UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

   Matthew William Brann

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

   United States District Judge for the Middle District of Pennsylvania

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.

   120 Troy Street
   Canton, Pennsylvania 17724

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

   1965; Elmira, New York

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.

   1987 – 1990, The Dickinson School of Law (now Pennsylvania State University – The Dickinson School of Law); J.D., 1990

   1983 – 1987, University of Notre Dame; B.A., 1987

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.

   1991 – present
   Brann, Williams, Caldwell & Sheetz
   120 Troy Street
   Canton, Pennsylvania 17724

Partner (1995 – present)
Associate (1991 – 1995)
(Since 2004, I have been the president, sole shareholder and sole employee of Matthew W. Brann, P.C., which is a partner in Brann, Williams, Caldwell & Sheetz.)

2009 – present
Harewood Group, LLC
1090 West Main Street
Troy, Pennsylvania 16947
Member
(This Pennsylvania limited liability company was created to hold an interest in oil, gas and mineral estate.)

1999 – present
Canton Area School District
509 East Main Street
Canton, Pennsylvania 17724
Solicitor

1999 – present
Borough of Canton
4 North Center Street
Canton, Pennsylvania 17724
Solicitor

1999 – present
Canton Borough Authority
62 Park Place
Canton, Pennsylvania 17724
Solicitor

1990 – 1991
Court of Common Pleas of Bradford County, Pennsylvania
301 Main Street
Towanda, Pennsylvania 18848
Law Clerk to the Honorable John C. Mott

Summer 1989
United States District Court for the Eastern District of Pennsylvania
601 Market Street
Philadelphia, Pennsylvania 19106
Intern for the Honorable John B. Hannum

Summer 1988
Office of General Counsel to the Governor of Pennsylvania

333 Market Street
Harrisburg, Pennsylvania 17101
Legal Clerk

Other Affiliations (Uncompensated):

2010 – present
Endless Mountain Music Festival
130 Main Street
Wellsboro, Pennsylvania 16901
Member, Board of Directors

1997 – present
Guthrie Healthcare System
One Guthrie Square
Sayre, Pennsylvania 18840
Member, Board of Trustees

1997 – present
Five Rivers Council, Boy Scouts of America
224 West Water Street
Elmira, New York 14901
Member, Executive Committee

1993 – present
Martha Lloyd School, Inc.
66 Lloyd Lane
Troy, Pennsylvania 16947
Secretary (2010 – present)
Member, Board of Directors (1993 – present)

1992 – present
St. Michael's Cemetery Association Inc.
106 North Washington Street
Canton, Pennsylvania 17724
Member, Board of Directors

1993 – 2005
Bradford County Bar Association
No physical address
Secretary – Treasurer (1993 – 1995)
Member, Executive Committee (1995 – 2005)

1991 – 2000
Green Free Library

38 North Center Street
Canton, Pennsylvania 17724
President and Member, Board of Trustees

1993 – 1996
North Penn Comprehensive Health Services
520 Ruah Street
Blossburg, Pennsylvania 16912
Member, Board of Directors

1993 – 1996
American Red Cross, Bradford – Sullivan Counties Chapter
421 Main Street
Towanda, Pennsylvania 18848
Member, Board of Directors

1999 – 2002
Rekindle the Spirit, Inc.
P.O. Box 243
Canton, Pennsylvania 17724
Member, Board of Directors

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.

   I was appointed by the Governor of Pennsylvania and the Secretary of the Commonwealth to serve on the Corporation Bureau Advisory Committee of the Pennsylvania Department of State on November 1, 2011.

   Editor-in-Chief, Dickinson Journal of International Law (1989 – 1990)

   Phi Alpha Theta Honor Society, University of Notre Dame (1987)

9. **Bar Associations**: List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.

American Bar Association
Bradford County Bar Association
Secretary – Treasurer (1993 – 1995)
Member, Executive Committee (1995 – 2005)
Federalist Society
Pennsylvania Bar Association
Member, House of Delegates (2002 – 2004)
Republican Party of Pennsylvania
Member, Judicial Evaluation Panel (2009, 2011)
Republican State Committee of Pennsylvania
Member, Judicial Selection and Review Committee (2001, 2003, 2007)

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.

Pennsylvania, 1990

There have been no lapses in membership.

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

Supreme Court of the United States, 2000
United States Court of Appeals for the Third Circuit, 2000
United States District Court for the Middle District of Pennsylvania, 1993
Supreme Court of Pennsylvania, 1990

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.

American Red Cross, Bradford-Sullivan Counties Chapter (1993 – 1996)
Board of Directors (1993 – 1996)

Bradford County Republican Committee (1994 – present)
Chairman (1996 – 2005)
Corporation Bureau Advisory Committee, Department of State, Commonwealth of Pennsylvania (2011 – present)
Elmira City Club (1993 – present)
Endless Mountain Music Festival (2010 – present)
Board of Directors (2010 – present)
Five Rivers Council, Boy Scouts of America (1997 – present)
Executive Committee (1997 – present)
Green Free Library (1991 – 2000)
President (1994 – 1997)
Board of Trustees (1991 – 2000)
Guthrie Healthcare System (1997 – present)
Board of Trustees (1997 – present)
Hamilton Club (1995 – 2007)
Knights of Columbus (2010 – present)
Lions Club (1991 – present)
Martha Lloyd School, Inc. (1993 – present)
Board of Directors (1993 – present)
Secretary (2010 – present)
North Penn Comprehensive Health Services (1993 – 1996)
Board of Directors (1993 – 1996)
Rekindle the Spirit, Inc. (1999 – 2002)
Board of Directors (1999 – 2002)
Republican National Convention (2008)
Alternate Delegate (2008)
Republican Party of Pennsylvania (formerly Republican State Committee of Pennsylvania) (1996 – present)
Leadership Committee (2004 – present)
Chairman, Northeast Caucus (2004 – present)
Bradford County Republican State Committeeman (2008 – present)
Troy Community Hospital Ethics Committee (1991 – 2001)
Wheel Inn, Inc. (1991 – present)

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

To the best of my knowledge, none of the organizations listed above currently discriminates or formerly discriminated on the basis of race, sex, religion or

national origin, except for the Knights of Columbus fraternal organization, which requires its members to be Catholic and male.

