comes in 44th Place in Survey on Lawsuit Climate, California Punitive Damages, April 23, 2008. Copy supplied.

Should Public Entities Be Liable for Punitive Damages?, California Punitive Damages, April 22, 2008. Copy supplied.

Holdgrafer v. Unocal: Plaintiffs File Petition for Review, California Punitive Damages, April 16, 2008. Copy supplied.

Sacramento Federal Jury Awards \$4.1 Million in Punitive Damages for Sexual Assault, California Punitive Damages, April 11, 2008. Copy supplied.

Arpin v. United States: Judge Posner Applies Due Process Analysis from Punitive Damages Cases to Non-Economic Damages, California Punitive Damages, April 11, 2008. Copy supplied.

A New York Court Holds No Punitive Damages for Bedbugs, California Punitive Damages, March 29, 2008. Copy supplied.

Girardi and Lack Face Significant Sanctions for Apparently Filing Frivolous Appeal, California Punitive Damages, March 28, 2008. Copy supplied.

Punitive Damages Oral Arguments at the United States Supreme Court, California Punitive Damages, March 21, 2008. Copy supplied.

Melvyn Weiss Pleads Guilty to Racketeering, California Punitive Damages, March 20, 2008. Copy supplied.

No Pro-Business Bias in Amicus Briefs at US Supreme Court, California Punitive Damages, March 20, 2008. Copy supplied.

Insurance for Punitive Damages?, California Punitive Damages, March 20, 2008. Copy supplied.

\$375 Million Punitive Award for Murder; OJ Simpson Got Off Easy, California Punitive Damages, March 19, 2008. Copy supplied.

A Pro-Business Supreme Court?, California Punitive Damages, March 17, 2008. Copy supplied.

Federal Judge Permits Family of Deceased Illegal Alien to Seek Punitive Damages Against United States Government, California Punitive Damages, March 13, 2008. Copy supplied.

Punitive Damages Not Available in a Copyright Claim Against YouTube and Google, California Punitive Damages, March 12, 2008. Copies submitted.

Oregon Supreme Court Holds Punitive Damages Award Excessive, California Punitive Damages, March 7, 2008. Copy supplied.

More Punitive Damages Against Wyeth, California Punitive Damages, March 7, 2008. Copy supplied.

Commentary on Holdgrafer v. Unocal Opinion, California Punitive Damages, March 5, 2008. Copy supplied.

Mark Geragos, Michael Jackson, and Punitive Damages, California Punitive Damages, March 3, 2008. Copy supplied.

ATRA's Summary of State Punitive Damage Reform Statutes, California Punitive Damages, March 3, 2008. Copy supplied.

"Rogue" Booster Gets \$3 Million in Punitive Damages from NCAA, California Punitive Damages, March 3, 2008. Copy supplied.

"Conservative" Judges and Punitive Damages, California Punitive Damages, February 29, 2008. Copy supplied.

West Virginia Leads Nation in High Jury Verdicts and Punitive Damages Awards, California Punitive Damages, February 29, 2008. Copy supplied.

The Health Net Punitive Damages Award: Are Arbitration Awards of Punitive Damages Subject to Federal Due Process Review?, California Punitive Damages, February 28, 2008. Copy supplied.

Mixed Bag for Exxon in US Supreme Court?, California Punitive Damages February 27, 2008. Copy supplied.

Can the Red Cross, FDIC, or Federal Credit Unions Be Sued for Punitive Damages? California Punitive Damages, February 18, 2008. Copy supplied.

Senator Obama Won Punitive Damage Case on Appeal in the Seventh Circuit, California Punitive Damages, February 13, 2008. Copy supplied.

The Potential Impact of the United States Supreme Court's Exxon Valdez Punitive Damages Opinion, California Punitive Damages, February 12, 2008. Copy supplied.

With Curt Cutting, *New Mexico Jury Awards \$33 Million in Punitive Damages*, California Punitive Damages, February 7, 2008. Copy supplied.

With Curt Cutting, *Interesting North Carolina Punitive Damages Decision on the Standard of Review*, California Punitive Damages, February 6, 2008. Copy supplied.

Ohio Supreme Court Upholds Statutory Limits on Punitive Damages, California Punitive Damages, February 5, 2008. Copy supplied.

Will the Oregon Supreme Court Learn About Summary Reversals?, California Punitive Damages, February 3, 2008. Copy supplied.

Punitive Damages and the Election, California Punitive Damages, January 24, 2008. Copy supplied.

Recent Punitive Damages Scholarship, California Punitive Damages, January 28, 2008. Copy supplied.

Petition for Writ of Supersedeas, in 2 Cal. Civ. Writ Prac. 26-1 (Continuing Educ. Bar 4th ed., 2008). Copy supplied.

Where No Court Has Gone Before: The California Supreme Court Imposes Modest Limits On The Use of Parol Evidence, Verdict, 1st Quarter, 2007. Copy supplied.

With David M. Axelrad, *Anti-SLAPP Statutes and Peer Review*, Medical Malpractice Law & Strategy (ALM), October/November 2006. Copy supplied.

With Jon B. Eisenberg, *Unmasking "crack_smoking_jesus": Do Internet Service Providers Have A Tarasoff Duty to Divulge the Identity of a Subscriber Who is Making Death Threats?*, 25 Hastings Communications & Entertainment Law Journal 683 (2003). Copy supplied.

Excessive Verdicts Affect Both 'Real People' and 'the Powerful,' Los Angeles Daily Journal, August 30, 2001. Copy supplied.

The Independent Counsel Act: An Unconstitutional Delegation of Power to Judges, 3 Federalism & Separation of Powers Practice Group Newsletter (Federalist Society), Spring 1999. Copy supplied.

Note, *China, Emerging Economies, and the World Trade Order*, 46 Duke Law Journal 1519 (1997). Copy supplied.

Fall 1994 (approximately): I presented a paper on the use of "critiques" in college debate at the Speech Communication Association annual conference. I have no notes, transcript, or recording of either my speech or my paper. I believe that the Speech Communication Association is now known as the National Communication Association. The organization's address is 1765 N Street, N.W., Washington, D.C. 20036.

Allocational Spending and the Pork Barrel (1993) (honors thesis). Copy supplied.

No Democracy for Nicaragua, Letter to the Editor, Cornell Daily Sun, February 15, 1990. Copy supplied.

Letter to the Editor, Cornell Daily Sun, October 31, 1989. Copy supplied.

Green Party Ripe in Ithaca, Cornell Review, October 1989. Copy supplied.

The Real Story Behind Dan Quayle, Cornell Review, October 1989. Copy supplied.

Sour Grapes, Letter to the Editor, Cornell Daily Sun (Sept. 25, 1989). Copy supplied.

Defending the Career Fair, Letter to the Editor, Cornell Daily Sun (Sept. 21,

1989). Copy supplied.

While attending Duke University School of Law, I served on the Duke Law Journal, first as a staff member for Volume 45 (1995 – 1996) and then as an editorial board member for Volume 46 (1996 – 1997), where I edited articles primarily for style and to ensure the accuracy of citations. Archived copies of these volumes are available on HeinOnline.org under Duke Law Journal. I do not recall the specific articles on which I worked.

- 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.

In my many years as both a member and Vice Chair of the Los Angeles County Bar Association State Appellate Judicial Evaluation Committee (SAJEC), I was involved in the investigation and preparation of numerous reports on potential California Court of Appeal judicial nominees at the request of the Governor. These reports are considered confidential by the Los Angeles County Bar Association and I do not have the authority to disclose copies of them. The Office of the Governor has copies of these reports.

Office of the California Governor
c/o State Capitol, Suite 1173
Sacramento, California 95814
(916) 445-2841

- 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.

Letter from Los Angeles County Bar State Appellate Judicial Evaluation Committee to Charlie Cahoon, Secretary to the Commission on Judicial Appointments, Nomination of Josh Groban to be Associate Justice of the California Supreme Court, November 23, 2018. Copy supplied.

Examining H.R. 2304, The "Speak Free Act": Hearing Before the Subcommittee on the Constitution and Civil Justice of the House Committee on the Judiciary, 114th Congress 88-98 (2016) (prepared statement of Jeremy B. Rosen, Partner, Horvitz & Levy LLP). Copy supplied.

Letter from Jeremy B. Rosen, Partner, Horvitz & Levy LLP, to Senator Patrick J. Leahy, Chairman, Senate Judiciary Committee & Senator E. Grassley, Ranking

Member, Senate Judiciary Committee, Nomination of Paul Watford, January 26, 2012. Copy supplied.

As a Board Member of the Public Participation Project (PPP), I have worked with other Board Members and PPP staff to promote the enactment of a federal anti-SLAPP bill through Congress. Over the years, I have spoken with various other outside organizations interested in a similar goal, as well as worked with various Congressional staff members who were working on potential legislation. I have provided comments on various draft bills.

I have also been part of communications that PPP and its various staff and Board Members have had over the years with various staff members on both the Senate and House Judiciary Committees. To the best of my recollection, those communications have involved staff members for Sen. Cruz, Sen. Lee, Sen. Cornyn, Sen. Hatch, Sen. Kyl, Sen. Wyden, Rep. Farenthold, Rep. Eshoo, and Rep. Cohen.

- 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.

January 17, 2019: Guest lecture, University of California, Los Angeles Law School Advanced Legal Research Class, Los Angeles, California. Notes supplied.

October 29, 2018: Judge, moot court at Loyola Law School. I have no notes, transcript, or recording. The address for Loyola Law School is 919 Albany Street, Los Angeles, California 90015.

October 13, 2018: Moderator, Los Angeles Cornell Club debate exhibition involving members of the Cornell University Debate Team, "Are charter schools the answer to California's education problems?" Notes supplied.

August 10, 2018: Panelist, "California Supreme Court Roundup," Los Angeles Federalist Society, Los Angeles, California. Notes supplied.

May 18, 2018: Panelist, "Evidence Code – Privileges at Trial, including Mediation Confidentiality and Invocation of the Fifth Amendment," Horvitz & Levy LLP, Burbank, California. Notes supplied.

May 8, 2018: Panelist, "Access to the Appellate Courts for the Un- and

Underrepresented,” Los Angeles County Bar Association, Los Angeles, California. Notes supplied.

May 4, 2018: Panelist, “‘I Didn’t Do That. She’s a Liar!!’: Will Calling Someone a ‘Liar’ be Treated as Opinion or Libelous Falsehood in the ‘Me, Too’ Age?” Media & the Law Seminar, Kansas City, Missouri. Notes supplied.

April 14, 2018: Speaker, “Health Litigation Update,” 2018 CSHA Annual Meeting & Spring Seminar, Napa Valley, California. Notes supplied.

March 15, 2018: Moderator, “Judicial Law Clerks Panel,” Pepperdine University School of Law’s Annual Byrne Judicial Clerkship Institute, Malibu, California. The panel was on providing current and future judicial law clerks with the skills they need to become effective law clerks. Notes supplied.

October 12, 2017: Guest lecture (via telephone) to Louisiana State University Law School Appellate Clinic. I generally gave advice on appellate oral arguments. I have no notes, transcript, or recording. The address for Louisiana Law School is Paul M. Hebert Law Center, 1 East Campus Drive, Louisiana State University, Baton Rouge, Louisiana 70803.

October 5, 2017: Panelist, “The Anti-SLAPP Roadmap,” California Society of Entertainment Lawyers, Los Angeles, California. The panel was on California’s anti-SLAPP statute and its effect on the entertainment industry. I have no notes, transcript, or recording. I was unable to locate a physical address for the California Society of Entertainment Lawyers.

October 2, 2017: Presenter, “The Appellate Process: Oral Argument,” Horvitz & Levy LLP. The presentation was on the appellate process, and specifically how to effectively present an oral argument. I have no notes, transcript, or recording. The address of Horvitz & Levy LLP is 3601 West Olive Avenue, Eighth Floor, Burbank, California 91505.

June 29, 2017: Panelist, “2016 – 2017 California Supreme Court Round-Up,” Los Angeles Federalist Society. The presentation was on the California Supreme Court’s most significant decisions in 2016 – 2017. I have no notes, transcript, or recording. The address for Joshua McDaniel, the current president of the Los Angeles Chapter of the Federalist Society, is Horvitz & Levy LLP, 3601 West Olive Avenue, Eighth Floor, Burbank, California 91505.

May 6, 2017: Moderator, California Academy of Appellate Lawyers panel discussing recent developments in Anti-SLAPP law, Los Angeles, California. Notes supplied.

April 25, 2017: Speaker, “The First Amendment and Political Speech In Campaign Finance Law,” California State University, Fullerton. The presentation

was on the regulation of political speech. I have no notes, transcript, or recording. The address for California State University, Fullerton is 800 North State College Boulevard, Fullerton, California 92831.

March 16, 2017: Question and answer session at the Heritage Foundation, Washington, District of Columbia. My colleagues and I discussed recent developments in case law affecting businesses from various appellate courts. I have no notes, transcript or recording. The address of the Heritage Foundation is 214 Massachusetts Avenue N.E., Washington, District of Columbia 20002.

February 27, 2017: Panelist, discussion on careers in the legal field, Harvard-Westlake School. I generally discussed my career and answered high school students' questions about future careers in the law. I have no notes, transcript, or recording. The address for Harvard-Westlake School is 3700 Coldwater Canyon Avenue, Studio City, California 91604.

February 10, 2017: Guest lecture, Stanford Law School Religious Liberties Clinic. I spoke generally about the appellate process and my experience handling appeals involving religious liberty. I have no notes, transcript, or recording. The address for Stanford Law School is Crown Quadrangle, 559 Nathan Abbott Way, Stanford, California 94305.

January 28, 2017: Panelist, "Litigating State Constitutional Issues," 2017 Annual Western Chapters Conference, Los Angeles Federalist Society, Simi Valley, California. Recording supplied.

January 24, 2017: Speaker, Harvard-Westlake debate team. I lectured the students on the First Amendment and the structure of the court system. I have no notes, transcript, or recording. The address for Harvard-Westlake School is 3700 Coldwater Canyon Avenue, Studio City, California 91604.

January 13, 2017: Panelist, "Review of major recent California Supreme Court decisions," Conference on the Supreme Court of California, Institute of Government Studies, San Francisco, California. Materials supplied.

October 18, 2016: Panelist, "Anti-SLAPP Appeals: What You Don't Know Could Hurt You," Appellate Courts Section of Los Angeles County Bar Association, Los Angeles, California. Notes supplied.

July 12, 2016: Panelist, "Representing the Indigent on Appeal," 2016 Ninth Circuit Judicial Conference. Notes supplied.

July 5, 2016: Guest lecture at undergraduate media/entertainment law class at the University of California, Los Angeles. I discussed the anti-SLAPP statute. I have no notes, transcript or recording. The address for the University of California, Los Angeles is Royce Hall, 10745 Dickson Court, Los Angeles, California 90095.

April 7, 2016: Panelist, "You've Got a Friend: How to Help Win an Appeal through the Effective Use of Amicus Briefs," Beverly Hills Bar Association Inn of Court. Notes supplied.