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.

None.

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.

None that I can recall or have been able to identify.

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.

Since Fall 2011, as a member of the Commonwealth of Pennsylvania, Department of State, Corporation Bureau Advisory Committee, I have made comments and motions during committee meetings. I have only been able to obtain the meeting minutes for Dec. 12, 2011. A copy is supplied.

Since 1999, I have been the solicitor for the Borough of Canton and occasionally made remarks during Council meetings. Meeting minutes from 2000 and available press coverage of my remarks is supplied.

Since 1999, I have been the solicitor for the Canton Area School District and occasionally commented during School Board meetings. Meeting minutes from 2007 to present are available online at http://www.canton.k12.pa.us/Page/99. Additional press coverage of my remarks is supplied.

d. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you, including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or

recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

This list represents the speeches, talks or remarks that I have identified through searches of my files, including papers and electronic calendars, computer files, notes, financial records and travel records. This list also represents a review of all Internet websites for organizations with which I have been affiliated throughout my studies and career.

In my role as Chairman of the Northeast Caucus of the Republican Party of Pennsylvania since 2004, I have coordinated and led the meetings of the Northeast Caucus. The dates and locations of those meetings are listed below. I have no notes, transcript or recording, but copies of the meeting minutes are supplied, except those for Feb. 5, 2010; Jan. 20, 2007; and Jan. 28, 2006, which I have been unable to obtain. The address of the Republican Party of Pennsylvania is 112 State Street, Harrisburg, Pennsylvania 17101.

January 14, 2012, Clarks Summit, Pennsylvania
September 17, 2011, Harrisburg, Pennsylvania
February 12, 2011, Harrisburg, Pennsylvania
September 25, 2010, Harrisburg, Pennsylvania
June 12, 2010, Hershey, Pennsylvania
February 13, 2010, Harrisburg, Pennsylvania
February 5, 2010, Clarks Summit, Pennsylvania
February 6, 2010, Clarks Summit, Pennsylvania
February 7, 2009, Harrisburg, Pennsylvania
January 24, 2009, Clarks Summit, Pennsylvania
September 20, 2008, Harrisburg, Pennsylvania
June 7, 2008, Hershey, Pennsylvania
February 9, 2008, Clarks Summit, Pennsylvania
February 2, 2008, Clarks Summit, Pennsylvania
September 8, 2007, Harrisburg, Pennsylvania
January 20, 2007, Clarks Summit, Pennsylvania
September 16, 2006, Camp Hill, Pennsylvania
June 3, 2006, Harrisburg, Pennsylvania
February 11, 2006, Harrisburg, Pennsylvania
January 28, 2006, Clarks Summit, Pennsylvania
September 10, 2005, Harrisburg, Pennsylvania
February 12, 2005, Harrisburg, Pennsylvania
February 5, 2005, Harrisburg, Pennsylvania
September 11, 2004, Harrisburg, Pennsylvania
June 5, 2004, Harrisburg, Pennsylvania

In my role as Chairman of the Northeast Caucus of the Republican Party of Pennsylvania since 2004, I have attended meetings of the Republican Party of Pennsylvania, and reported on the activities of the Northeast Caucus. The dates and locations of those meetings are listed below. I have no notes, transcript or recording, but copies of the meeting minutes from June 30, 2007 to present are supplied. I have been unable to obtain meeting minutes from prior to June 30, 2007. The address of the Republican Party of Pennsylvania is 112 State Street, Harrisburg, Pennsylvania 17101.

January 28, 2012, Hershey, Pennsylvania
September 17, 2011, Harrisburg, Pennsylvania
February 12, 2011, Harrisburg, Pennsylvania
September 25, 2010, Harrisburg, Pennsylvania
June 12, 2010, Hershey, Pennsylvania
February 13, 2010, Harrisburg, Pennsylvania
September 26, 2009, Harrisburg, Pennsylvania
August 8, 2009, Wilkes-Barre, Pennsylvania
February 7, 2009, Harrisburg, Pennsylvania
September 20, 2008, Harrisburg, Pennsylvania
June 7, 2008, Hershey, Pennsylvania
February 9, 2008, Harrisburg, Pennsylvania
September 8, 2007, Harrisburg, Pennsylvania
June 30, 2007, Hershey, Pennsylvania
February 10, 2007, Harrisburg, Pennsylvania
September 16, 2006, Camp Hill, Pennsylvania
February 11, 2006, Harrisburg, Pennsylvania
September 10, 2005, Harrisburg, Pennsylvania
February 12, 2005, Harrisburg, Pennsylvania
September 11, 2004, Camp Hill, Pennsylvania
June 5, 2004, Harrisburg, Pennsylvania

March 19, 2012: Moderator and introducer for a discussion panel on state impact fee during the Bradford County Convention, Towanda, Pennsylvania. I have no notes, transcript or recording. The address of the Bradford County government is 301 Main Street, Towanda, Pennsylvania 18848.

August 30, 2011: Presenter, Marcellus Shale Conference, Pennsylvania Institute of Certified Public Accountants (PICPA) Continuing Legal Education seminar, State College, Pennsylvania. I co-presented with Julius Green, Esq., CPA, a paper entitled "Natural Gas Industry Tax and Legal Issues: Social Clubs." PowerPoint slides supplied.

September 29, 2008: I made comments and answered questions during a political forum sponsored by the Towanda Chapter of the American Association of University Women, Wysox, Pennsylvania. I have no notes, transcript or

recording, but press coverage is supplied. The Towanda Chapter does not have a physical address.

January 28, 2008: Introduction of Dan Meuser at the Elks Lodge, Towanda, Pennsylvania. I have no notes, transcript or recording, but press coverage is supplied. The address of the Elks Lodge is 929 South Main Street, Towanda, Pennsylvania 18848.

October 23, 2007: Remarks at the Bradford County Council of Republican Women's meeting about current local campaigns, Towanda, Pennsylvania. I discussed the candidates for state supreme and superior courts. I have no notes, transcript or recording, but press coverage is supplied. The County Council does not have a physical address.

March 11, 2007: Remarks at the Bradford County Republican Committee Lincoln Day Dinner on the life and contributions of President Abraham Lincoln, Towanda, Pennsylvania. I have no notes, transcript or recording. The Committee has no physical address.

September 2006: Remarks about Senator Rick Santorum at a fundraiser for U.S. Representative Pickett. I have no notes, transcript or recording, but press coverage is supplied.

April 26, 2005: Participated in a candidate debate while running for judge of the Bradford County Court of Common Pleas, sponsored by the Daily Review, WATS/WAVR Radio, The Morning Times and The Rocket-Courier. I have no notes, transcript or recording, but press coverage is supplied. The address of the Daily Review is 116 Main Street, Towanda, Pennsylvania 18848. The address of WATS/WAVR is 193 South Keystone Avenue, Sayre, Pennsylvania 18840. The address of The Morning Times is 201 North Lehigh Avenue, Sayre, Pennsylvania 18840. The address of the Rocket-Courier is 302 State Street, P.O. Box 187, Wyalusing, Pennsylvania 18853.

March 10, 1998: Introduction of Governor Tom Ridge at the Bradford-Sullivan-Tioga Counties Republican Committees' Lincoln Day Dinner, Towanda, Pennsylvania. I have no notes, transcript or recording. The Committees have no physical addresses.

May 29, 1995: Speech at the Canton, Pennsylvania Memorial Day ceremony, sponsored by the local Veterans of Foreign Wars (VFW) Post 714. I have no notes, transcript or recording. The address of the Canton VFW is 28 Troy Street, Canton, Pennsylvania 17724.

April 27, 1995: Speech at induction ceremony for the Canton Area Junior-Senior High School National Honor Society, Canton, Pennsylvania. I have no notes,

transcript or recording. The address of the Canton Area School District is 509 East Main Street, Canton, Pennsylvania 17724.

From 1996 to the present, I have been asked to make remarks, from time-to-time, on behalf of Republican candidates for public office, particularly candidates for judicial office. These remarks were typically delivered to organizations affiliated with the Bradford County Republican Committee or the Republican Party of Pennsylvania. The remarks were made in an extemporaneous fashion and I have no other transcripts or recordings from these events.

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.

In responding to this request, I searched my files, records and the Internet to identify interviews that I may have given as an attorney, a candidate for office, or as a private citizen. Listed below are the newspaper articles that I was able to find in which statements, comments or answers to questions that I gave are reported. While I believe that there were other occasions when I was questioned by reporters from local newspapers or radio stations with respect to matters in which I was engaged as an attorney or with respect to the Bradford County Republican Party or the Republican Party of Pennsylvania, I have no specific recollection of the comments or statements that I may have made.

Borys Krawczeniuk, *Obama Nominates Mannion and Brann as Federal Judges*, The Scranton Times Tribune, May 18, 2012 (reprinted in multiple outlets). Copy supplied.

Eric Hrin, *Judge Candidate Visits Troy*, The Daily Review, Oct. 29, 2011. Copy supplied.

Ian Millhiser, *Despite Internal GOP Opposition, Pennsylvania Gov. Tom Corbett Stands by His Election Rigging Scheme*, Think Progress (quote taken from an article on Capitolwire that I have been unable to obtain), Sept. 19, 2011. Copy supplied.

Eric Hrin, *Canton Thanks CUDD During Recent Meeting*, The Daily Review, June 14, 2011. Copy supplied.

Eric Hrin, *Raffle Fraud Victim 'Appalled' by Scheme*, The Daily Review, Jan. 26, 2011. Copy supplied.

Jason Whong, *Pa. Woman Charged in Fake Raffle Scam*, The Star-Gazette, Jan. 26, 2011. Copy supplied.

NE Driller, The Daily Review, June 24, 2010. Copy supplied.

Borys Krawczeniuk, *Carney Opponents Have an Uphill Climb*, The Daily Review, Nov. 29, 2009 (quotes reprinted in multiple outlets). Copy supplied.

Erin Hrin, *Police Negotiations Addressed in Canton*, The Daily Review, Oct. 14, 2009. Copy supplied.

Eric Hrin, *Commonwealth Seeks to Modify Brenda Mott Restitution*, The Daily Review, Jan. 7, 2009. Copy supplied.

New Year, New Child, The Star-Gazette, Jan. 2, 2009. Copy supplied.

James Loewenstein, *Mott Submits Financial Records Requested by Borough Authority*, The Daily Review, Dec. 31, 2008. Copy supplied.

Eric Hrin, *Canton Happy with Annexation Results*, The Daily Review, Nov. 6, 2008. Copy supplied.

James Loewenstein, *Local Gas Rush in Bradford County*, The Daily Review, Oct. 3, 2008. Copy supplied.

Shira Toeplitz, *Biden Aids Pa. Races*, Roll Call, Sept. 17, 2008. Copy supplied.

Borys Krawczeniuk, *Greetings from the Republican National Convention*, The Scranton Times-Tribune, Sept. 5, 2008. Copy supplied.

Eric Hrin, *Brief: Canton Seeks to Fill Seat*, The Daily Review, Sept. 4, 2008. Copy supplied.

GOP Delegates Are Ready to Rally, The Star-Gazette, Aug. 31, 2008. Copy supplied.

Borys Krawczeniuk, *Republicans Ready for a United Front*, The Scranton Times-Tribune, Aug. 31, 2008. Copy supplied.

Shira Toeplitz, *Chris vs. Chris*, Roll Call, July 29, 2008. Copy supplied.

Eric Hrin, *Property Issue Resolved in Canton*, The Daily Review, July 12, 2008. Copy supplied.