April 7, 2016: Guest lecture, Constitutional law class at Pepperdine School of Law. I discussed appeals I have handled that involved constitutional issues. I have no notes, transcript, or recording. The address for Pepperdine School of Law is 24255 Pacific Coast Highway, Malibu, California 90263.

March 17, 2016: Moderator, "Judicial Law Clerks Panel," Pepperdine University School of Law's Annual Byrne Judicial Clerkship Institute. The panel was on providing current and future judicial law clerks with the skills they need to become effective law clerks. I have no notes, transcript, or recording. The address for Pepperdine School of Law is 24255 Pacific Coast Highway, Malibu, California 90263.

February 16, 2016: Guest lecture, Stanford Law School Religious Liberties Clinic. I spoke generally about the appellate process and my experience handling appeals involving religious liberty. I have no notes, transcript, or recording. The address for Stanford Law School is Crown Quadrangle, 559 Nathan Abbott Way, Stanford, California 94305.

January 8, 2016: Presenter, "Recent Decisions by the California Supreme Court," Kendall Brill & Kelly LLP. The presentation was on recent decisions by the California Supreme Court. I have no notes, transcript, or recording. The address of Kendall Brill & Kelly LLP is 10100 Santa Monica Boulevard, Suite 1725, Los Angeles, California 90067.

December 4, 2015: Presenter, "The Appellate Process: Oral Argument; Decision," Horvitz & Levy LLP. The presentation was on the appellate process, with the focus being on oral argument and decision. I have no notes, transcript, or recording. The address of Horvitz & Levy LLP is 3601 West Olive Avenue, Eighth Floor, Burbank, California 91505.

October 26, 2015: Guest lecture, appellate advocacy class, Pepperdine School of Law. I discussed various aspects of the appellate process. I have no notes, transcript, or recording. The address for Pepperdine School of Law is 24255 Pacific Coast Highway, Malibu, California 90263.

October 22, 2015: Presenter, "How to Handle Difficult Clients," Horvitz & Levy LLP. The presentation was on how to effectively handle difficult clients. I have no notes, transcript, or recording. The address of Horvitz & Levy LLP is 3601 West Olive Avenue, Eighth Floor, Burbank, California 91505.

July 7, 2015: Panelist, "2014-2015 California Supreme Court Round-Up," Los

Angeles Federalist Society & Libertarian Law Counsel, Los Angeles, California. Notes supplied.

July 2, 2015: Guest lecture at undergraduate media/entertainment law class at the University of California, Los Angeles. I discussed the anti-SLAPP statute. I have no notes, transcript or recording. The address for the University of California, Los Angeles is Royce Hall, 10745 Dickson Court, Los Angeles, California 90095.

June 4, 2015: Panelist for a seminar on legal writing sponsored by Pepperdine School of Law. I have no notes, transcript, or recording. The address for Pepperdine School of Law is 24255 Pacific Coast Highway, Malibu, California 90263.

April 21, 2015: Panelist, "Grab Another Bite: Obtaining En Banc and Supreme Court Review," Appellate Section of the Barristers Club, San Francisco Bar Association. The presentation was on how to effectively present or oppose a petition for en banc rehearing in the Ninth Circuit, for review from the California Supreme Court, and for certiorari from the United States Supreme Court. I have no notes, transcript, or recording. The address for the San Francisco Bar Association is 301 Battery Street, Third Floor, San Francisco, California 94111.

April 2, 2015: Panelist, "Winning the Battle of Prong Two: Proving or Defeating a 'Probability of Prevailing' in an Anti-SLAPP Motion," Beverly Hills Bar Association, Los Angeles, California. Notes supplied.

October 28, 2014: Guest lecture, appellate advocacy class, Pepperdine School of Law. I discussed various aspects of the appellate process. I have no notes, transcript, or recording. The address for Pepperdine School of Law is 24255 Pacific Coast Highway, Malibu, California 90263.

June 12, 2014: Panelist, "California Supreme Court Round-Up," Los Angeles Federalist Society, Los Angeles, California. The panel was on the California Supreme Court's recent significant decisions. Notes supplied.

October 4, 2013: Panelist, "Practice, Procedure, and Oral Argument in the Supreme Court of California," California Constitution Center, University of California, Berkeley School of Law, Berkeley, California. Notes supplied.

October 3, 2013: Speaker, "Blurred Lines: When Does a Lawyer's Advocacy Cross the Line?," Stanford Law School Federalist Society. I have no notes, transcript, or recording. The address for Stanford Law School is Crown Quadrangle, 559 Nathan Abbott Way, Stanford, California 94305.

October 2, 2013: Speaker, "First Amendment Litigation," University of San Francisco Law School Federalist Society. I have no notes, transcript, or recording. The address for University of San Francisco Law School is 2130

Fulton Street, San Francisco, California 94117.

July 10, 2013: Guest lecture at undergraduate media/entertainment law class at the University of California, Los Angeles. I discussed the anti-SLAPP statute. I have no notes, transcript or recording. The address for the University of California, Los Angeles is Royce Hall, 10745 Dickson Court, Los Angeles, California 90095.

June 18, 2013: Panelist, "California Supreme Court Round-Up," Los Angeles Federalist Society, Los Angeles, California. Notes supplied.

June 5, 2013: Moderator, "Drones and Due Process," Los Angeles Federalist Society, Los Angeles, California. Notes supplied.

June 4, 2013: Guest lecture, Stanford Law School Religious Liberties Clinic. I spoke generally about the appellate process and my experience handling appeals involving religious liberty. I have no notes, transcript, or recording. The address for Stanford Law School is Crown Quadrangle, 559 Nathan Abbott Way, Stanford, California 94305.

January 26, 2013: Panelist, "Recent Lawsuits Challenging Tenure and Pure-Seniority Based Layoffs," 2013 Annual Western Chapters Conference, Los Angeles Federalist Society, Simi Valley, California. Recording supplied.

January 17, 2013: Moderator, "In re Garcia Panel Discussion — Can Undocumented Individuals in CA Practice Law?," Los Angeles County Bar Association, Los Angeles, California. Notes supplied.

October 18, 2012: Panelist, "Update on Anti-SLAPP Motions," Association of Southern California Defense Counsel, Los Angeles, California. Notes supplied.

September 18, 2012: Guest lecture, University of California, Davis California Supreme Court Clinic. I spoke about practice and procedure of the California Supreme Court. I have no notes, transcript, or recording. The address for the University of California, Davis School of Law King Hall, 400 Mrak Hall Drive, Davis, California 95616.

June 12, 2012: Panelist, "California Supreme Court Round-Up," Los Angeles Federalist Society, Los Angeles, California. Notes supplied.

May 15, 2012: Moderator, "Oral Advocacy that Works: Views from the Bench and Bar," American Bar Association Webinar. Notes supplied.

May 14, 2012: Speaker, "Attacking Teacher Seniority in Court is Misguided Non-Solution," Press Conference, Los Angeles, California. Recording supplied.

May 10, 2012: Panelist, "Appellate Tips and Tricks from Top Practitioners," San Francisco Bar Association. The panel was on what litigators and trial lawyers should know to help their chances on appeal. I have no notes, transcript, or recording. The address for the San Francisco Bar Association is 301 Battery Street, Third Floor, San Francisco, California 94111.

November 11, 2011: Speaker, mock appellate oral argument regarding the trial of Aaron Burr, Appellate Judges Education Institute, Washington, District of Columbia. Notes supplied.

November 8, 2011: Judge, moot court at Loyola Law School. I have no notes, transcript, or recording. The address for Loyola Law School is 919 Albany Street, Los Angeles, California 90015.

October 24, 2011: Guest lecture, Constitutional law class at Pepperdine School of Law. I discussed appeals I have handled that involved constitutional issues. I have no notes, transcript, or recording. The address for Pepperdine School of Law is 24255 Pacific Coast Highway, Malibu, California 90263.

October 6, 2011: Guest lecture, appellate advocacy class, Pepperdine School of Law. I discussed various aspects of the appellate process. I have no notes, transcript, or recording. The address for Pepperdine School of Law is 24255 Pacific Coast Highway, Malibu, California 90263.

September 9, 2011: Presenter, "The Appellate Process: Writs," Horvitz & Levy LLP. The presentation was on the appellate process, specifically writs. I have no notes, transcript, or recording. The address for Horvitz & Levy LLP is 3601 West Olive Avenue, Eighth Floor, Burbank, California 91505.

July 20, 2011: Guest lecture at undergraduate media/entertainment law class at the University of California, Los Angeles. I discussed the anti-SLAPP statute. I have no notes, transcript or recording. The address for the University of California, Los Angeles is Royce Hall, 10745 Dickson Court, Los Angeles, California 90095.

March 18, 2011: Speaker, dedication of Byrne Judicial Clerkship Institute at Pepperdine School of Law. I spoke about my fond memories clerking for Judge Byrne and how happy I was that Pepperdine was honoring him by renaming its judicial clerkship institute in his memory. I have no notes, transcript, or recording. The address for Pepperdine School of Law is 24255 Pacific Coast Highway, Malibu, California 90263.

January 29, 2011: Panelist, "California's Pensions Systems: Can It Be Reformed?," Fifth Annual Western Conference, Los Angeles Federalist Society. The presentation was on California's pension system and whether reforms are needed. I have no notes, transcript, or recording. The address for Joshua

McDaniel, the current president of the Los Angeles Chapter of the Federalist Society, is Horvitz & Levy LLP, 3601 West Olive Avenue, Eighth Floor, Burbank, California 91505.

November 12, 2010: Judge, moot court at Pepperdine School of Law. I have no notes, transcript, or recording. The address for Pepperdine School of Law is 24255 Pacific Coast Highway, Malibu, California 90263.

October 26, 2010: Panelist, "The Future of the California Judiciary: The Potential Effects of a New Justice and a New Governor," Los Angeles Federalist Society. I spoke on the possible impact the election for a new governor could have on the Supreme Court's jurisprudence. I have no notes, transcript, or recording. The address for Joshua McDaniel, the current president of the Los Angeles Chapter of the Federalist Society, is Horvitz & Levy LLP, 3601 West Olive Avenue, Eighth Floor, Burbank, California 91505.

October 21, 2010: Speaker, "California Courts and the Economy 2010," Orange County Federalist Society. I spoke on the possible impact the election for a new Governor could have on the California Supreme Court's jurisprudence. I have no notes, transcript, or recording. The address for Carol Matheis, the current president of the Orange County Chapter of the Federalist Society, is Post Office Box 2074, Newport Beach, California 92659.

October 18, 2010: Panelist, "The Future of the California Supreme Court: How Will It Shape California's Economy and Society?," San Francisco Federalist Society. I spoke on the possible impact the election for a new governor could have on the Supreme Court's jurisprudence. I have no notes, transcript, or recording. The address for Joseph Rose, the current president of the San Francisco Chapter of the Federalist Society, is Gibson, Dunn & Crutcher LLP, 555 Mission Street, Suite 3000, San Francisco, California 94105.

October 14, 2010: Guest lecture, Constitutional law class at Pepperdine School of Law. I discussed appeals I have handled that involved constitutional issues. I have no notes, transcript, or recording. The address for Pepperdine School of Law is 24255 Pacific Coast Highway, Malibu, California 90263.

September 9, 2010: Speaker, "State Court Docket Watch Summer 2010," Los Angeles Federalist Society, Los Angeles, California. Notes supplied.

June 4, 2010: Speaker, presenting award-recipient Deb Yang the first annual Lawyer of the Year Award, Los Angeles Federalist Society, Los Angeles, California. Notes supplied.

May 19, 2010: Panelist, "California's §17200 - Its Use and Abuse," San Diego Federalist Society, San Diego, California. Recording supplied.

May 4, 2010: Presented seminar on the anti-SLAPP statute, State Farm Mutual Insurance Company. I do not recall the specific location where I spoke. I have no notes, transcript or recording. The address of State Farm is 1 State Farm Plaza, Bloomington, Illinois 61710.

April 20, 2010: Presented seminar on the anti-SLAPP statute, Farmers Insurance Group. I do not recall the specific location where I spoke. I have no notes, transcript or recording. The address of Farmers Insurance Group is 6301 Owensmouth Avenue, Woodland Hills, CA 91367.

April 13, 2010: Presented anti-SLAPP seminar. I have records showing I gave a seminar on that date, but I have no records and no recollection of where the seminar occurred or the identity of the sponsoring organization. I have no notes, transcript or recording.

November 5, 2009: Judge, moot court at Loyola Law School. I have no notes, transcript, or recording. The address for Loyola Law School is 919 Albany Street, Los Angeles, California 90015.

September 29, 2009: Speech, "What is the Federalist Society?," Pepperdine School of Law Federalist Society. I spoke about the different programs the Federalist Society puts on at law schools and around the country. I have no notes, transcript, or recording. The address for Pepperdine School of Law is 24255 Pacific Coast Highway, Malibu, California 90263.

July 15, 2009: Guest lecture at undergraduate media/entertainment law class at the University of California, Los Angeles. I discussed the anti-SLAPP statute. I have no notes, transcript or recording. The address for the University of California, Los Angeles is Royce Hall, 10745 Dickson Court, Los Angeles, California 90095.

Spring 2009 (approximately): I gave a speech to the Cornell Speech and Debate Society at its annual awards banquet where I received the "Alumni of the Year" award. I have no notes, transcript, or recording. The address for the Cornell Speech and Debate Society is Cornell University, Speech and Debate Program, 615b Ives Hall, Ithaca, New York 14853.

May 26, 2009: According to my records, I gave an election speech to a Bar Association about my candidacy for the State Bar Board of Governors. I have no records or recollection of where this speech occurred or what organization I was speaking to. I have no notes, transcript, or recording.

May 20, 2009: Panelist, "California's Anti-SLAPP Statute: A Cure for Frivolous Lawsuits, or a Mixed Blessing?," Los Angeles Federalist Society. The presentation was on California's anti-SLAPP statute. I have no notes, transcript, or recording. The address for Joshua McDaniel, the current president of the Los

Angeles Chapter of the Federalist Society, is Horvitz & Levy LLP, 3601 West Olive Avenue, Eighth Floor, Burbank, California 91505.

May 12, 2009: Election speech for California State Bar Board of Governors, San Fernando Valley Bar Association. I spoke to members of the San Fernando Valley Bar Association about my candidacy for the State Bar Board of Governors. I have no notes, transcript, or recording. The address for the San Fernando Valley Bar Association is 20750 Ventura Boulevard, Suite 140, Woodland Hills, California 91364.

April 21, 2009: According to my records, I gave an election speech to a Bar Association about my candidacy for the State Bar Board of Governors. I have no records or recollection of where this speech occurred or what organization I was speaking to. I have no notes, transcript, or recording.

April 20, 2009: Panelist, "The Episcopalian Schism, the First Amendment, and Church Property Rights," Stanford Law Federalist Society. The panel discussed the First Amendment and church property rights. I have no notes, transcript, or recording. The address for the Stanford Law School Chapter of the Federalist Society is 559 Nathan Abbott Way, Stanford, California 94305.

April 14, 2009: Election speech for California State Bar Board of Governors, Beverly Hills Bar Association. I spoke to members of the Board of the Beverly Hills Bar Association about my candidacy for the State Bar Board of Governors. I have no notes, transcript, or recording. The address for the Beverly Hills Bar Association is 9420 Wilshire Boulevard, Beverly Hills, California 90212.

February 23, 2009: Guest lecture, University of Southern California School of Law. I do not have records or recollection of which class I spoke to. I have no notes, transcript, or recording. The address for the University of Southern California School of Law is 699 Exposition Boulevard, Los Angeles, California 90089.

January 30, 2009: Panelist, "Religious Liberty and Religious Property Disputes: Who Owns the Lord's House?," The Herbert and Elinor Nootbaar Institute on Law, Religion, & Ethics, Pepperdine University, Malibu, California. Recording supplied.

January 26, 2009: Guest lecture, appellate advocacy class, Pepperdine School of Law. I discussed various aspects of the appellate process. I have no notes, transcript, or recording. The address for Pepperdine School of Law is 24255 Pacific Coast Highway, Malibu, California 90263.

November 6, 2008: Judge, moot court at Loyola Law School. I have no notes, transcript, or recording. The address for Loyola Law School is 919 Albany Street, Los Angeles, California 90015.

October 22, 2008: Speech on election issues, Los Angeles Public Library. I spoke at a branch of the Los Angeles Public Library on some of the main issues in the 2008 presidential campaign on behalf of Senator McCain's campaign. I have no notes, transcript, or recording. I do not recall at which branch of the library the debate occurred, but the address for the Central (Main) Branch is 630 West Fifth Street, Los Angeles, California 90071.

May 7, 2008: Presented seminar on the anti-SLAPP statute to Warner Brothers. I do not recall the exact location where I spoke. I have no notes, transcript, or recording. The address for Warner Brothers is 3400 West Riverside Drive, Burbank, California 91522.

January 28, 2008: Judge, moot court at Pepperdine School of Law. I have no notes, transcript, or recording. The address for Pepperdine School of Law is 24255 Pacific Coast Highway, Malibu, California 90263.

October 23, 2007: Judge, moot court at Loyola Law School. I have no notes, transcript, or recording. The address for Loyola Law School is 919 Albany Street, Los Angeles, California 90015.

September 26, 2007: Speaker, "Judicial Activism: Should You Question the Holdings in Your Casebooks?," Southwestern Law School Federalist Society. I spoke on the topic of critical examination of appellate decisions. I have no notes, transcript, or recording. The address for Southwestern Law School is 3050 Wilshire Boulevard, Los Angeles, California 90010.

September 24, 2007: Speaker, "Judicial Activism," Pepperdine School of Law Federalist Society. I spoke on the topic of critical examination of appellate decisions. I have no notes, transcript, or recording. The address for Pepperdine School of Law is 24255 Pacific Coast Highway, Malibu, California 90263.

July 17, 2007: Speaker at meeting of the Los Angeles Legal Secretaries Association. I do not recall the specific topic I spoke on, but I recall I was asked to speak to the meeting by multiple legal assistants at my firm who thought that the members of the organization would benefit from hearing from an appellate lawyer. I have no notes, transcript, or recording. I do not have a physical address for the Los Angeles Legal Secretaries Association, but the organization can be contacted at <http://www.lalsa.info/contact-us/>

June 2007 (approximately): Speaker, Public Counsel award ceremony. I gave a speech honoring my colleague Patricia Lofton who was posthumously awarded an advocate of the year award by Public Counsel for her pro bono victory. I have no notes, transcript, or recording. The address for Public Counsel is 610 South Ardmore Avenue, Los Angeles, California 90005.

April 10, 2007: Speaker at meeting of the San Fernando Valley Legal Secretaries Association. I do not recall the specific topic I spoke on, but I recall I was asked to speak to the meeting by multiple legal assistants at my firm who thought that the members of the organization would benefit from hearing from an appellate lawyer. I have no notes, transcript, or recording. The address of the San Fernando Valley Legal Secretaries Association is Post Office Box 10531, Burbank, California 91505.

March 16, 2007: Speaker at memorial service for Judge Wm. Matthew Byrne held at Pepperdine School of Law. I have no notes, transcript, or recording. The address for Pepperdine School of Law is 24255 Pacific Coast Highway, Malibu, California 90263.

February 26, 2007: According to my records, I gave a speech on this date regarding recent appellate decisions relating to the War on Terror. I have no records or recollection as to where this speech took place or what I specifically discussed. I have no notes, transcript, or recording.

October 23, 2006: Speaker, "What the Federalist Society Stands for and why Someone Should Get Involved," University of California, Los Angeles School of Law Federalist Society. I have no notes, transcript, or recording. The address for the University of California, Los Angeles School of Law is 385 Charles E. Young Drive East, 1242 Law Building, Los Angeles, California 90095.

August 21, 2006: Speaker, public policy discussion group. I was invited to speak to an informal discussion group led by Doug McDermott. I do not recall what I spoke about. I have no notes, transcript, or recording. Mr. McDermott's address is 2500 Broadway, F125, Santa Monica, California 90404.

There is no regular meeting location for the discussion group and I believe the group is no longer extant.

September 1, 2005: Speaker, "The History of the Federalist Society," University of California, Los Angeles School of Law Federalist Society. I spoke on the founding of the Federalist Society and the types of programs the Federalist Society sponsors in law schools and around the country. I have no notes, transcript, or recording. The address for the University of California, Los Angeles School of Law is 385 Charles E. Young Drive East, 1242 Law Building, Los Angeles, California 90095.

August 30, 2005: Speaker, "What is the Federalist Society?," Loyola Law School Federalist Society. I spoke about the different programs the Federalist Society puts on at law schools and around the country. I have no notes, transcript, or recording. The address for Loyola Law School is 919 Albany Street, Los Angeles, California 90015.

May 13, 2005: According to my records, I spoke on a panel on this date at a conference on court bias. I have no records or recollection as to where this speech took place or what I specifically discussed. I have no notes, transcript, or recording.

May 4, 2005: Presented seminar on the anti-SLAPP statute to California State University General Counsel's Office. I have no notes, transcript, or recording. The address for the California State University General Counsel's Office is 401 Golden Shore, Fourth Floor, Long Beach, California 90802.

March 9, 2005: Judge, moot court at Loyola Law School. I have no notes, transcript, or recording. The address for Loyola Law School is 919 Albany Street, Los Angeles, California 90015.

January 13, 2005: According to my records, I presented an online anti-SLAPP seminar on this date. I have no records or recollection as to where this speech took place or what I specifically discussed. I have no notes, transcript, or recording.

September 1, 2004: Speaker, "Welcome to Law School. Now What?," Loyola Law School Federalist Society. I gave general advice about law school and legal careers. I have no notes, transcript, or recording. The address for Loyola Law School is 919 Albany Street, Los Angeles, California 90015.

February 24, 2003: Judge, moot court at Pepperdine School of Law. I have no notes, transcript, or recording. The address for Pepperdine School of Law is 24255 Pacific Coast Highway, Malibu, California 90263.

January 16, 2003: Speaker, Southwestern Law School Federalist Society. I do not recall the topic of this speech. The address for Southwestern Law School is 3050 Wilshire Boulevard, Los Angeles, California 90010.

October 17, 2002: Speaker, "Constitution Under Attack?," Humanist Association of California State University, Los Angeles, Los Angeles, California. The panel was on civil liberties and the "war on terrorism." I have no notes, transcript, or recording. The address for the Humanist Association of California State University, Los Angeles is 5151 State University Drive, Los Angeles, California 90032.

October 7, 2002: According to my records, I gave a speech at Whittier Law School on this date. I have no records or recollection as to what I specifically discussed. I have no notes, transcript, or recording. The address for Whittier Law School is 3333 Harbor Boulevard, Costa Mesa, California 92626.

April 8, 2002: Judge, moot court at the University of California, Los Angeles School of Law. I have no notes, transcript, or recording. The address for the

University of California, Los Angeles School of Law is 385 Charles E. Young Drive East, 1242 Law Building, Los Angeles, California 90095.

November 2001 (approximately): According to my records, I gave a speech this month discussing death penalty jurisprudence. I have no records or recollection as to where this speech took place or what I specifically discussed. I have no notes, transcript, or recording.

Fall 1994 (approximately): I presented a paper on the use of "critiques" in college debate at the Speech Communication Association annual conference. I have no notes, transcript, or recording of either my speech or my paper. I believe that the Speech Communication Association is now known as the National Communication Association. Its address is 1765 North Street, N.W., Washington, District of Columbia 20036.

- 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.

Jonathan Stempel, *Arizona Inmate Who Says Police 'Beat the Crap Out of' Him Can Sue*, Reuters, March 16, 2018. Copy submitted. Reprinted in multiple outlets.

Andrew Dalton, *Janice Dickinson's Lawsuit Against Bill Cosby Can Proceed*, Associated Press, March 15, 2018. Copy supplied. Reprinted in multiple outlets.

Nancy Dillon, *Bill Cosby Loses Appeal In Janice Dickinson's Defamation Lawsuit*, NY Daily News, Mar. 15, 2018. This article was rehosted on numerous websites, all of which attributed it to the Daily News. Copies of the original have been submitted.

Greg Evans, *Bill Cosby Loses Latest Appeal In Janice Dickinson Defamation Case*, Deadline, March 15, 2018. Copy supplied. Reprinted in multiple outlets.

Jeffrey Fleishman, *Will Hollywood Lawyer Martin Singer's Pitbull Tactics Still Work In A Post-Weinstein Era?*, Los Angeles Times, November 30, 2017. Copy supplied.

C.A. Reinstates Causes of Action Against Cosby, Metropolitan News-Enterprise, November 22, 2017. Copy supplied. Reprinted in multiple outlets.

Watch: Kyser Blakely and Emily Sauer argue case before Ninth Circuit Court of Appeals, Pepperdine Law Surf Report, November 21, 2017. Copy supplied.

Dominic Patten, *Marty Singer Back In Janice Dickinson's Bill Cosby Defamation Suit, Probably*, Deadline, October 27, 2017. Copy supplied.

Nancy Dillon, *Janice Dickinson Gets Closer to Possible Trial Over Defamation Suit Against Bill Cosby*, NY Daily News, October 26, 2017. Copy supplied.

Sara Randazzo, *California's Tough Bar Exam, Long a Point of Pride, Faces Pushback*, Wall Street Journal, May 31, 2017. Copy supplied.

C.A. Presiding Justice Paul Turner Dies, Metropolitan News-Enterprise, May 22, 2017. Copy supplied.

Joyce E. Cutler, *Don't Need Jurisdiction on Claims to OK Anti-SLAPP Fees*, Bloomberg BNA Law Reports, January 10, 2017. Copy supplied.

Ethan Bailey, *Former CNN Writer Pursuing Discrimination Claims After Court Ruling*, Northern California Record, January 9, 2017. Copy supplied.

Melissa Daniels, *California Cases To Watch In 2017*, Law360, January 2, 2017. Copy supplied.

Watch: 3Ls Cory Batza & Helen Andrews Argue Case Before Ninth Circuit Court of Appeals, Pepperdine Law Surf Report, November 17, 2016. Copy supplied.

David Lat, *Lawyerly Lairs: At The Intersection Of Appellate Advocacy And Artwork*, Above the Law, November 11, 2016. Copy supplied.

Brian Cardile, *Weekly Appellate Report: SCOTUS Preview*, Los Angeles Daily Journal, October 4, 2016. Recording supplied.

Bonnie Eslinger, *Ex-Hospital CEO Says Attys' Prostitution Claim Defamed Him*, Law360, September 21, 2016. Copy supplied.

Logan Noblin, *9th Circuit Adjusts Standard For Reviewing Document Disclosure Requests*, Los Angeles Daily Journal, September 8, 2016. Copy supplied.

Joyce E. Cutler, *California: Councilmember Votes are Free Speech*, Bloomberg Law, August 10, 2016. Copy supplied.

Logan Noblin, *Anti-SLAPP Legal Battle Renewed In 9th Circuit*, Los Angeles Daily Journal, August 5, 2016. Copy supplied.

Jon Steingart, *Fair Representation Claim Dismissal No Bar to Disability Case*, Bloomberg BNA – Workplace Law Report, July 5, 2016. Copy supplied.

Chris Morran, *How One Email to a Nursing Home Set Off a 6-Year Legal Battle With No End in Sight*, Consumerist, July 2, 2016. Copy supplied.

Chris Morran, *What Are SLAPPs And Anti-SLAPPs... And Why Should You Care?*, Consumerist, June 30, 2016. Copy supplied.

Robin Abcarian, *Santa Monica Pony Ride Owners, Accused of Abuse By Animal Rights Activist, Prevented From Suing for Libel*, Los Angeles Times, May 27, 2016. Copy supplied.

Brian Cardile, *Weekly Appellate Report: Vergara debate: Do Cal Statutes Undermine Educational Equality?*, Los Angeles Daily Journal, April 29, 2016. Recording supplied.

Kevin Lee, *Landmark Vergara Case Reversed On Appeal*, Los Angeles Daily Journal, April 16, 2016. Copy supplied.

Appellate Practice: Knocking Down a Barrier to the Courthouse, Los Angeles Daily Journal, March 17, 2016. Copy supplied.

Larry Marino, *Sunday Morning Newsmakers*, AM 870, January 31, 2016. Recording supplied.

Kali Hays, *Anti-SLAPP Law Doesn't Cover Attys' Emails, Calif. Court Says*, Law360, January 7, 2016. Copy supplied.

Steven Crighton, *Nossaman Attorney Backs Church In Pro Bono Case*, Los Angeles Daily Journal, December 23, 2015. Copy supplied.

Ashley Cullins, *Enhanced Reckless Driving Punishments for Press Upheld*, Los Angeles Daily Journal, October 2, 2015. Copy supplied.

John Roemer, *Personal Opposition to Death Penalty Should Not Disqualify Jurors, State High Court Rules*, Los Angeles Daily Journal, July 1, 2015. Copy supplied.

Appellate Advocacy Clinic Wins Fourth of Five Cases in Two Years, Pepperdine Newsroom, June 4, 2015. Copy supplied.

Kurt Orzeck, *9th Circ. Revives Sex Bias Suit By Ex-Applebee's Prep Cook*, Law360, June 4, 2015. Copy supplied.

Fiona Smith, *State Supreme Court Hears Case On the Reach of CEQA for University Expansion Projects*, Los Angeles Daily Journal, May 28, 2015. Copy supplied.

Fiona Smith, *State High Court to See If University's Expansion Plan Squares With Environmental Law*, Los Angeles Daily Journal, May 14, 2015. Copy supplied.

Y. Peter Kang, *Stroock, Levene Neale Duck Appeal in Atty Betrayal Fight*, Law360, May 1, 2015. Copy supplied.

Kat Greene, *Bergstein Fights To Keep Stroock In Atty Betrayal Fight*, Law360, April 24, 2015. Copy supplied.

America Hernandez, *Appellate Court Hesitant to Throw Out 'Napoleon Dynamite' Decision*, Los Angeles Daily Journal, March 28, 2015. Copy supplied.