Eric Hrin, *Canton Gets Paving Update*, The Daily Review, June 20, 2008. Copy supplied.

Eric Hrin, *Company Fined $110,000 for Various Violations*, The Daily Review, Feb. 27, 2008. Copy supplied.

Todd Rogers, *Republican Party Will Miss Yanuzzi*, The Daily Review, Dec. 28, 2007 (reprinted in multiple outlets). Copy supplied.

James Loewenstein, *Petition Denied in B. Mott Case*, The Daily Review, Dec. 22, 2007 (reprinted in multiple outlets). Copy supplied.

Borys Krawczeniuk, *Carney's Congressional Seat a Target of the National GOP*, Citizens' Voice, May 27, 2007 (reprinted in multiple outlets). Copy supplied.

Area People Remember 'Down-to-Earth' Ford, The Daily Review, Dec. 28, 2006. Copy supplied.

Angela Couloumbis and Amy Worden, *Don't Be Quick to Rule Out Swann, Says His Campaign*, The Philadelphia Inquirer, Sept. 4, 2006. Copy supplied.

Peter Jackson, *Swann's Political Bliss May Soon Pass*, Associated Press, Feb. 6, 2006 (reprinted in multiple outlets). Copy supplied.

Greg Erbstoesser, *Civil Suit Filed against Brenda Mott*, The Daily Review, Jan. 31, 2006. Copy supplied.

Sharon Smith, *A Blow to the Scranton Campaign?*, Patriot News, Jan. 27, 2006. Copy supplied.

Amy Worden, *Scranton Aide Fired for Remark*, The Philadelphia Inquirer, Jan. 27, 2006 (reprinted in multiple outlets). Copy supplied.

Angela Couloumbis and Carrie Budoff, *Whom to Run against Rendell?*, The Philadelphia Inquirer, Nov. 20, 2005. Copy supplied.

Eric Hrin, *Was Canton's Police Chief Suspended?*, The Daily Review, Nov. 10, 2005. Copy supplied.

Aaron Cahall, *Reject Judge Smith, BCCC Urges: Write-In for Brann Launched*, The Daily Review, Oct. 31, 2005. Copy supplied.

James Loewenstein, *Smith Sweeps Bids*, The Daily Review, May 18, 2005. Copy supplied.

Matthew W. Brann: Court of Common Pleas (Candidate Survey), CQ News, May 14, 2005. Copy supplied.

James Loewenstein, *Brann: Judge Smith is Misleading*, The Daily Review, May 12, 2005. Copy supplied.

By the Review, *Candidates for County Judge State Their Views*, The Sunday Review, May 8, 2005. Copy supplied.

James Loewenstein, *Brann Disputes Judge Smith Statement*, The Daily Review, Apr. 29, 2005. Copy supplied.

Christine V. Sulat, *Three-Way Race for Judge Heats Up*, The Star-Gazette, Apr. 24, 2005. Copy supplied.

Wes Skillings, *Brann Vows Judicial Overhaul*, Rocket-Courier, Apr. 21, 2005. Copy supplied.

Lisa R. Howeler, *Matthew Brann: 'It's Time for New Leadership'*, Morning Times, Apr. 20, 2005. Copy supplied.

Erin Lemley, *Brann Blames Smith, Downs*, The Daily Review, Apr. 20, 2005. Copy supplied.

Attorney Wants to Unseat Bradford County Judge, The Star-Gazette, Mar. 13, 2005. Copy supplied.

Wes Skillings, *Bradford County Judge Job Turns into a Race*, Rocket-Courier, Mar. 10, 2005. Copy supplied.

Lisa R. Howeler, *Brann Comes Out Swinging*, Morning Times, Mar. 4, 2005. Copy supplied.

Lisa R. Howeler, *Brann Criticizes Judge Smith for 'Unreasonable Delays' in Court Decisions*, Morning Times, Mar. 4, 2005. Copy supplied.

Brann Makes Official Announcement for Judge Seat, The Daily Review, Mar. 4, 2005. Copy supplied.

C.J. Marshall, *Brann Makes Formal Bid for County Judge Seat*, The Daily Review, Mar. 4, 2005. Copy supplied.

Lisa R. Howeler, *Longtime Republican Leader Will Run for County Judge*, Morning Times, Mar. 3, 2005. Copy supplied.

Christine V. Sulat, *Missing Canton Funds Investigated*, The Star-Gazette, Feb. 28, 2004. Copy supplied.

PA10: Casey Late for Debate, The Bulletin's Frontrunner, Sept. 25, 1998 (quotes reprinted in multiple outlets). Copy supplied.

13. **Judicial Office**: State (chronologically) any judicial offices you have held, including positions as an administrative law judge, whether such position was elected or appointed, and a description of the jurisdiction of each such court.

I have never 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 never 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.

Member, Bradford County Republican Committee, representing Canton Borough (1994 – present); elected May 1994 (two-year term) and every two years thereafter

Bradford County Republican State Committeeman (2008 – present); elected May 2008 (two-year term), May 2010 (four-year term)

Unsuccessful candidate for the office of Judge, Court of Common Pleas of Bradford County, Pennsylvania (2005)

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.

Bradford County Republican State Committeeman (2008 – present)

Bradford County Republican Committee Member (1994 – present)
Chairman (1996 – 2005)

Republican Party of Pennsylvania (formerly Republican State Committee of Pennsylvania)
Leadership Committee (2004 – present)
Chairman, Northeast Caucus (2004 – present)
Member, Judicial Evaluation Panel (2009, 2011)
Member, Judicial Selection and Review Committee (2001, 2003, 2007)

Republican National Convention, Alternate Delegate (2008)

I have held active roles in all local, state-wide and Congressional campaigns from the time of my election as the Chairman of the Bradford County Republican Committee in 1996. I currently serve as the Republican State Committeeman for Bradford County, Chairman of the Northeast Caucus of the Republican Party of Pennsylvania, and as a member of the Leadership Committee of the Republican Party of Pennsylvania.

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 1990 to 1991, I served as a law clerk to the Honorable John C. Mott, Court of Common Pleas of Bradford County, Pennsylvania.

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

I have never been a sole practitioner.

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.

1991 – present
Brann, Williams, Caldwell & Sheetz
120 Troy Street
Canton, Pennsylvania 17724
Associate (1991 – 1995)
Partner (1995 – present)

(Since 2004, I have been the president, sole shareholder and sole employee of Matthew W. Brann, P.C., which is a partner in Brann, Williams, Caldwell & Sheetz).

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

I have not served as a mediator or arbitrator in alternative dispute resolution proceedings.

b. Describe:

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

The general character of my private practice of law for the past 20 years has consisted of the representation of private individuals, small businesses, and municipal organizations, in litigation matters in state and federal courts of record, including practice before the appellate courts of Pennsylvania. Additionally, I serve as the solicitor for a public school district, a borough, a municipal authority, and, previously, several townships. I also represent clients in corporate and commercial transactions and probate and estate planning matters. In the beginning of my career in the early 1990s, I also handled criminal and domestic/ matrimonial litigation. As my career progressed, beginning in 2000, I began to undertake representation of clients in more complex commercial, personal injury and probate litigation; that practice has continued through the present. Commencing in 2007, my practice has also come to include specialty in the area of oil and gas law, including the negotiation of leases and collateral documents, complex estate planning, and litigation representing landowners and owners of oil, gas and mineral estates.

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

I represent, and have represented during my legal career, clients from all walks of life. I represent small business owners in both standard and complex business transactions and litigation, provide both standard and complex estate planning, including the use of Pennsylvania business entities and trusts, engage in real property litigation, including boundary disputes, easements and Private Road Act matters, and provide full representation of all municipal clients noted above, including litigation and contract preparation and review.

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.

Throughout my legal career, approximately 50% of my practice has been in the area of litigation. At the beginning of my practice in the early 1990s, I appeared in court frequently. As my practice has developed and evolved, I appear less frequently in court, but in more complex matters, commencing in 2001.

i. Indicate the percentage of your practice in:
   1. federal courts: 10%
   2. state courts of record: 80%
   3. other courts: 0%
   4. administrative agencies: 10%

ii. Indicate the percentage of your practice in:
   1. civil proceedings: 90%
   2. criminal proceedings: 10%

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

I have tried approximately 20 cases to verdict, judgment or final decision, and served as sole counsel in all of these cases.

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

e. Describe your practice, if any, before the Supreme Court of the United States. Supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any

oral argument transcripts before the Supreme Court in connection with your practice.

I have not practiced before the Supreme Court of the United States.

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

    a. the date of representation;

    b. the name of the court and the name of the judge or judges before whom the case was litigated; and

    c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

1. Martin v. Welles Mill Co., No. 03CV000336, Court of Common Pleas of Bradford County, Pennsylvania (Honorable Jeffrey A. Smith); No. 227 MDA 2008, Superior Court of Pennsylvania (Honorable Maureen E. Lally-Green; Honorable Susan Peikes Gantman; Honorable Cheryl Lynn Allen)

   I represented Welles Mill Co., Inc. from July 2003 through the denial by the Superior Court of Pennsylvania of the application requesting re-argument on April 16, 2009, in a matter relating to whether the Pennsylvania Statute of Frauds was binding on an unsigned and uncompleted memorandum of understanding which addressed the purchase and sale of real property. I prepared and filed all pleadings, motions, discovery requests and responses, together with all briefs to the trial court and the Superior Court of Pennsylvania. I then argued the matters before both the trial court and the Superior Court. The Superior Court of Pennsylvania affirmed the trial court and concluded that the Statute of Frauds was inapplicable and did not render the settlement agreement unenforceable as a matter of law; Judge Maureen Lally-Green filed a dissenting memorandum.

   Opposing Counsel: Matthew D. Jones, Esquire
   DeSisti and Keeffe
   (now retired)

2. Canton Borough Authority v. Unemployment Compensation Board of Review and Bradley Bailey, Intervenor, No. 159 C.D. 2005, Commonwealth Court of Pennsylvania (Honorable Doris A. Smith-Ribner; Honorable Robert Simpson; Honorable James R. Kelley)

I represented the Canton Borough Authority from the filing of the Petition for Review with the Commonwealth Court of Pennsylvania in January 2005 through the denial by the Supreme Court of Pennsylvania of the claimant's Petition for Allowance of Appeal in August 2006. This matter centered around whether the claimant, Bailey, had committed willful misconduct leading to his termination by his employer, a municipal authority, by reporting non-public information about his employer to an attorney representing his sister. The sister was under investigation for the embezzlement of public money from the same employer. During the course of this litigation, I prepared and filed the Petition for Review, the brief to the Commonwealth Court and all collateral briefs, and then argued the matter before this court. The Commonwealth Court concluded that the claimant committed willful misconduct by his actions and reversed the decision of the Unemployment Compensation Board of Review.

Opposing Counsel: Gerard M. Mackarevich, Esquire (for Unemployment Compensation Board of Review)
Department of Labor and Industry
Seventh and Forster Streets, Tenth Floor
Harrisburg, Pennsylvania 17121
(717) 787-4186

David B. Keeffe, Esquire (for Intervenor)
DeSisti and Keeffe
(now deceased)

3. Al's Midstate Market, Inc. v. Stalis, No. 99CV000232, Court of Common Pleas of Bradford County, Pennsylvania, 3 Brad. Co. L.J. 208 (2000) (Honorable John C. Mott)

This case centered on an agreement of sale from 1977 as an instrument under seal. I served as counsel for the defendant, Stalis. The agreement of sale between the parties resulted in the conveyance of real property from Stalis to the plaintiff. Seven years after this conveyance, Al's Midstate contacted my client and advised him that a subsequent property survey determined that a well serving the grocery store was not located on the property conveyed. Al's Midstate also informed my client that the costs and expenses of purchasing the land on which the well was located would be deducted from the monthly payments made on the mortgage held by Stalis. Twenty-one years after the original 1977 conveyance, Al's Midstate refinanced its mortgage and requested a payoff figure from Stalis; the payoff figure furnished by my client did not credit Al's Midstate for the payments withheld years before. The payoff amount was paid in full and Al's Midstate commenced suit. On behalf of my client, I successfully argued that the plaintiff's cause of action was barred by the twenty-year statute of limitations on an instrument in writing under seal (42 Pa. C.S.A. § 5529), as well as by the

doctrine of caveat emptor, and my motion for judgment on the pleadings was granted. There was no subsequent appeal of this case.