Daniel Siegal, *'Napoleon Dynamite' Appeal Says Fox Owes \$10M Of DVD Take*, Law360, March 26, 2015. Copy supplied.

Erin Coe, *Practitioner's Playbook: The Summary Judgment Motion*, Law360, March 24, 2015. Copy supplied.

Chris Yates, *The Female Attorneys You Admire*, Law360, March 6, 2015. Copy supplied.

Erin Coe, *6 Calif. Anti-SLAPP Fights to Watch in 2015*, Law360, February 13, 2015. Copy supplied.

Kurt Orzeck, *Bieber-Chasing Photog Gets Calif. Driving Law Fight Revived*, Law360, January 22, 2015. Copy supplied.

Chris Yates, *What Associates Need To Do To Stand Out*, Law360, January 14, 2015. Copy supplied.

Jessica K. Pruitt, Note, *"Cafa-Nated": A Jittery Interpretation of Forum Selection*, 68 Arkansas Law Review 511 (2015). Copy supplied.

Amanda Bronstad, *Chamber Hopes to Forestall Food-Labeling Class Actions*, National Law Journal, November 18, 2014. Copy supplied.

Kurt Orzeck, *Calif. Voters OK 3 Judges For State's Highest Court*, Law360, November 5, 2014. Copy supplied.

Emily Green, *Horvitz & Levy LLP*, Los Angeles Daily Journal, October 15, 2014. Copy supplied.

Laura Hautala, *Top 100 Lawyers in California: Jeremy B. Rosen*, Los Angeles Daily Journal, September 10, 2014. Copy supplied.

Erin Coe, *Calif. High Court Nominee Could Raise Profile Of Bench*, Law360, August 29, 2014. Copy supplied.

Erin Coe, *Loutish Lawyers On Notice With Calif. Civility Oath*, Law360, May 9, 2014. Copy supplied.

Pamela A. MacLean, *Getting SLAPped Around*, California Lawyer, April 2014. Copy supplied.

Ninth Circuit Appellate Advocacy Clinic Celebrates Anniversary with Win, Pepperdine Law Surf Report, February 14, 2014. Copy supplied.

Al Sturgeon, *Victory for the Ninth Circuit Appellate Advocacy Clinic*, Pepperdine Law Family & Friends, January 16, 2014. Copy supplied.

Sheri Qualters, *Small-Firm Lawyer Manages Big Win*, National Law Journal, January 6, 2014. Copy supplied.

Erin Coe, *Calif. To Flex Policy Muscle With New Solicitor General*, Law360, October 31, 2013. Copy supplied.

Amanda Bronstad, *Ninth Circuit Culls Gang Member's Claims Against TV Show*, National Law Journal, September 17, 2013. Copy supplied.

Emily Green, *Top 100 Lawyers in California*, Los Angeles Daily Journal, September 11, 2013. Copy supplied.

Scott Graham, *Associate Following Partner's Orders Can Be Liable for Malicious Prosecution*, Texas Lawyer, August 26, 2013. Copy supplied.

Cieran McEvoy, *Investor Group Asks Court To Revive Dorsey Fee Litigation*, Law360, July 18, 2013. Copy supplied.

Jamie Ross, *No Extortion in Sending Nasty Lawyer Letters*, Courthouse News Service, July 17, 2013. Copy supplied.

Dominic Patten, *Marty Singer Escapes Extortion Claim From Former 'Big Brother' Contestant*, Deadline, July 17, 2013. Copy supplied.

Matthew Heller, *Hollywood Atty's Demand Letter Not Extortion, Court Says*, Law360, July 16, 2013. Copy supplied.

Scott Graham, *At High Court, Win for Ninth Circuit Amid Slapdowns*, Legal Intelligencer (July 8, 2013, 3:36 AM). Copy supplied.

Scott Graham, *At Supreme Court, Success Amid Slapdowns*, Recorder, June 28, 2013. Copy supplied.

Cieran McEvoy, *Hollywood Atty Asks Calif. Appeals Court To Nix Extortion Suit*, Law360, May 16, 2013. Copy supplied.

Martha Nei, *Was Well-Known Lawyer's Demand Letter 'Extortion'? Appeals Court to Hear Arguments on Judge's Ruling*, ABA Journal, May 14, 2013. Copy supplied.

Eriq Gardner, *Hollywood Lawyer Marty Singer Appeals Extortion Ruling*, Hollywood Reporter, May 13, 2013. Copy supplied.

Martha Neil, *Appeals Court OKs Fine For Lawyer Who Asserted SLAPP Shield Against Tort Case Over Demand Letter*, ABA Journal, April 24, 2013. Copy supplied.

Scott Graham, *Rethinking Anti-SLAPP*, The Recorder, April 23, 2013. Copy supplied.

Mark Friedman, *Game Change*, Arkansas Business, March 25, 2013. Copy supplied.

Mark Friedman, *Inside the Miller County Class-Action Strategy Invalidated by U.S. Supreme Court*, Arkansas Business, March 25, 2013. Copy supplied.

Erin Coe, *Union Data Fight May Hint At Calif. High Court's Privacy Stance*, Law360, February 27, 2013. Copy supplied.

Scott Graham, *Fisher Taking Senior Status, Creating Another Slot on Ninth Circuit*, Recorder, January 4, 2013. Copy supplied.

Joshua Stein, *Tentative Oral Opinions: Improving Oral Argument Without Spending a Dime*, 14 Journal of Appellate Practice & Process 159 (2013). Copy supplied.

Matthew Heller, *LSAT Prep Service Asks For New Trial In Trade Secrets Case*, Law360, December 11, 2012. Copies supplied.

Cynthia Foster, *Defamation Squabble Could Highlight Downside to Legal Marketing*, The Recorder, November 30, 2012. Copy supplied.

Kari Santos, *Superficial Change On The Federal Bench?*, Los Angeles Daily Journal, August 2, 2012. Copy supplied.

Sen. Boxer Praises Senate Confirmation of L.A. Attorney Paul Watford for the Ninth Circuit Court of Appeals, U.S. Fed News Service, May 23, 2012. Copy supplied.

Nicole Flatow, *Senate Confirms Watford to Overworked Ninth Circuit, Ending Obstruction of Filibustered Nominee*, ACSblog, May 21, 2012. Copy supplied.

Scott Graham, *Senate Confirms Watford for 9th Circuit Seat*, Recorder, May 21, 2012. Copy supplied.

May 14, 2012: Speaker, "Attacking Teacher Seniority in Court is Misguided Non-Solution," Press Conference, Los Angeles, California. Recording supplied.

Nicole Flatow, *Senators Signal Opposition to Another Ninth Circuit Nominee*, ACSblog, February 3, 2012. Copy supplied.

Kate Moser, *Lawyer Sued Over YouTube Video Can't Fight Back With Anti-SLAPP Law*, Texas Lawyer, February 2, 2012. Copy supplied.

Kate Moser, *Lawyer sued Over Youtube Video Can't Fight Back*, Daily Business Review, February 1, 2012. Copy supplied.

KenInNY, *Can You Blame Public-Radio People for Taking it for Granted that the Only Opinions that Matter are Right-Wing Ones?*, Down with Tyranny, October 20, 2011. Copy supplied.

Paras Shah, *UC Berkeley Grad Nominated to Federal Court Judgeship*, Daily Californian, October 19, 2011. Copy supplied.

Carol Williams, *Obama Nominates L.A. Lawyer to 9th Circuit*, Los Angeles Times, October 18, 2011. Copy supplied.

Ian Millhiser, *Is President Obama's Latest Judicial Nominee Too Qualified To Get Confirmed?*, ThinkProgress, October 18, 2011. Copy supplied.

Bob Egelko, *Paul Watford Nominated to Federal Appeals Court*, SFGate (San Francisco Chronicle), October 18, 2011. Copy supplied.

First Monday In October: Appellate Lawyers' Roundtable, Los Angeles & San Francisco Daily Journal, October 3, 2011. Copy supplied.

September 20, 2011: According to my records, I was interviewed on camera by the local Fox affiliate. I have no recollection about what the interview was about or whether it ever aired on television. I reached out to the affiliate and was told they do not have a copy of my interview. I have no notes, transcript, or recording.

The address for Fox 11 Los Angeles is 1999 South Bundy Drive, Los Angeles, California 90025.

Ginny LaRoe, *Obama Looking at Munger, Tolles Partner for 9th Circuit Seat*, The Recorder, August 2, 2011. Copy supplied.

Kate Moser, *Amici Take Issue With Anti-SLAPP 'Dicta'*, The Recorder, March 11, 2011. Copy supplied.

Laura Ernde, *California Courts of Appeal Judge's Anti-SLAPP Comments Challenged*, Daily Journal, March 11, 2011. Copy supplied.

Susan Beck, *Simpson Thacher's PrediWave Migraine Gets Worse*, American Lawyer, November 18, 2010. Copy supplied.

Simpson, Thacher & Bartlett LLP Loses Another Round in \$100 Million PrediWave Fraud Case, Business Wire, November 17, 2010. Copy supplied.

Kate Moser, *Simpson Thacher Loses Bid to End Malicious Prosecution Suit*, The Recorder, November 17, 2010. Copy supplied.

Suzy Frisch, *Episco-Pal*, Super Lawyers, July 2010. Copy supplied.

If I Were A Senator, I'd Ask Kagan..., Law360, May 10, 2010. Copy supplied.

Nate Scott, *Who Appellate Lawyers Would Appoint*, South California Appellate News, April 8, 2010. Copy supplied.

If I Were Obama, My Supreme Court Pick Would Be ..., Law360, April 7, 2010. Copy supplied.

Cheryl Miller, *Panel Rejects Bands' Suit Over Magazine Ads*, Legal Intelligencer, February 1, 2010. Copy supplied.

Cheryl Miller, *Court Backs Rolling Stone in Suit Over Ads*, The Recorder, January 29, 2010. Copy supplied.

California Justices Rule 7-0 Attorneys' Fees May be Denied in Low-Recovery FEHA Cases, Bloomberg Law, January 22, 2010. Copy supplied.

David Lat, *Malpractice Suit Against Simpson Thacher Reinstated on Appeal*, Above The Law, December 3, 2009. Copy supplied.

Jodi Triplett, *Big Law, We Have a Problem*, Blueprint LSAT Prep, November 16, 2009. Copy supplied.

Mike McKee, *Indie Bands Say They Were Used to Sell Cigarettes; Rolling Stone Gets Backing From Seven Media Organizations Filing Amicus Curiae Briefs on Magazine's Behalf*, Daily Report, November 16, 2009. Copy supplied.

Mike McKee, *Media Cross Fingers in Rolling Stone Case*, Recorder, November 13, 2009. Reprinted in multiple outlets. Copy supplied.

Nina Shapiro, *Judge Betty's Revenge*, Seattle Weekly News, August 18, 2009. Copy supplied.

Mike McKee, *Moreno Gets Feeler for High Court*, The Recorder, May 22, 2009. Copy supplied.

Sherri M. Okamoto, *Board of Governors Candidates Split on Moving Convention*, Metropolitan News-Enterprise, April 15, 2009. Copy supplied.

Court: Admission of Other Spills Evidence in Suit Was Error, Metropolitan News-Enterprise, March 5, 2008. Copy supplied.

Bob Egelko, *Rabbi's Suit Over 'Fuehrer' Comment Came Way Too Late*, San Francisco Chronicle, December 25, 2007. Copy supplied.

Mike McKee, *Is Libel Suit for Remarks in Library Volume Seen Nine Years Later Untimely?*, The Recorder, October 5, 2007. This article has been archived and, using my best efforts, I have not been able to locate a copy.

Mike McKee, *Shelf Life Key in Suit Over Library Tome*, Recorder, October 2, 2007. This article has been archived and, using my best efforts, I have not been able to locate a copy.

Bob Egelko, *Justices Play a Round on the Liabilities of Golfing*, San Francisco Chronicle, August 31, 2007. Copy supplied.

Alexa Hylandn, *Top 20 Under 40*, Los Angeles Daily Journal, January 31, 2007. Copy supplied.

David L. Hudson Jr., *Domestic Partners Get Married-Couple Privileges*, 4 No. 33 ABA Journal E-Report 5, August 12, 2005. Copy supplied.

T.R. Goldman, *Calif. Justices: Domestic Partner Privileges Required*, Legal Intelligencer, August 4, 2005. This article has been archived and, using my best efforts, I have not been able to locate a copy.

Justin Scheck, *Calif. Justices: Businesses Must Give Domestic Partners Marital Benefits*, The Recorder, August 3, 2005. This article has been archived and, using my best efforts, I have not been able to locate a copy.

Justin Scheck, *Domestic Partners Get Marital Benefits*, The Recorder, August 2, 2005. This article has been archived and, using my best efforts, I have not been able to locate a copy.

Mike McKee, *Court May Force Country Club to Allow Lesbian Couple*, The Recorder, May 31, 2005. This article has been archived and, using my best efforts, I have not been able to locate a copy.

David Kravets, *California Justices Weigh Lesbian's Country Club Membership*, San Diego Union-Tribune, May 27, 2005. Copy supplied. Reprinted in multiple outlets.

Donna Domino, *Justices Debate Country Club's Marriage Rule*, Los Angeles Daily Journal, May 27, 2005. Copy supplied.

Bob Egelko, *San Francisco / Supreme Court Reviews Same-Sex Discrimination Case / Country Club Denied Family Membership to Lesbian Couple*, SFGate (San Francisco Chronicle), May 27, 2005. Copy supplied.

Candice E. Jackson, *Their Lives: The Women Targeted By The Clinton Machine*, World Ahead Publishing (2005). I provided a brief statement about this book that appeared on the book's dust jacket; scanned copy of dust jacket supplied.

Jeff Chorney, *Calif. Supremes Toss Varian Verdict, Order New Trial*, The Recorder, March 7, 2005. This article has been archived and, using my best efforts, I have not been able to locate a copy.

Jeff Chorney, *Verdict In Varian Thrown Out and New Trial Ordered*, The Recorder, March 4, 2005. This article has been archived and, using my best efforts, I have not been able to locate a copy.

Mike McKee, *Contradictory Theories Draw Justices' Scorn*, The Recorder, December 8, 2004. This article has been archived and, using my best efforts, I have not been able to locate a copy.

Justin M. Norton, *Media Weighs In On Web Libel Appeal*, The Recorder, June 18, 2004. This article has been archived and, using my best efforts, I have not been able to locate a copy.

February 6, 2004: Law Talk Cable Access Television Show, Beverly Hills High School. I was interviewed by host Jeffrey Shane. I have no recollection of the topics we discussed. I reached out to Mr. Shane but he does not retain copies of old interviews. I have no notes, transcript, or recording. The address for Jeffrey Shane is 2304 South Beverly Glen Boulevard, Unit 203, Los Angeles, CA 90064.

October 3, 2003: Law Talk Cable Access Television Show, Beverly Hills High School. I was interviewed by host Jeffrey Shane. I have no recollection of the topics we discussed. I reached out to Mr. Shane, but he does not retain copies of old interviews. I have no notes, transcript, or recording. The address for Jeffrey Shane is 2304 South Beverly Glen Boulevard, Unit 203, Los Angeles, California 90064.