Opposing Counsel: John Kocsis, Esquire
(now retired)

4. Estate of Clark, No. 08-98-0113, Court of Common Pleas of Bradford County, Pennsylvania, Orphans' Court Division, 20 Fiduc. Rep. 2d 438 (2000) (Honorable John C. Mott)

I was appointed by the Orphans' Court in this matter to serve as an auditor. I prepared and filed an Auditor's Report which was ultimately affirmed by the Orphans' Court following objections to the report by the Office of Attorney General. In this case, the decedent died owning stock and leaving a will which gave "any common stock which I may own at the time of my death" to her church. The church entered into a receipt and release agreement with the estate in which it agreed to accept certain shares, after having been fully apprised as to the total number of shares held by the decedent, the value of those shares at the time of the decedent's death, the fact that there were both issued and unissued shares, and the nature of the intended distribution of the unissued shares by the executrix. The church was advised at all times by independent counsel. The primary issue was whether the Attorney General, as parens patriae for charities, had absolute veto power over such an agreement and whether the Court must void such an agreement merely because the Attorney General objected to it. I concluded, and the Orphans' Court affirmed, that it was not the correct role of the Attorney General, as parens patriae for charities, to substitute his judgment for that of a fully-informed and independently-counseled charity.

Opposing Counsel: James A. Pruyne, Esquire (for the Estate of Clark)
Duvall, Reuter & Pruyne
14 Park Street
Towanda, Pennsylvania 18848
(570) 265-2115

Carol Ryan Livingood, Esquire (for the Attorney General)
Davis Bennett Spiess & Livingood, LLC
130 West Lancaster Avenue
Wayne, Pennsylvania 19087
(610) 688-6200

5. Wise v. Bradford County Domestic Relations Office and Bradford County Children and Youth Services; Bradford County Children and Youth Services v.

Wise, Nos. 5-00-03356 and 5-01-00001A, United States Bankruptcy Court for the Middle District of Pennsylvania (Honorable John J. Thomas)

The debtor, Wise, was the father of a minor child who was placed in various juvenile facilities by the Court of Common Pleas of Bradford County, Pennsylvania because of delinquent behavior. My client, Bradford County Children and Youth Services, paid the facilities for the costs of these placements. The trial court directed the Bradford County Domestic Relations Office to effectuate a wage attachment against the debtor to enforce collection of the support obligation. The debtor subsequently filed for Chapter 7 Bankruptcy and I filed a complaint to determine the dischargeability of this debt, arguing on behalf of my client that the care rendered to the delinquent child fell within the exception to the provisions of 11 U.S.C. § 362(a)(1) and (6) and 12 U.S.C. § 523(a)(5). The Bankruptcy Court ultimately issued an order entering judgment in favor of Wise and against Children and Youth Services. This matter was of some significance because it appeared to be a case of first impression in the Third Circuit.

Opposing Counsel: Daniel J. Barrett, Esquire (for Wise)
301 Main Street
Towanda, Pennsylvania 18848
(570) 265-1712

Kenneth R. Levitzky, Esquire (for Bradford County Domestic Relations Office)
125 Churchill Street
Dushore, Pennsylvania 18614
(570) 928-8288

6. Baker v. Hoose, No. 97EQ000258, Court of Common Pleas of Bradford County, Pennsylvania, 3 Brad. Co. L.J. 132 (1999) (Honorable John C. Mott)

The trial court was asked to determine whether an actual case or controversy existed upon which it could enter declaratory judgment in this matter. I represented Baker's niece, Hoose. A parcel of real estate had been conveyed from a man's estate to his daughter with a provision which stated that if the property were sold during the daughter's lifetime, the proceeds of the sale must be divided equally among her siblings or their heirs. The daughter subsequently made a gift of the property to her own daughter, Hoose. Baker thereafter sought an injunction forbidding the encumbering of title to the property or the conveying of title to the property without her consent. The Court concluded that the subject property had not, in fact, been "sold" during the lifetime of the grantor, and therefore the case was not ripe for disposition by the Court. A future sale of the real estate is only an anticipated event which might never happen in the lifetime of the grantor. Consequently, the trial court determined

that declaratory judgment was not warranted. There was no subsequent appeal of this case.

Opposing Counsel: Daniel J. Barrett, Esquire
301 Main Street
Towanda, Pennsylvania 18848
(570) 265-1712

7. First National Bank of Canton, Pennsylvania v. Lycoming Creek Realty Co. and Sechler, No. 93CV000238, Court of Common Pleas of Bradford County, Pennsylvania (Honorable John C. Mott); No. 00589 Harrisburg 1994, Superior Court of Pennsylvania (Honorable Stephen J. McEwen, Jr.; Honorable James R. Cavanaugh; Honorable Joseph A. Del Sole)

The trial court faced two issues in this action for declaratory judgment in which I represented the First National Bank of Canton, Pennsylvania. The trial court was required to determine if the landlord had any claim to the proceeds of the personal property in dispute by virtue of the distraint provisions of the Pennsylvania Landlord Tenant Act of 1951 (68 Pa. C.S.A. § 250.302). Second, the trial court was asked to determine if the Bank's actions in properly recording its financing statements, as well as timely filing a Motion for Relief from Automatic Stay with the United States Bankruptcy Court, affirmed its priority as a lienholder against the personal property in dispute. A prior decision of the Superior Court of Pennsylvania concluded that the distraint provisions of the Act were unconstitutional and that the use of the distraint provisions conferred no legitimacy. The trial court overlooked this decision but the Superior Court was ultimately not persuaded by the merits of the arguments I presented and judgment was affirmed for the defendants.