Shannon Lafferty, *FBI Investigating Death Threats in Varian Internet Libel Case*, Recorder, August 5, 2002. This article has been archived and, using my best efforts, I have not been able to locate a copy.

Shannon Lafferty, *Online Speech Case Draws a Crowd*, Law.com, March 25, 2002. This article has been archived and, using my best efforts, I have not been able to locate a copy.

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.

In 2009, I ran for an open seat on the California State Bar Board of Governors. I lost the election. Other than that, I have never been a candidate for or held an elected public 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.

In 1988, I volunteered on the George Bush for President Campaign and ultimately became the L.A. County Chair for Youth for Bush-Quayle.

In 1988, I volunteered for a local California State Assembly race for James Rendleman.

In the summer of 1990, I worked as an unpaid intern at the Republican National Congressional Committee in Washington, D.C., where I assisted various Republicans running for Congress with research on issues raised by their respective campaigns.

In 2004, I attended a Bush-Cheney Lawyers group meeting but I do not recall if I ever officially joined the organization.

In 2007 I attended one event for lawyers supporting Mayor Rudy Guiliani, but I do not recall if I ever officially joined the organization.

In 2008, I volunteered to represent the McCain campaign at a public forum, with a representative, from the Obama campaign at a local branch of the L.A. Public Library to discuss the major issues in the presidential campaign.

To the extent responsive, in 2010 I provided a briefing to staff of Meg Whitman's campaign for Governor about the California Supreme Court.

In 2011, I attended a Romney lawyers group meeting, but I do not recall if I ever officially joined the organization.

From 2015 to 2016, I served as a volunteer for the Jeb Bush for President Campaign giving informal advice about the federal courts to the campaign's policy group.

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 1997 to 1998, I served as a law clerk to the Honorable William Matthew Byrne, Jr., District Judge of the United States District Court for the Central District of California.

From 1999 to 2000, I served as a law clerk to the Honorable Ferdinand Fernandez, Circuit Judge of the United States Court of Appeals for the Ninth Circuit.

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

I have never practiced alone.

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

Summer 1995

Los Angeles District Attorney's Office
211 West Temple Street, Suite 1200
Los Angeles, California 90012
Summer Law Clerk

Summer 1996 (first half)

Irell & Manella LLP
1800 Avenue of the Stars, Suite 900
Los Angeles, California 90067
Summer Associate

Summer 1996 (second half)

Munger, Tolles & Olson LLP
350 South Grand Avenue, Fiftieth Floor
Los Angeles, California 90071
Summer Associate

1998 – 1999; 2000 – 2001

Munger, Tolles & Olson LLP
350 South Grand Avenue, Fiftieth Floor
Los Angeles, California 90071
Associate

2001 – 2007

Horvitz & Levy LLP
3601 West Olive Avenue, Eighth Floor
Burbank, California 91505
Associate

2008 – present
Horvitz & Levy LLP
3601 West Olive Avenue, Eighth Floor
Burbank, California 91505
Partner

2013 – present
Pepperdine Law School
24255 Pacific Coast Highway
Malibu, California 90263
Director, Ninth Circuit Clinic

- 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 am on the list of volunteer mediators that the California Court of Appeal, Second Appellate District calls upon when the parties request an appellate mediation. I have acted as a Court of Appeal-appointed mediator three times.

- (1) *Union Patriot Capital Management II, L.L.C. v. Castro* (Mediation occurred in 2018)
Los Angeles County Superior Court No. BC681300
Court of Appeal No. B291109

The appeal involved a dispute over accounting for who should receive money brought in by a series of movies.

Plaintiffs/Respondents Counsel:

Barry E. Mallen
Loeb & Loeb LLP
10100 Santa Monica Boulevard
Los Angeles, California 90067
(310) 282-2033

Defendants/Appellants Counsel:

Charles Michael Coate
Abrams Coate LLP

12400 Wilshire Boulevard, Suite 1060
Los Angeles, California 90025
(310) 576-6161

Christopher Lynn Frost
Eisner Jaffe
9601 Wilshire Boulevard, Suite 700
Beverly Hills, California 90210
(310) 855-3200

- (2) *Ross v. Anderson* (Mediation occurred in 2013)
Los Angeles County Superior Court No. BC480374
Court of Appeal No. B249502

The appeal involved an anti-SLAPP motion brought against a
defamation claim.

Plaintiff/Respondent Counsel:

Gary J. Gorham
Raskin Gorham Anderson Law
11333 Iowa Avenue
Los Angeles, California 90025
(310) 202-5544

Defendants/Appellants Counsel:

David J. Weiss
Law Offices of David Weiss
11340 West Olympic Boulevard, Suite 100
Los Angeles, California 90064
(310) 575-9566

- (3) *Hearn v. Bridgestone Retail Operations, LLC* (Mediation occurred
in 2012)
Los Angeles County Superior Court No. BC459907
Court of Appeal No. B236976

The appeal involved FEHA discrimination claims.

Plaintiff/Respondent Counsel:

Laura L. Horton
Horton Law Firm
9045 Corbin Avenue, Suite 260
Northridge, California 91324

(818) 407-0700

Defendant/Appellant Counsel:

Summer Ashley Young-Agriesti
Ernest William Klatte
Klatte, Budensiek & Young-Agriesti, LLP
100 Bayview Circle, Suite 4500
Newport Beach, California 92660
(949) 221-8700

b. Describe:

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

As a young associate at Munger, Tolles & Olson LLP, from 1998 to 1999 and 2000 to 2001, I worked with other associates and partners on a wide range of litigation matters representing various corporate defendants. The cases involved antitrust, tort, contract, unfair competition, and other similar claims. I worked on motions and engaged in discovery. I defended a handful of depositions and was third chair at an arbitration. I also worked on pro bono cases involving the First Amendment and predatory lending practices.

As an associate at Horvitz & Levy LLP from 2001 to 2007, I took the lead in representing a wide range of clients (paying and pro bono) on appeal in various appellate courts. I reviewed appellate records, researched legal issues, prepared appellate briefs under the supervision of partners, and presented appellate arguments.

As a partner at Horvitz & Levy LLP from 2008 to the present, my practice has remained basically the same, with the main difference that I now more often supervise other lawyers who take the lead in researching and preparing the appellate briefs. I also frequently present appellate oral arguments.

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

I am a California State Bar certified specialist in Appellate Law. For the past seventeen plus years, I have practiced civil appellate law primarily in the Ninth Circuit Court of Appeals, the California Supreme Court, and the California Courts of Appeal. As part of my appellate practice, I frequently consult on cases proceeding in trial courts, generally with an eye toward identifying promising legal issues and preserving them for appeal.

My clients throughout my career have been extremely diverse, ranging from large publicly traded corporations to smaller privately held companies, partnerships, religious organizations, public entities, trade associations, public interest organizations, universities, and hospitals. I have also represented numerous individuals, including professionals (doctors, lawyers, etc.), individual board members, whistleblowers, families seeking asylum, prisoners, and others who could not afford legal representation absent pro bono assistance. In most areas of law, I have represented clients as both plaintiffs and defendants.

- 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.

100% of my practice has been devoted to litigation. I typically present between three and four appellate oral arguments per year.

- i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|-----|
| 1. federal courts: | 20% |
| 2. state courts of record: | 80% |
| 3. other courts: | 0% |
| 4. administrative agencies: | 0% |

- ii. Indicate the percentage of your practice in:

- | | |
|--------------------------|-----|
| 1. civil proceedings: | 99% |
| 2. criminal proceedings: | 1% |

During my two years as a law clerk, I worked on over 100 criminal cases. As an appellate lawyer, I have handled one criminal appeal.

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

As an appellate lawyer, I have not tried any cases to verdict. I frequently consult before and during trials focusing on legal issues. As an associate at my prior firm, I participated in one arbitration before a panel of three arbitrators that resulted in a win for my client.

- i. What percentage of these trials were:

- | | |
|--------------|----|
| 1. jury: | 0% |
| 2. non-jury: | 0% |

- 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 argued before the Supreme Court of the United States. I have filed *amicus curiae* briefs, petitions for writ of certiorari, and a response to a petition for writ of certiorari on behalf of clients in the following cases:

Brief of California Hospital Association and California Children's Hospital Association as Amici Curiae in Support of Petitioners, *Children's Hospital Los Angeles, et al. v. N.L., a Minor, By and Through his Guardian ad Litem, Jacqueline Arce*, 139 S. Ct. 315 (2018) (No. 17-1633).

Brief of *Amicus Curiae* Washington Legal Foundation in Support of Petitioner Bloomingdale's, Inc., *Bloomingdale's, Inc. v. Vitolo*, 137 S. Ct. 2267 (2017) (No. 16-1110).

Brief of *Amicus Curiae* Chamber of Commerce of United States of America in Support of Petitioners Joseph P. Murr et al., *Murr v. Wisconsin*, 137 S. Ct. 1933 (2017) (No. 15-214).

Brief of *Amici Curiae* Chamber of Commerce of United States Of America et al. in Support of Petitioner, *Wells Fargo Bank, NA v. Gutierrez*, 136 S. Ct. 1512 (2016) (No. 14-1230).

Brief of the Chamber of Commerce of the United States of America et al. as *Amici Curiae* in Support of Petitioners, *MHC Fin. Ltd. P'Ship v. City of San Rafael, Cal.*, 134 S. Ct. 900 (2014) (No. 13-0288).

Brief of the Manufactured Housing Institute et al. as Amici Curiae in Support of Petitioner, *Standard Fire Ins. Co. v. Knowles*, 568 U.S. 588 (2013) (No. 11-1450).

Petition for a Writ of Certiorari, *Macerich Mgmt. Co. v. United Brotherhood of Carpenters & Joiners of America Local 586*, 558 U.S. 1012 (2009) (No. 09-0235).

Brief in Opposition, *Rector, Wardens & Vestrymen of Saint James Parish v. Protestant Episcopal Church in Diocese of L.A.*, 558 U.S. 827 (2009) (No. 08-1579).

Brief *Amicus Curiae* of International Ass'n of Defense Counsel in Support of Petitioner Shell Oil Co., *Burlington N. and Santa Fe Ry. Co. v. United States*, 556 U.S. 599 (2009) (No. 07-1607).

Brief of International Ass'n of Defense Counsel as *Amicus Curiae* in Support of Petitioner, *Burlington N. & Santa Fe Ry. Co. v. United States*, 556 U.S. 599

(2009) (No. 07-1607).

Petition for a Writ of Certiorari, *Delfino v. Agilent Techs., Inc.*, 552 U.S. 817 (2007) (No. 06-1561).

Brief *Amicus Curiae* of Michelangelo Delfino & Mary E. Day in Support of Petitioners Ulysses Tory & Ruth Craft, *Tory v. Cochran*, 544 U.S. 734 (2005) (No. 03-1488).

Motion for Leave to File *Amicus Curiae* Brief; *Amicus Curiae* Brief of The Initiative & Referendum Institute in Support of Petitioners, *Angle v. Guinn*, 541 U.S. 957 (2004) (No. 03-1037).

Motion for Leave to File *Amicus Curiae* Brief; *Amicus Curiae* Brief of Cigna Healthcare of California, Inc. in Support of Petitioners, *Allen v. Pacheco*, 540 U.S. 1212 (2004) (No. 03-0642).

Petition for Writ of Certiorari and Reply in support of Petition for Writ of Certiorari, *Cigna v. Balaban-Zilke*, 540 U.S. 1110 (2004) (No. 03-709).

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) *Hawkins v. St. John Missionary Baptist Church*, No. F071584 (Cal. Ct. App. Mar. 15, 2017).

A group of dissenting members of the church filed a lawsuit to oust the church's pastor. The trial court appointed a referee to oversee a church vote to determine whether the pastor would be retained, and then excluded certain votes of active church members who supported the pastor while at the same time counting the votes of other inactive members who voted against the pastor. As a result of the trial court's rulings, the pastor lost by one vote.

The Court of Appeal reversed the judgment, finding that the trial court had

disenfranchised active church members and directed the trial court to count the votes of the excluded members. As a result of this, my client won the election and continued as pastor. As reflected by the *amici curiae* briefs, this case presented an important question regarding the limitations a civil court faces when adjudicating a church election. I was lead counsel and supervised an associate. My representation ran from February 27, 2014 through July 27, 2017. The case was heard by the Hon. Herbert I. Levy, Hon. Charles S. Pochigian, and Hon. Stephen Kane.

Co-Counsel for Defendants and Appellants:

Barry R. Levy
Joshua C. McDaniel
Horvitz & Levy LLP
3601 West Olive Avenue, Eighth Floor
Burbank, California 91505
(818) 995-0800

Julie E. Van Wert
(formerly of Wilson Elser Moskowitz Edelman & Dicker LLP)
London Fischer LLP
800 Wilshire Boulevard, Suite 1550
Los Angeles, California 90071
(213) 404-0240

Counsel for Plaintiffs and Respondents:

Jay L. Rosenlieb
James R. Harvey
Catherine Elizabeth Bennett
Klein DeNatale Goldner
4550 California Avenue, Second Floor
Bakersfield, California 93309
(661) 395-1000

Counsel for Defendants and Respondents:

Steven B. Soltman
Soltman, Levitt, Flaherty & Wattles LLP
90 East Thousand Oaks Boulevard, Suite 300
Thousand Oaks, California 91360
(805) 497-7706

Garth M. Drozin
(formerly of Soltman, Levitt, Flaherty & Wattles LLP)
J.K. Residential Services, Inc.
2016 Riverside Drive

Los Angeles, California 90039
(323) 669-9090

Thomas Rittenburg
(formerly of Soltman, Levitt, Flaherty & Wattles LLP)
397 Hornblend Court
Simi Valley, California 93065
(805) 208-9668

(2) *Byrd v. Maricopa County Board of Supervisors*, 845 F.3d 919 (9th Cir. 2017).

Charles Byrd, an Arizona state prisoner and former pretrial detainee, has a history of being a victim of sexual abuse. Despite knowing about his history, prison officials permitted female guards to observe Mr. Byrd daily, from four to five feet away, while he showered and used the bathroom. Mr. Byrd filed a pro se complaint alleging that this cross-gender close supervision policy violated his Fourth Amendment rights to bodily privacy and freedom from unreasonable searches and his Fourteenth Amendment right to be free from cruel and unusual punishment. The district court dismissed Mr. Byrd's constitutional claims at the pleading stage on the basis that Ninth Circuit precedent clearly permitted the cross-gender supervision in this case.

The Ninth Circuit reversed and remanded in a published opinion, holding that its prior decisions did not address the type of broad and invasive cross-gender observation alleged in this case, and that the allegations in Mr. Byrd's complaint could support a constitutional violation if proven true. The court further held that the prison's various defenses could not be evaluated at the pleading stage, and that additional evidentiary support will be required. I was lead counsel for Mr. Byrd and supervised certified law students. My representation ran from November 16, 2015 through April 9, 2018. The case was heard by the Hon. Stephen Reinhardt, Hon. John Owens, and Hon. Salvador Mendoza (United States District Judge for the Eastern District of Washington, sitting by designation).

Co-Counsel for Plaintiff-Appellant:

Mark A. Kressel
Horvitz & Levy LLP
3601 West Olive Avenue, Eighth Floor
Burbank, California 91505
(818) 995-0800

Helen Andrews
(formerly of Ninth Circuit Appellate Advocacy Clinic, Pepperdine University School of Law)
United States Court of Appeals for the Ninth Circuit
333 Las Vegas Boulevard South, Suite 7080
Las Vegas, Nevada 89101

Cory Batza
(formerly of Ninth Circuit Appellate Advocacy Clinic, Pepperdine University School of Law)
United States District Court
350 West 1st Street, Suite 4311
Los Angeles, California 90012

Counsel for Defendants-Appellees:

Thomas Liddy
Anne C. Longo
Joseph James Branco
Deputy County Attorneys
Civil Services Division
222 North Central Avenue, Suite 1100
Phoenix, Arizona 85004
(602) 506-8541

(3) *Garity v. APWU National Labor Organization*, 828 F.3d 848 (9th Cir. 2016).

Rosemary Garity, a United States Postal Service clerk, suffered from numerous physical and emotional disabilities. Despite her willingness to perform her job, Postal Service management refused to accommodate her disabilities. Ms. Garity sued her union after it refused to file and process her grievances and instead sided with management, discriminating and retaliating against her because of her disabilities. The district court dismissed her ADA claims on the basis that, for Title VII and ADA claims brought against a union, as opposed to an employer, a plaintiff must show a breach of the duty of fair representation.

The Ninth Circuit reversed and remanded in a published decision, holding that the elements of a Title VII or ADA claim are the same when brought against an employer or a union. Thus, the district court erred in holding that its prior adverse determination on her claim for breach of the duty of fair representation had preclusive effect for her ADA claims. I was lead counsel and supervised certified law students. My representation ran from September 29, 2014 through August 9, 2016. The case was heard by the Hon. Jerome Farris, Hon. Jay Bybee, and Hon. N. Randy Smith.

Co-Counsel for Plaintiff-Appellant:

Matthew S. O'Brien
(formerly of Ninth Circuit Appellate Advocacy Clinic, Pepperdine University School of Law)
Kutak Rock LLP
777 South Figueroa Street, Suite 4550
Los Angeles, California 90017

(213) 312-4000

Justin C. Beck
(formerly of Ninth Circuit Appellate Advocacy Clinic, Pepperdine University School of Law)
Jones Day
555 California Street, Twenty-Sixth Floor
San Francisco, California 94104
(415) 875-5883

Counsel for Defendant-Appellee:

Michael R. Hall
Matthew A. Walker
Hall Jaffe & Clayton LLP
7425 Peak Drive
Las Vegas, Nevada 89128
(702) 316-4111

(4) *Angelotti Chiropractic, Inc. v. Baker*, 791 F.3d 1075 (9th Cir. 2015).

Plaintiffs, medical providers and other vendors, challenged California Senate Bill 863 (SB 863) as violating the Takings, Due Process, and Equal Protection Clauses by imposing a \$100 activation fee for each workers' compensation lien filed prior to January 1, 2013. The district court dismissed Plaintiffs' claims under the Takings Clause and Due Process Clause, but issued a preliminary injunction on the Equal Protection claim, ruling that SB 863 failed strict scrutiny and violated Plaintiffs' Equal Protection rights by not imposing the lien activation fee on certain entities other than Plaintiffs.

The Ninth Circuit affirmed in part and reversed in part, in a published opinion, holding that SB 863 did not implicate any fundamental right and constituted economic legislation traditionally evaluated under rational basis review. The court determined that the Legislature could have rationally concluded that the \$100 fee was necessary to clear the substantial backlog of liens. Thus, the fee survived an Equal Protection challenge. Furthermore, SB 863 did not violate the Due Process Clause because the activation fee was akin to filing fees in conventional litigation, in which the U.S. Supreme Court has rejected due process challenges, or the Takings Clause, because the liens at issue were derivative of the underlying workers' compensation claim, which constituted a contingent rather than a vested property interest protected by the Clause. I was lead counsel representing the State Compensation Insurance Fund as *amicus curiae* and supervised an associate at my firm. My representation ran from December 29, 2013 through October 20, 2015. The case was heard by the Hon. Mary M. Schroeder, Hon. Jacqueline H. Nguyen, and Hon. Jack Zouhary (United States District Judge for the Northern District of Ohio, sitting by designation.)

Co-counsel for *Amicus Curiae* State Compensation Insurance Fund in support of

Defendants–Appellants & Cross–Appellees:

Eric S. Boorstin
Horvitz & Levy LLP
3601 West Olive Avenue, Eighth Floor
Burbank, California 91505
(818) 995-0800

Counsel for Defendants–Appellants & Cross–Appellees:

Joel A. Davis
Donna M. Dean
Office of the Attorney General, State of California
300 South Spring Street, Suite 1702
Los Angeles, California 90013
(213) 269-6000

Kumani Louis Armstrong
Department of Industrial Relations
1515 Clay Street, Seventeenth Floor
Oakland, California 94612
(510) 286-7087

Harold Jackson
(formerly of Department of Industrial Relations)
184 East Via Huerto
Palm Springs, California 92264
(510) 871-7573

Counsel for Plaintiffs–Appellees & Cross–Appellants:

Mark J. Nagle
Paul Murphy
Murphy Rosen LLP
100 Wilshire Boulevard, Suite 1300
Santa Monica, California 90401
(310) 899-3300

Glen E. Summers
Sundeep K. (Rob) Addy
Daniel C. Taylor
Bartlit Beck Herman Palenchar & Scott LLP
1801 Wewatta Street, Suite 1200
Denver, Colorado 80202
(303) 592-3100

(5) *Escobedo v. Applebees*, 787 F.3d 1226 (9th Cir. 2015).

Maria Escobedo appealed from the dismissal of her Title VII lawsuit against her employer for wrongful termination after she complained to the EEOC about sexual harassment. Ms. Escobedo represented herself pro se in the district court and lodged her complaint along with a request to proceed in forma pauperis because her sole source of income was her \$210 weekly unemployment payments. The district court found that she should be able to pay the \$350 filing fee because her husband also had some Social Security income. The district court then dismissed her lawsuit after she paid the filing fee because it found that the complaint was then untimely.

The Ninth Circuit reversed and remanded in a published opinion, holding that the complaint was timely when it was presented to the district court even though it was not officially filed until the filing fee was paid. The Ninth Circuit also found that the district court abused its discretion in denying Ms. Escobedo's request to proceed in forma pauperis because her income was too low and it was wrong to consider her husband's income. I was lead counsel and supervised certified law students. My representation ran from November 14, 2013 through July 20, 2015. The case was heard by the Hon. Kim McLane Wardlaw, Hon. Richard A. Paez, and Hon. Michael A. Ponsor (United States Senior District Judge for the District of Massachusetts, sitting by designation).

Co-Counsel for Plaintiff-Appellant:

Robert H. Wright
Horvitz & Levy LLP
3601 West Olive Avenue, Eighth Floor
Burbank, California 91505
(818) 995-0800

Sarah Gerdes
(formerly with the Ninth Circuit Appellate Advocacy Clinic, Pepperdine University
School of Law)
Ninth Circuit Court of Appeals
125 South Grand Avenue
Pasadena, California 91105
(415) 355-8000

Katelin Eastman
(formerly with the Ninth Circuit Appellate Advocacy Clinic, Pepperdine University
School of Law)
Robbins Schwartz
55 West Monroe, Suite 800
Chicago, Illinois 60603
(312) 332-7760

Counsel for Defendants-Appellees:

Melissa Leigh Griffin
(formerly of Apple American Group LLC)
1801 California Street, Apartment 204
San Francisco, California 94109

Beth Fruechtenicht-Aney
(formerly of Apple American Group LLC)
Gordon Rees Scully Mansukhani, LLP
275 Battery Street, Suite 2000
San Francisco, California 94111
(415) 875-3144

Elizabeth G. Chilton
Glaser Weil, LLP
10250 Constellation Boulevard, Nineteenth Floor
Los Angeles, California 90067
(310) 553-3000

(6) *Corber v. Xanodyne Pharmaceuticals*, 771 F.3d 1218 (9th Cir. 2014) (en banc).

Consumers commenced actions in state court against drug manufacturers, alleging injuries related to the ingestion of propoxyphene. Consumers petitioned under state law for coordination of their lawsuits. Drug manufacturers removed the actions to federal court under the “mass action” provision of the Class Action Fairness Act (CAFA). Consumers moved to remand. The district court remanded back to state court, holding it lacked jurisdiction under CAFA because consumers’ petitions for coordination were not proposals to try the case jointly.

The Ninth Circuit, sitting en banc, reversed in a published opinion, holding the petitions for coordination constituted proposals for the actions to be tried jointly. Reading the petitions literally, the court determined that when consumers sought coordination “for all purposes,” that included coordination for the purposes of trial, and therefore the Plaintiffs had sought a joint trial. Additionally, the specific reasons given for coordination supported the conclusion that a joint trial was requested because the list of potential issues, including the danger of inconsistent judgments and conflicting determinations of liability, would have been addressed only through some form of a joint trial. I was lead counsel for the United States Chamber of Commerce and PhRMA as *amici curiae* and supervised an associate at my firm. My representation ran from August 7, 2013 through December 8, 2014. The case was heard by the Hon. Alex Kozinski, Hon. Barry G. Silverman, Hon. Susan P. Graber, Hon. Ronald M. Gould, Hon. Marsha S. Berzon, Hon. Richard C. Tallman, Hon. Johnnie B. Rawlinson, Hon. Richard R. Clifton, Hon. Mary H. Murguia, Hon. Morgan Christen, and Hon. Andrew D. Hurwitz.

Co-Counsel for *Amici Curiae* Chamber of Commerce of the United States of America and PhRMA in support of Defendant-Appellant:

Mark A. Kressel
Horvitz & Levy LLP
3601 West Olive Avenue, Eighth Floor
Burbank, California 91505
(818) 995-0800

Kathryn Comerford Todd
(formerly of National Chamber Litigation Center)
Office of the White House Counsel
1600 Pennsylvania Avenue, N.W.
Washington, District of Columbia 20500

Tyler R. Green
(formerly of National Chamber Litigation Center)
Utah Attorney General's Office
350 North State Street, Suite 230
Salt Lake City, Utah 84114
(801) 538-9600

James M. Spears
(formerly of Pharmaceutical Research and Manufacturers of America)
425 Eighth Street N.W., Suite 349
Washington, District of Columbia 20004

Melissa B. Kimmel
Pharmaceutical Research and Manufacturers of America
950 F Street, N.W., Suite 300
Washington, District of Columbia 20004
(202) 835-3400

Counsel for Defendant-Appellant Teva Pharmaceuticals, USA, Inc.:

Ginger Pigott
Karin Bohmholdt
Greenberg Traurig, LLP
1840 Century Park East, Suite 1900
Los Angeles, California 90067
(310) 586-7700

Amy B. Alderfer
(formerly of Greenberg Traurig, LLP)
Cozen O'Connor
601 South Figueroa Street, Suite 3700
Los Angeles, California 90017
(213) 892-7941

Lori G. Cohen
Victoria Lockard
Greenberg Traurig, LLP
3333 Piedmont Road N.E., Suite 2500
Atlanta, Georgia 30305
(678) 553-2100

Elliot H. Scherker
Greenberg Traurig, LLP
333 Southeast Second Avenue, Suite 4400
Miami, Florida 33131
(305) 579-0579

Jay Lefkowitz, P.C.
Kirkland & Ellis LLP
601 Lexington Avenue
New York, New York 10022
(212) 446-4800

Daniel A. Bress
Kirkland & Ellis LLP
655 Fifteenth Street N.W.
Washington, District of Columbia 20005
(202) 879-5000

Danielle R. Sassoon
(formerly of Kirkland & Ellis LLP)
United States Attorney's Office
1 Saint Andrews Plaza
New York, New York
(212) 637-2200

Counsel for Defendant-Appellant Xanodyne Pharmaceuticals, Inc.:

Karen Woodward
(formerly of Sedgwick LLP)
Los Angeles City Attorney's Office
200 North Main Street, Suite 600
Los Angeles, California 90012
(213) 978-7000

Christopher Patrick Norton
(formerly of Sedgwick LLP)
Mintz Levin Cohn Ferris Glovsky & Popeo
2029 Century Park East, Suite 3100

Los Angeles, California 90067
(310) 226-7849

Hall R. Marston
(formerly of Sedgwick LLP)
1400 North Bundy Drive
Los Angeles, California 90049
(310) 387-7647

Linda E. Maichl
Michael J. Suffren
Ulmer & Berne, LLP
600 Vine Street, Suite 2800
Cincinnati, Ohio 45202
(513) 698-5000

Counsel for Plaintiffs-Appellees:

Matthew J. Sill
(formerly of Sill Law Group)
Fulmer Sill
1101 North Broadway Avenue, Suite 102
Oklahoma City, Oklahoma 73103
(405) 510-0077

Stuart B. Esner
Esner, Chang & Boyer
234 East Colorado Boulevard, Suite 975
Pasadena, California 91101
(626) 535-9860

Andrew N. Chang
Esner Chang & Boyer
35 Quail Court, Suite 303
Walnut Creek, California 94596
(925) 937-4477

Amanda Greenburg
(formerly of Khorrami, LLP)
Archer Systems
101 Broadway, Suite 220
Oakland, California 94607
(512) 382-5100

Elise R. Sanguinetti
(formerly of Khorrami, LLP)

Arias Sanguinetti Wang & Torrijos LLP
555 Twelfth Street, Suite 1230
Oakland, California 94607
(510) 629-4877

Louis M. Bograd
Motley Rice LLC
401 Ninth Street N.W., Suite 1001
Washington, D.C. 20004
(202) 232-5504

Andre M. Mura
Gibbs Law Group LLC
505 Fourteenth Street, Suite 1110
Oakland, California 94612
(800) 254-9493

James P. Sizemore
(formerly of The Sizemore Law Firm PLC)
Deceased

Stephen D. Behnke
Wright & Schulte, LLC
865 South Dixie Drive
Vandalia, Ohio 45377
(937) 435-7500

Stephen J. Randall
Pearson, Randall & Schumacher, P.A.
310 Fourth Avenue South, Suite 5010
Minneapolis, Minnesota 55415
(612) 767-7516

(7) *Malin v. Singer*, 159 Cal. Rptr. 3d 292 (Cal. Ct. App. 2013)

Entertainment lawyer Martin Singer sent a demand letter to Mike Malin on behalf of a client, alleging Malin had misappropriated company assets. In doing so, the letter set forth the factual basis of the anticipated civil lawsuit. Malin sued, alleging that Singer's letter amounted to civil extortion. The trial court agreed and denied Singer's anti-SLAPP motion.