Opposing Counsel: G. Scott Gardner, Esquire
2117 West Fourth Street
Williamsport, Pennsylvania 17701
(570) 322-7653

8. Pierce, Administratrix of the Estate Pierce, et al. v. HRI, Inc., et al. v. Heaton Construction, No. 1038-CV-2006, Court of Common Pleas of Tioga County, Pennsylvania (Honorable Robert E. Dalton, Jr.)

I served as co-counsel for HRI, Inc., defending this client, a highway contractor, from allegations that its negligent actions caused or contributed to a fatal head-on collision along Route 15, Tioga County, Pennsylvania. My representation of this client involved the preparation and argument of standard responsive pleadings, pre-trial and discovery motions. This case also involved the preparation and argument of various motions relating to the discovery of child protective services documents concerning both the deceased and badly injured

plaintiffs, all sisters. My representation of HRI, Inc. commenced in December 2006 and essentially concluded in January 2009. After prolonged litigation, the case was settled as the matter neared trial.

Co-Counsel:

Joseph Goldberg, Esquire and Richard E. Stabinski, Esquire (for HRI, Inc.)
Weber, Gallagher, Simpson, Stapleton, Fires & Newby, LLP
2000 Market Street, Suite 1300
Philadelphia, Pennsylvania 19103
(215) 825-7215

Opposing Counsel:

Jaime D. Jackson, Esquire (for Administratrix)
Atlee, Hall & Brookhart, LLP
8 North Queen Street, P.O. Box 449
Lancaster, Pennsylvania 17608
(877) 347-1665

Richard E. Freeburn, Esquire (for Latashia Pierce)
Freeburn & Hamilton
2040 Linglestown Road, Suite 300
Harrisburg, Pennsylvania 17110
(717) 671-1955

James T. Rague, Esquire (for Larenna Pierce)
Spencer, Gleason, Hebe & Rague, P.C.
17 Central Avenue, P.O. Box 507
Wellsboro, Pennsylvania 16901
(570) 724-6901

Dean F. Murtagh, Esquire and William J. D'Annuzio, Esquire (for United Rentals, Inc.)
German, Gallagher & Murtagh
The Bellevue, Suite 500
200 South Broad Street
Philadelphia, Pennsylvania 19102
(215) 545-7700

Daniel R. Goodemote, Esquire (for PennDot)
Office of Attorney General
Torts Litigation Unit
15th Floor, Strawberry Square
Harrisburg, Pennsylvania 17120
(717) 787-3391

Joan D. Daly, Esquire (for Heaton Construction, Inc.)
36 East Second Street
Media, Pennsylvania 19063
(610) 565-0600

Other Counsel: Nancy L. Siegel, Esquire (for Defendant Gallagher Associates, Inc.)
White and Williams, LLP
457 Haddonfield Road, Suite 400
Cherry Hill, New Jersey 08002
(856) 317-3600

Donald R. Dorer, Esquire (for Defendant Bliss)
Snyder & Dorer
214 Senate Avenue, Suite 503
Camp Hill, Pennsylvania 17011
(717) 731-0988

9. Sayre Borough, successor to the Northern Bradford Authority v. Sovereign Bank Corporation, No. 01CV000069, Court of Common Pleas of Bradford County, Pennsylvania (Honorable Jeffrey A. Smith)

I served as co-counsel for Sovereign Bank in the defense of a claim alleging a fraudulent misrepresentation on the part of this bank, which induced the plaintiff, Northern Bradford Authority, to make a sizeable loan to a third party. The scope of my representation of this client included the preparation and filing of all responsive pleadings, including preliminary objections, and argument related to these pleadings before the trial court. Extensive and detailed litigation followed, which resulted in multiple occasions for argument before the court on a variety of pre-trial motions. The case was eventually withdrawn by the plaintiff, which ultimately recognized the underlying weakness in its contentions directed toward my client. My involvement in this case lasted from April 2003 until October 2008.

Co-Counsel: Rees Griffiths, Esquire
CGA Law Firm
135 North George Street
York, Pennsylvania 17401
(717) 848-4900

Sean E. Summers, Esquire
Barley, Snyder, Senft & Cohen, LLC
100 East Market Street
York, Pennsylvania 17404
(717) 852-4978

Opposing Counsel: Robert C. Nowalis, Esquire
Doran, Nowalis & Doran
69 Public Square, Suite 700
Wilkes-Barre, Pennsylvania 18701
(570) 823-9111

10. Barnhill, et al. v. Pregent, et al., No. 05CV000182, Court of Common Pleas of Bradford County, Pennsylvania (Honorable Jeffrey A. Smith); No. 3:CV-09-00273, United States District Court for the Middle District of Pennsylvania (Honorable A. Richard Caputo); No. 10-1751, United States Court of Appeals for the Third Circuit

I represent Davidson, one of the many defendants in a dispute over the sale of a nursing facility in Athens, Pennsylvania. The merits of Plaintiff Barnhill's claims against my client and the principal defendants Misitano and Pinehurst Medical Corporation, LLC, involve the interpretation and validity of an exclusion agreement between a third defendant, the seller of the nursing facility, the nursing facility itself, and the Office of the Inspector General of the United States Department of Health and Human Services, and the Stipulation and Order between the seller of the nursing facility, the nursing facility itself, and the Attorney General of the State of New York. The case was removed to the U.S. District Court for the Middle District of Pennsylvania in February 2009 by the U.S. Department of Health and Human Services, which had been named as an additional defendant. After removal, nearly all parties filed motions and briefs requesting that the case be dismissed. In September 2009, following argument, the U.S. District Court found that the removal and jurisdiction was proper, dismissed the claims involving the United States, declined supplemental jurisdiction, and dismissed the suit, pursuant to 28 U.S.C. § 1367(c). In January 2010, plaintiff Barnhill raised the issue that the case should have been remanded instead of dismissed. The Court then entered an Order clarifying its September 2009 Order to state its intention that the entire case, state claims and all, was dismissed and not remanded to the state trial court. An appeal to the Third Circuit ensued, with a directive that the parties participate in the Circuit Court's mediation program. The matter has, however, been remanded to the Court of Common Pleas of Bradford County, which has assumed jurisdiction, and where responses to discovery requests are currently pending. I was engaged as counsel for Davidson in October 2005 and continue to represent him at present.

Opposing Counsel: John P. Leonard, Esquire
McElroy, Deutsch, Mulvaney & Carpenter, LLP
1300 Mount Kemble Avenue, P.O. Box 2075
Morristown, New Jersey 07962
(973) 993-8100

Other Counsel: Edward P. Seeber, Esquire (for defendants Pregent and The Kepler Home, Inc.)
James, Smith, Dietterick & Connelly, LLP
P.O. Box 650
Hershey, Pennsylvania 17033
(717) 533-3280

Rick L. Brunner, Esquire (for defendants Misitano and Pinehurst Medical Corp. Inc.)
Brunner Quinn
35 North Fourth Street, Suite 200
Columbus, Ohio 43215
(614) 241-5550

William Reynolds, Esquire (for Defendant David Arnold)
Bond, Schoeneck & King, PLLC
111 Washington Avenue
Albany, New York 12210
(518) 533-3000

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.)

I have been an active member of the Board of Directors of the Martha Lloyd School, Inc. of Troy, Pennsylvania for the past 19 years. The Martha Lloyd School provides services for persons with intellectual and developmental disabilities. During my time of affiliation with the Martha Lloyd School, I have attempted to serve as a legal advocate for those people with developmental disabilities who have the need for legal services in the greater-Bradford County area. Additionally, I have maintained an active association with the Bradford County Bar Association by organizing various bar events, dinners and receptions, as well as serving as a bar officer and as a member of the executive committee. Between 2002 and 2004 I served as a member of the House of Delegates of the Pennsylvania Bar Association, representing Bradford County. I have also served as an active participant on the various judicial selection and review committees established by the Republican Party of Pennsylvania. These panels were created by the respective Party Chairmen in 2001, 2003, 2007, 2009 and 2011 to interview and recommend candidates for the Pennsylvania appellate judiciary.

I have never performed lobbying activities for clients or organizations, except as noted above.

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

    None.

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

    None.

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

    I do not have any plans, commitments or agreements to pursue outside employment should I be appointed to serve as a United States District Judge, and will resign from all elected and appointed political offices, as well as all boards of directors of the organizations noted above in response to questions 11.

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.

I am engaged in the private practice of law with my father, Gerald W. Brann, and my brother, David J. Brann. My father is 77 years old and rarely appears in any court, including federal court. Consequently, I do not anticipate any potential conflict of interest with my father. My brother is an active member of the Bar of Pennsylvania. I would recuse myself from any case involving my brother, should I be confirmed. Additionally, if I am confirmed, I would recuse myself from any pending cases filed by my law firm while I was a member of the firm.

I have made what I consider to be standard financial investments in mutual funds, index funds, exchange-traded funds, stocks and bonds. I do not believe that these investments, in general, pose potential conflicts of interest. I will recuse myself from any matter which either affects or has the potential to affect this investment portfolio.

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 review each case for conflict or potential appearance of conflict and then apply the federal recusal statutes and Canon 3 of the Code of Conduct for United States Judges.

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.

During my twenty years of private practice, I regularly provided *pro bono* legal services to the citizens and charitable organizations of northern Pennsylvania. Specifically, I have represented low-middle income individuals in family court, landlord/tenant disputes and contractual matters. Additionally, I have represented, without charge, religious groups, organizations and churches that perform charitable services in the review of contracts, the creation of non-profit corporations and by obtaining federal tax exempt status. I have also provided counsel and representation for the Martha Lloyd School, Inc., an organization dedicated to the needs of developmentally disabled individuals, for the past 19 years; the *pro bono* services rendered have included the review of contracts and other legal documents, representation in unemployment disputes, the creation of non-profit corporations, and the application for federal tax exempt status. Finally, I have recently provided *pro bono* services for the Bradford County Veterans Memorial Park Association in the review of contracts and in negotiations with a local municipality for a suitable location for a veterans memorial park.

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 July 14, 2011, I submitted the questionnaire for judicial nominees to the Judicial Merit Selection Panel formed by Senator Robert P. Casey, Jr. and Senator Patrick J. Toomey. I was subsequently interviewed by the Panel for the Middle District of Pennsylvania in Scranton, Pennsylvania on October 18, 2011. The Panel recommended my nomination to Senators Casey and Toomey. I was interviewed by Senator Toomey in Washington, D.C. on December 8, 2011, and by Senator Casey in Washington, D.C. on February 16, 2012.

I was contacted by Senator Toomey's staff on March 8, 2012 and advised that my name was being forwarded to the White House for recommendation for appointment as a United States District Judge. Since March 12, 2012, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On April 6, 2012, I met with officials from the White House Counsel's Office and the Department of Justice in Washington, DC. On May 17, 2012, the President submitted my nomination to the Senate.

b. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any currently pending or specific case, legal issue or question in a manner that could reasonably be interpreted as seeking any express or implied assurances concerning your position on such case, issue, or question? If so, explain fully.

No.

AFFIDAVIT

I, Matthew W. Brann, do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

May 17, 2012
(DATE)

Matthew W. Brann
(NAME)

COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL
AMY J. HARVEY, NOTARY PUBLIC
CANTON BORO. BRADFORD COUNTY
MY COMMISSION EXPIRES OCT. 15, 2012

Amy J Harvey
(NOTARY)