The California Court of Appeal reversed the trial court's decision and held that Singer's letter was protected by the First Amendment and the litigation privilege. The Court of Appeal explained that the demand letter simply accused Malin of embezzlement and provided the factual basis for that allegation. The court concluded the letter did not amount to extortion and instead fell within the protection of the First Amendment and the

anti-SLAPP motion should have been granted. The importance of this case was underscored by the significant *amici curiae* support, including a brief filed by SNAP (Survivors Network of those Abused by Priests), who was greatly concerned that courts provide legal protections for demand letters setting forth allegations of serious impropriety. I was lead counsel. My representation ran from January 17, 2012 through November 10, 2016. The case was heard by the Hon. Steven C. Suzukawa, Hon. Thomas L. Willhite, and the Hon. Nora M. Manella.

Co-Counsel for Defendants and Appellants Martin Singer, Lavelly & Singer, and Andrew Brettler:

Felix Shafir
Horvitz & Levy LLP
3601 West Olive Avenue, Eighth Floor
Burbank, California 91505
(818) 995-0800

Wesley T. Shih
(formerly of Horvitz & Levy LLP)
Sender One Climbing LLC
2815 Sepulveda Boulevard, Unit 20
Torrance, California 90505
(213) 279-2000

Counsel for Plaintiff and Respondent:

Barry P. King
Law Offices of Barry P. King
232 North Canon Drive
Beverly Hills, California 90210
(310) 277-0420

Counsel for Defendants and Appellants Shereene Arazm & Oren Koules:

Mark Allen Goldowitz
California Anti-SLAPP Project
2415 San Pablo Dam Road, Suite 106
San Pablo, California 94806
(510) 486-9123

Paul Clifford
(formerly of California Anti-SLAPP Project)
Law Office of Paul Clifford
1222 Preservation Park Way, Suite 200
Oakland, California 94612
Ryan D. Metheny

(formerly of the California Anti-SLAPP Project)
301 West First Street
Los Angeles, California 90012
(213) 785-2561

(8) *Christoff v. Nestlé USA, Inc.*, 213 P.3d 132 (Cal. 2009).

Russell Christoff sued Nestlé USA, Inc. for unauthorized use of his image on the label of its Taster's Choice coffee jar, after Nestlé mistakenly believed it had permission to use the photo. The Court of Appeal reversed the entire \$15.6 million judgment, holding that the "single publication rule" (codified by Civil Code section 3425.3) applies to an appropriation of likeness claim such as that asserted by Christoff, limiting his claims to any "republications" of his image by Nestlé that occurred within the two-year limitations period preceding the filing of his complaint.

The Supreme Court affirmed the Court of Appeal's holding that the single-publication rule applies to "causes of action for unauthorized commercial use of likeness." The Supreme Court also held that the "delayed discovery rule" does not apply to toll the statute of limitations on Christoff's claims because "a product label such as the one in the present case . . . is 'not published in an inherently secretive manner,' but is distributed widely to the public." Finally, the court affirmed the Court of Appeal's reversal of the entire judgment for a new trial, in which Christoff must show that there was a use of his likeness by Nestlé within the two-year limitations period and which was not part of "a single integrated publication" that first appeared outside the limitations period. I handled this appeal with two of my partners. My representation ran from February 3, 2005 through May 20, 2010. The case was heard by the Hon. Carlos Moreno, Hon. Ronald George, Hon. Joyce Kennard, Hon. Marvin Baxter, Hon. Ming W. Chin, Hon. Carol Corrigan, and Hon. Kathryn Werdegar.

Co-Counsel for Defendant and Appellant:

John A. Taylor
David M. Axelrad
Horvitz & Levy LLP
3601 West Olive Avenue, Eighth Floor
Burbank, California 91505
(818) 995-0800

Lawrence E. Heller
Heller & Edwards
21650 Oxnard Street, Suite 1580
Woodland Hills, California 91367
(310) 550-8833

Shula R. Barash
(formerly of Heller & Edwards)

Law Offices of Shula Roth-Barash
9454 Wilshire Boulevard, Suite 500
Beverly Hills, California 90212
(310) 247-0636

Counsel for Plaintiff and Respondent:

Robert David Mayer
(formerly of Mayer & Glassman Law Corporation)
16133 Ventura Boulevard, Penthouse A
Encino, California 91426
(818) 528-2858

Eric G. Stockel
(formerly of Kibre & Horwitz, LLP)
2449 Mandeville Canyon Road
Los Angeles, California 90049

Colin C. Claxon
Law Office of Colin C. Claxon
35 Regina Way
San Rafael, California 94903
(415) 472-0822

(9) *In re Episcopal Church Cases*, 198 P.3d 66 (Cal. 2009)

In 2004, as a result of a dispute over the ordination of gay clergy, St. James Parish disaffiliated itself from the Episcopal Diocese of Los Angeles and affiliated itself with the Anglican Church of Uganda. A dispute then arose over who owned the parish building and the property on which it stood. The trial court granted St. James's anti-SLAPP motion, dismissing the Episcopal Diocese's lawsuit seeking to reclaim the property on the basis that the lawsuit was subject to the anti-SLAPP statute and the parish would prevail on the merits because it owned the property.

The Supreme Court first held that the trial court erred in applying the anti-SLAPP statute. The court then held that California courts should apply the "neutral principles of law" test to conclude that the general church owned the local property as opposed to the local church. In applying this test, the Supreme Court noted that while St. James Parish held record title to the property, the Episcopal Church owned the property. I was co-lead counsel along with John Shiner representing the Diocese. My representation ran from August 30, 2005 through October 25, 2007. The case was heard by the Hon. Carol A. Corrigan, Hon. Ronald M. George, Hon. Marvin R. Baxter, Hon. Ming W. Chin, Hon. Carlos R. Moreno, Hon. Joyce L. Kennard, and the Hon. Kathryn M. Werdegar.

Co-Counsel for Rasmussen Plaintiffs and Appellants:

John R. Shiner
(formerly of Holme Roberts & Owen, LLP)
Bryan Cave, LLP
120 Broadway, Suite 300
Santa Monica, California 90401-2386
(310) 576-2164

Brent E. Rychener
Bryan Cave, LLP
90 South Cascade Avenue, Suite 1300
Colorado Springs, Colorado 80903
(719) 381-8458

Frederic D. Cohen
Horvitz & Levy LLP
3601 West Olive Avenue, Eighth Floor
Burbank, California 91505
(818) 995-0800

Counsel for Rasmussen Defendants and Respondents:

Eric Sohlgren
Benjamin A. Nix
Daniel Lula
Payne & Fears LLP
4 Park Plaza, Suite 1100
Irvine, California 92614
(949) 851-1100

Floyd J. Siegal
(formerly of Spile & Siegal, LLP)
Mediation Offices of Floyd J. Siegal
11601 Wilshire Boulevard, Suite 2040
Los Angeles, California 90025
(310) 442-2100

Robert A. Olson
Greines, Martin, Stein, & Richland LLP
5900 Wilshire Boulevard, Twelfth Floor
Los Angeles, California 90036
(323) 330-1030

Counsel for Intervener and Appellant The Episcopal Church:

David Booth Beers
Goodwin Procter LLP

901 New York Avenue, N.W.
Washington, D.C. 20001
(202) 346-4224

Jeffrey D. Skinner
(formerly of Goodwin Procter LLP)
Schiff Hardin
901 K Street N.W., Suite 700
Washington, D.C. 20001
(202) 778-6427

Heather A. Anderson
(formerly of Goodwin Procter LLP)
5934 North Sixteenth Street
Arlington, Virginia 22205
(703) 731-9682

Matthew J. Wilshire
(formerly of Goodwin Procter LLP)
Bureau of Consumer Protection
600 Pennsylvania Avenue N.W.
Washington, D.C. 20580
(202) 326-2976

(10) *Sterling v. Taylor*, 152 P.3d 420 (Cal. 2007).

This case arose out of a dispute over the effect of a purported buyer's unsigned handwritten note and his subsequent letter concerning negotiations for the sale of real property valued at between \$14 and \$17 million. The trial court granted summary judgment in favor of the purported seller on the ground that the failure of the writings to include a definitive price rendered them unenforceable under the statute of frauds, and that even independent of the statute of frauds, there was no enforceable contract because no objective agreement had ever been reached regarding the price of the properties. The Court of Appeal reversed, holding that notwithstanding the statute of frauds, parol evidence could transform the buyer's writings into a contract with the seller by providing essential terms not specified in the writings, including the price of the property, the identity of the seller of the property, and a legal description of the property to be sold.

The Supreme Court found that "it is a question of law whether a memorandum, considered in light of the circumstances surrounding its making, complies with the statute of frauds. Accordingly, the issue is generally amenable to resolution by summary judgment." The court then affirmed the trial court's summary judgment ruling in favor of defendants because the price term was "insufficient to show with reasonable certainty that the parties understood and agreed to the price alleged by the plaintiffs. The price terms stated in the memorandum, considered together with the extrinsic evidence of the contemplated price, leave a degree of doubt that the statute of frauds does not tolerate." I

was lead counsel for Mr. Taylor in the Supreme Court. My representation ran from April 30, 2004 through August 15, 2007. The case was heard by the Hon. Carol A. Corrigan, Hon. Ronald M. George, Hon. Marvin R. Baxter, Hon. Ming W. Chin, Hon. Carlos R. Moreno, Hon. Joyce L. Kennard, and the Hon. Kathryn M. Werdegar.

Co-Counsel for Defendants and Respondents:

Lisa Perrochet
Horvitz & Levy LLP
3601 West Olive Avenue, Eighth Floor
Burbank, California 91505
(818) 995-0800

Geoffrey Forsythe Bogeaus
(formerly of Buchalter, A Professional Corporation)
870 Hilgard Avenue, Apartment 420
Los Angeles, California 90024
(310) 208-6700

Raquel Vallejo
(formerly of Buchalter, A Professional Corporation)
Hartsuyker, Stratman & Williams-Abrego
700 South Flower Street, Suite 2800
Los Angeles, California 90017
(213) 615-2590

Counsel for Plaintiffs and Appellants:

Carl L. Grumer
Craig S. Rutenberg
Manatt Phelps & Phillips, LLP
11355 West Olympic Boulevard
Los Angeles, California 90064
(310) 312-4000

Jeffrey A. Backhus
(formerly of Manatt Phelps & Phillips, LLP)
United States Attorney's Office
150 Almaden Boulevard, Suite 900
San Jose, California 95113
(408) 535-5061

Barak Lurie
(formerly of Manatt Phelps & Phillips, LLP)
Lurie & Seltzer
12121 Wilshire Boulevard, Suite 300

Los Angeles, California 90025
(310) 478-7788

Dennis C. Tulsiak
(formerly of Law Offices of Dennis C. Tulsiak
Deceased

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.)

As a Board and Executive Committee Member for Stephen Wise Temple and as a Board Member and Secretary for Wise Readers to Leaders, I have offered legal advice to both organizations, the subjects of which would be protected by the attorney-client privilege.

As a Board Member of the Public Participation Project (PPP), I have worked with other Board members and PPP staff to promote the enactment of a federal anti-SLAPP bill through Congress. Over the years, I have spoken with various other outside organizations interested in a similar goal as well as worked with various Congressional staff members who were working on potential legislation. I have provided comments on various draft bills. I have also provided advice, subject to the attorney-client privilege, regarding amicus briefs that PPP either participated in or chose not to participate in.

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.

Ninth Circuit Appellate Advocacy Clinic, Pepperdine University School of Law (2013 – Present). This course focuses on appellate practice by teaching the students how to research, draft briefs, and argue actual pro bono cases before the Ninth Circuit Court of Appeals. I do not have syllabi for each semester, but I have supplied the ones that I have.

Debate class, Wise Readers to Leaders (Summer 2016). I taught a debate class for the middle school students attending the Wise Readers to Leaders summer program. I have been unable to locate a syllabus for this class.

Debate class, John Thomas Dye School (2012 – 2013). I co-taught an after school debate class for sixth graders participating in middle school parliamentary debate. I have been unable to locate a syllabus for this class.

Appellate Advocacy, Pepperdine University School of Law (2010): This class taught the

basics of appellate advocacy including preparing a sample appellate brief and having a moot court. Syllabus supplied. I taught this class for one semester.

Legal Research, Phillips Graduate Institute (2003 – 2006): I taught psychology graduate students who were planning careers in legally-related areas the basics of legal research. I have been unable to locate syllabi for this course. I taught for four semesters at Phillips but I do not recall how many times I taught each particular course.

Courtroom Testimony, Phillips Graduate Institute (2003 – 2006): I taught psychology graduate students who were planning careers in legally-related areas the basics of courtroom testimony. I have been unable to locate syllabi for this course. I taught for four semesters at Phillips but I do not recall how many times I taught each particular course.

Comparative Law Seminar, Pepperdine University School of Law (2002 – 2003): The course focused on the differences between the civil law system in continental Europe and the common law system in the United States. I have been unable to locate syllabi for this course. I taught this class for two semesters.

Introduction to Debate, Cornell University (1993 – 1994): I helped teach an introductory debate class for one semester as well as coach the Cornell Debate team for the entire academic year. I have been unable to locate syllabi for this course.

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

Should I be confirmed and take the bench, I would leave my partnership at Horvitz & Levy LLP. Under the firm's partnership agreement, depending on when in the year a partner departs the partnership, all final payments to departing partners are made within either ninety days of leaving the partnership or split between ninety days of leaving the partnership and ninety days after the close of the partnership year. Other than that final payment, I would not have any anticipated future deferred income arising from my legal practice. My vested 401(k) plan and profit sharing would remain but would not have any further contributions.

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.

Assuming it is permitted under the judicial ethics rules for judges, I would anticipate remaining on the Boards of Stephen Wise Temple and Wise Readers to Leaders, though I have no commitments to do so. I understand that I would not be able to serve in a

fundraising capacity on either Board. Other than that, I have no current plan, commitment, or agreement to pursue any other outside employment. However, in due course, and assuming it will not interfere with my judicial duties, given my love of teaching, I would like to one day teach a class again at a law school.

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 fortunate enough to be confirmed as a federal judge, I would recuse myself, at least for some period, from any case being handled by my current law firm or cases where Pepperdine School of Law was either a party or counsel through one of its clinics. I would also recuse myself from any case in which I had previously participated as an attorney, as well as any case where, due to a current or past professional or personal relationship with a party or attorney involved, my impartiality might reasonably be questioned. I am unaware of any financial arrangements that would present any potential conflict of interest. My wife is the Director of Research and Reference Services at University of California, Los Angeles School of Law. I would thus recuse myself from any case involving the University of California, Los Angeles. My father is a real estate developer and I would recuse myself from any case involving one of his projects or companies.

- 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 would evaluate any potential conflicts of interest under the standards set forth in 28 U.S.C. § 455 and Canon 3C of the Code of Conduct for United States Judges, both of which address the question whether federal judges must disqualify themselves due to conflicts. In considering those rules, I would further consult any judicial decisions or Judicial Conference opinions applying the rules to particular cases or 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.

Set forth below are a summary of my major pro bono projects. In recent years, I have spent in excess of 300 hours per year working on pro bono matters.

(1) *Ninth Circuit Clinic.* Since 2013, my Ninth Circuit clinic at Pepperdine School of Law has represented indigent individuals (a mix of prisoner and non-prisoner plaintiff-side civil rights lawsuits) in appeals in the Ninth Circuit.

Ellis v. Johnson, No. 17-56289: Ellis is incarcerated and was given a sex offender classification by the prison administrative process based upon uncharged allegations that were never brought to trial by the district attorney. The Ninth Circuit has directed pro bono counsel to address two issues. First, does the prison's designation of Ellis as a sex offender implicate due process? Second, whether or not the classification was proper, does the prison have the right to deprive Ellis of visitation by his own minor child based upon the classification imposed? This case is currently pending in the Ninth Circuit.

Hoffmann v. Lassen County, No. 17-16997: Hoffmann and his then-fiancée were both in custody at the county jail when Hoffmann wrote to the county clerk to ask for a marriage application. In response, the deputy clerk said both parties had to be present in the clerk's office to sign a marriage license and provide valid identification. Hoffmann filed a civil rights claim alleging the County's policy denied prisoners their right to marry. The district court granted the County's motion for summary judgment and Hoffmann appealed. The case is currently pending in the Ninth Circuit.

Alguard v. U.S. Dep't of Agric., No. 15-35808: Alguard is a former employee of the U.S. Department of Agriculture who lost her job after she was a whistleblower about a company who was selling moldy applesauce to school lunch programs. Her claim under the Whistleblower Protection Act was dismissed on summary judgment. She appealed. The case is currently pending in the Ninth Circuit.

Hoch v. Sanzberro, 723 F. App'x 513 (9th Cir. 2018): Hoch is a civil detainee who was subjected to an unlawful search of his room in violation of his constitutional rights. The district court granted summary judgment, finding as a matter of law that the search was constitutional and that defendant is entitled to qualified immunity. Mr. Hoch appealed. The Court of Appeals affirmed.

Byrd v. Phx. Police Dep't, 885 F.3d 639 (9th Cir. 2018): Byrd sued the Phoenix Police Department, alleging he was severely beaten by police during a pretextual stop that resulted in seventy-percent vision loss. Acting pursuant to 28 U.S.C. § 1915A, the district court dismissed Mr. Byrd's complaint for failure to state a claim. The Ninth

Circuit reversed, holding that Mr. Byrd's claims are not barred by *Heck v. Humphrey*, 512 U.S. 477 (1994).

Hahn v. Waddington, 694 F. App'x 494 (9th Cir. 2017): Hahn, a mentally-ill inmate, alleged officials were deliberately indifferent to his safety and mental health needs when they transferred him without considering his mental needs. The district court, with one day left on the statute of limitations period, instructed him to refile in a different venue. Mr. Hahn then refiled, but he could only do so after the statute of limitations period had expired and the district court dismissed his new complaint. The Ninth Circuit reversed and remanded the dismissal in an unpublished opinion, holding that Washington law mandated equitable tolling under these circumstances.

Byrd v. Maricopa Cty. Bd. of Supervisors, 845 F.3d 919 (9th Cir. 2017): Byrd, an Arizona state prisoner and former pretrial detainee. Prison officials permitted female guards to observe Mr. Byrd daily, from close range, while he showered and used the bathroom. Mr. Byrd filed a pro se complaint alleging that this cross-gender close supervision policy violated his Fourth and Fourteenth Amendment rights. The district court dismissed Mr. Byrd's claims at the pleading stage. The Ninth Circuit reversed and remanded in a published opinion, holding that its prior decisions did not address the type of broad and invasive cross-gender observation alleged in this case. The court further held that the prison's various defenses could not be evaluated at the pleading stage, and that additional evidentiary support will be required.

Zuvich v. City of Los Angeles, 651 F. App'x 669 (9th Cir. 2016): The City of Los Angeles enacted an ordinance regulating certain forms of speech at the Venice Beach Boardwalk. Zuvich challenged the ordinance as an unconstitutional restriction of protected speech in a public forum. The district court granted the City's motion for summary judgment, dismissing Zuvich's facial challenge to the ordinance as untimely and granting summary judgment on the as-applied claims because she had not demonstrated the City enforced the ordinance against her in a discriminatory manner. In an unpublished opinion, the Ninth Circuit vacated the decision but remanded to nevertheless dismiss the challenge as moot because the City had repealed and replaced the ordinance with a new ordinance. Additionally, it affirmed summary judgment on the as-applied claims, ruling that the ordinance constituted a valid time, place, and manner restriction because Zuvich did not demonstrate the City engaged in discriminatory enforcement of a speech restriction by applying the ordinance to her in an unfair manner.

Garity v. APWU Nat'l Labor Org., 828 F.3d 848 (9th Cir. 2016): Garity, a United States Postal Service clerk, suffered from numerous physical and emotional disabilities. Despite her willingness to perform her job, postal service management refused to accommodate her disabilities. Ms. Garity sued her union after it refused to file and process her grievances and instead sided with management, discriminating and retaliating against her because of her disabilities. The district court dismissed her ADA claims on the basis that a plaintiff must show a breach of the duty of fair representation when bringing a claim against a union. The Ninth Circuit reversed in a published decision, holding that the elements of a Title VII or ADA claim are the same when brought against an employer or

a union.

Escobedo v. Applebees, 787 F.3d 1226 (9th Cir. 2015): Escobedo appealed from the dismissal of her Title VII lawsuit against her employer for wrongful termination after she complained to the EEOC about sexual harassment. Escobedo represented herself and requested to proceed in forma pauperis because her sole source of income was her \$210 weekly unemployment payments. The district court found that she should be able to pay the \$350 filing fee because her husband also had Social Security income. The district court then dismissed her lawsuit after she paid the filing fee because it found that the complaint was then untimely. The Ninth Circuit reversed and remanded in a published opinion, holding that the complaint was timely when it was presented to the district court even though it was not officially filed until the filing fee was paid. The Ninth Circuit also found that the district court abused its discretion in denying Escobedo's request to proceed in forma pauperis because it was wrong to consider her husband's income.

Falcon v. Farley, 604 F. App'x 581 (9th Cir. 2015): Kern Valley State Prison refused to permit state prisoner Falcon to receive a care package sent to him by his family for his birthday. Falcon sued the responsible correctional officer under 42 U.S.C. § 1983, and the district court granted summary judgment for the correctional officer. The Ninth Circuit reversed the grant of summary judgment in an unpublished opinion, finding that Falcon had a First Amendment right to receive the package and that there were triable issues of fact regarding whether the return of the package was reasonable.

Butler v. Nat'l Cmty. Renaissance of Cal., 766 F.3d 1191 (9th Cir. 2014): Tenant Butler filed a 42 U.S.C. § 1983 action, alleging that entry into her apartment by her landlord and the Housing Authority of the County of Los Angeles violated her Fourth Amendment constitutional rights. The district court dismissed the action as barred by the statute of limitations, and Butler appealed. The Ninth Circuit affirmed in a published opinion, holding the district court did not err by determining that Butler's amended complaint did not relate back to her original complaint. The court further held that the district court did not err in rejecting, at the pleading stage, plaintiff's claim of equitable tolling under California law.

Gonzales v. Cal. Dep't of Corr., 739 F.3d 1226 (9th Cir. 2014): Gonzales, a prisoner at Pelican Bay State Prison, brought a civil rights lawsuit in federal district court against the California Department of Corrections, challenging the conditions of his solitary confinement. The district court dismissed all of Gonzales's claims and also denied him leave to file an amended complaint. The Ninth Circuit reversed in part in a published decision, holding that the district court had erred in dismissing Gonzales's claim challenging the constitutionality of the debriefing process, the process by which a prisoner can earn release back into the prison's general population. The Ninth Circuit also reversed the district court's denial of Gonzales's motion to amend his complaint.

Ruelas v. United States, No. 10-56137: Ruelas sued the federal government after it refused to return Ruelas's personal property after seizing it in connection with a criminal investigation of Ruelas's husband. After her husband's conviction, Ruelas filed a pro se

motion for release of seized property or, in the alternative, compensation for the property. The district court denied her motion, ruling that the government was not obligated to return Ruelas's property because the government had turned it over to the United States Department of Justice. Following submission of our opening brief, the government entered into a settlement with Ruelas, granting her full relief by agreeing to return the seized property.

(2) *Ninth Circuit Asylum appeals*. I have handled two asylum appeals in the Ninth Circuit seeking to prevent my clients' deportation.

Jimenez v. Holder, No. 10-73001: After conclusion of briefing, but before the Ninth Circuit scheduled oral argument, the government agreed to dismiss all removal proceedings against my clients.

Ying Qing Chen v. Holder, 331 F. App'x 503 (9th Cir. 2009): The Ninth Circuit denied my client's petition for review of the denial of her application for asylum, withholding of removal, and relief under the Convention Against Torture.

(3) *Civil Rights Attorney Fees*. In *Chavez v. City of Los Angeles*, 224 P.3d 41 (Cal. 2010), I represented The Asian Pacific American Legal Center, Bet Tzedek Legal Services, The Impact Fund, Public Counsel, and The Western Center On Law And Poverty as *amici curiae* in the California Supreme Court. My brief argued that a rule denying attorney fees to the prevailing parties in Fair Employment and Housing actions because they ultimately obtain an amount that could have been provided in a limited-jurisdiction court would have a disproportionate effect on poor and underrepresented clients. The Supreme Court rejected our argument.

(4) *First Amendment*. I represented the ACLU of Northern California, ACLU of San Diego & Imperial Counties, ACLU of Southern California, Avvo, California Anti-SLAPP Project, Electronic Frontier Foundation, First Amendment Coalition, and Public Participation Project as *amici curiae* in the California Supreme Court in *Hassell v. Bird*, 5 Cal.4th 522 (2018). The Supreme Court agreed with amici that the Communications Decency Act barred the injunction against non-party Yelp.

In *Grewal v. Jammu*, No. S191302, I represented the following entities as *amici curiae* in the California Supreme Court seeking the depublication of a Court of Appeal opinion: The ACLU of San Diego & Imperial Counties, the ACLU of Southern California, the American Civil Liberties Union Foundation of Northern California, the Asian Pacific American Legal Center, a member of the Asian American Center for Advancing Justice, the Association of Alternative Newsweeklies, the Association of Southern California Defense Counsel, the California Anti-SLAPP Project, the California Broadcasters Association, the California Newspaper Publishers Association, the Center for Judicial Excellence, the Coalition for Humane Immigrant Rights of Los Angeles, Dow Jones & Company, the Electronic Frontier Foundation, the Environmental Law Foundation, the First Amendment Coalition, the First Amendment Project, the Golden State Manufactured-Home Owners League, the Magazine Publishers of America, the Planning

and Conservation League, and Public Counsel. The Supreme Court denied our depublication request.

(5) *Stephen Wise Temple Pro Bono Lawyers Coordinator*. For many years, I have served on the Temple's Social Justice Committee. As part of that role, I have organized pro bono projects for lawyer members of the congregation to participate in with different public interest partners. For our partnership with Public Counsel, I assisted in placing lawyers to represent underprivileged children with disabilities and their parents who needed assistance navigating the process to ensure that the children were receiving all of the educational assistance to which they were entitled under the law at their public schools. For our partnership with KIND, I assisted in placing lawyers to represent unaccompanied minor immigrant children who needed assistance in navigating the legal system to secure legal residency in the United States. For our partnership with Bet Tzedek, I assisted in placing lawyers to participate in various Bet Tzedek clinics assisting Holocaust survivors and others. I have helped place dozens of lawyers into pro bono assignments.

(6) *Education*. In *Reed v. United Teachers Los Angeles*, No. B230817, I represented Senator Bob Huff, Senator Gloria Romero (retired), Democrats For Education Reform, Communities For Teaching Excellence, Families In Schools, Lanai Road Education Action Committee, Reverend Eric P. Lee, Southern Christian Leadership Conference-Los Angeles, Rabbi Ron Stern, Members of the Public Education Advocacy Group of Stephen Wise Temple, Adam KupperSmith, Karen Sykes-Orpe, Matthew J. Orique, and Lindi Williams as *amici curiae* in the California Court of Appeal in supporting a settlement that provided protection to the public schools in the poorest areas in Los Angeles who were disproportionately affected by pure-seniority based layoffs. The California Court of Appeal reversed the trial court's final approval of a consent decree.

(7) *Domestic Violence*. In *S.Y. v. Omar M.*, Nos. D073450 & D073568, I represented a domestic violence survivor on appeal in the California Court of Appeal challenging a trial court's decision awarding her abusive soon-to-be ex-husband joint custody of their young son. The Court of Appeal denied our petition for writ of mandate and/or prohibition. I have submitted a petition for review to the California Supreme Court arguing that the statutory presumption against awarding joint custody to those who commit acts of domestic violence may not be rebutted by a court's consideration of a parent's "withholding" of the child from the abusive parent under the guise of considering the child's best interests. On remand, the Court of Appeal affirmed.

(8) *Moot courts*. I have participated pro bono in multiple moot courts over the years assisting advocates in preparing for appellate arguments. In this capacity, I have assisted the Family Violence Appellate Project, the UCLA First Amendment Clinic, the Pepperdine Restoration and Justice Clinic, the ACLU, and Public Counsel.

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 June 21, 2017, I emailed the Office of White House Counsel regarding my interest in a potential nomination to the Ninth Circuit. On June 22, 2017, I received an email from a legal assistant in the Office of the White House Counsel inviting me to schedule an interview for the Ninth Circuit. On Monday, June 26, I interviewed with lawyers from the White House Counsel's Office and the Department of Justice. In late July or early August 2017, I was informed that the White House had sent my name to California's Senators.

On or about October 17, 2017, I was contacted by the Chair of Senator Feinstein's Judicial Selection Process to schedule an interview for the Ninth Circuit. At his request, I completed Senator Feinstein's judicial nomination application. I informed him that I would also be interested in being considered for the Central District of California.

On November 16, 2017, I met with Senator Feinstein's Central District Judicial Selection Committee to discuss the vacancies on the Central District of California.

On November 29, 2017, I met with the Chair of Senator Feinstein's Judicial Selection Committee, as well as a member of the Committee, to discuss the Ninth Circuit vacancy. After our meeting, I followed up with the Chair and this member to provide them with additional information at their request.

On February 12, 2018 I was contacted by a representative of Senator Harris' Judicial Selection Committee to schedule a meeting to discuss the Ninth Circuit vacancy. On March 14, 2018, I met with two members of the Senator Harris' Judicial Selection Committee to discuss the vacancy. I have had some email communications with them since the meeting.

On June 21, 2018, I was again contacted by the Chair of Senator Feinstein's central District Judicial Selection Committee to set up a meeting on July 11, 2018. That meeting primarily focused on the Central District vacancies, but we also discussed issues relevant to the Ninth Circuit vacancies. After that meeting, I followed up with him to provide him additional information that he had requested.

On October 10, 2018, I received a call from the Office of White House Counsel informing me that I would be nominated to the Central District. On January 30, 2019, I received a call from the Office of White House Counsel informing me that