

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Sarah Ann Leilani Merriam

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

United States Circuit Judge for the Second Circuit

3. **Address**: List current office address. If city and state of residence differs from your place of employment, please list the city and state where you currently reside.

United States District Court for the District of Connecticut
141 Church Street, Room 306
New Haven, Connecticut 06510

I reside in Milford, Connecticut.

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

1971; Honolulu, Hawaii

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.

2016 – 2018, Duke Law School; L.L.M. in Judicial Studies, 2018

1998 – 2000, Yale Law School; J.D., 2000

1997 – 1998, University of Connecticut School of Law; no degree received (transferred)

1989 – 1993, Georgetown University, College of Arts and Sciences;
B.A., *cum laude*, 1993

1991 – 1992, University of Manchester (United Kingdom); no degree received (study abroad program)

6. **Employment Record**: List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises,

partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

2021 – present

United States District Court for the District of Connecticut
141 Church Street, Room 306
New Haven, Connecticut 06510
United States District Judge

2015 – 2021

United States District Court for the District of Connecticut
141 Church Street, Room 306
New Haven, Connecticut 06510
United States Magistrate Judge

2007 – 2015

Office of the Federal Defender
265 Church Street, Suite 702
New Haven, Connecticut 06510
Assistant Federal Defender

2007

Chris Dodd for President (campaign defunct)
No current address available
Connecticut Political Director

2006 – 2007

Chris Murphy for Congress (campaign defunct)
P.O. Box 127
Cheshire, Connecticut 06410
Campaign Manager

2003 – 2005

Cowdery, Ecker & Murphy, LLC
280 Trumbull Street, 22nd Floor
Hartford, Connecticut 06103
Associate

2002 – 2003

United States Court of Appeals for the Second Circuit
40 Foley Square
New York, New York 10007
Law Clerk to the Honorable Thomas J. Meskill (deceased)

2000 – 2002
United States District Court for the District of Connecticut
450 Main Street
Hartford, Connecticut 06103
Law Clerk to the Honorable Alvin W. Thompson

Summer 1999
Dickstein, Shapiro, Morin & Oshinsky (firm defunct)
2101 L Street, Northwest
Washington, District of Columbia 20037
Summer Associate

Summer 1999
Federal Trade Commission, Bureau of Consumer Protection, Enforcement Division
600 Pennsylvania Avenue, Northwest
Washington, District of Columbia 20580
Summer Associate

1998 – 1999
Connecticut Employees Union Independent/SEIU Local 511
110 Randolph Road
Middletown, Connecticut 06457
Political Director

Summer 1998
Bingham Dana LLP (firm defunct)
100 Pearl Street
Hartford, Connecticut 06103
Summer Associate

1997
Williams-Sonoma, West Farms Mall (store location closed)
500 West Farms Mall C228
Farmington, Connecticut 06032
Sales Clerk

1996 – 1997
Connecticut Employees Union Independent/SEIU Local 511
110 Randolph Road
Middletown, Connecticut 06457
Political Director

1994 – 1996
36 Liberty Street (address no longer valid)
Middletown, Connecticut 06457
Consultant, Self-Employed

1994
Bill Curry for Governor (campaign defunct)
621 Farmington Avenue
Hartford, Connecticut 06106
Field Coordinator/Deputy Field Director

1993 – 1994
Falk Family (current contact information unknown)
1722 Allard Road
Chapel Hill, North Carolina 27514
Live-in Nanny

Summer 1993
Gager & Henry (firm defunct)
No current address available
Office Assistant

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

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

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

University of Connecticut School of Law:

Ranked first in first-year class (1997 – 1998)
Corpus Juris Secundum award in Contracts (May 1998)
Corpus Juris Secundum award in Criminal Law (May 1998)
Center for Computer-Assisted Legal Instruction (CALI) award for Contracts (May 1998)
Center for Computer-Assisted Legal Instruction (CALI) award for Criminal Law (May 1998)
Center for Computer-Assisted Legal Instruction (CALI) award for Legal Research & Writing (May 1998)
Offered membership on the Connecticut Law Review (Spring 1998)
Member of the Moot Court Board (Spring 1998)
Hyman Blumberg Scholarship (1997 – 1998)
Dean's Scholar (1997 – 1998)

Georgetown University:
Second Honors (Spring 1993)

Dean's List (Fall 1992)
First Honors (Spring 1991)
Dean's List (Fall 1990)

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.

Connecticut Bar Association

Federal Practice Section, Member (2000 – 2019)
Young Lawyers Division, Member (2000 – 2005)
Young Lawyers Division Liaison to Federal Practice Section (2003 – 2005)

Federal Magistrate Judges Association

Bulletin Committee, Member (2018 – 2021)
Rules Committee, Member (2019 – 2021)

United States District Court for the District of Connecticut

Ad Hoc Committee on Highly Sensitive Documents, Member (2020 – 2021)
Ad Hoc Committee re: Revisions to Local Rule 32, Member
(approximately 2013 – 2014)
Ad Hoc Committee on Social Security Practices, Member (2015 – 2017)
Alternative Dispute Resolution Committee, Member (2017 – present)
Grievance Committee, Member (2014 – 2015)
Law Day Committee, Member (2015 – present)
Local Rules Committee, Member (2021 – present)
Multi-Cultural Committee, Member (2016 – present)
Public Outreach Committee, Member (2015 – 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.

Connecticut, 2000

There have been no lapses in membership.

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

United States Court of Appeals for the Second Circuit, 2007
United States District Court for the District of Connecticut, 2003

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.

Connecticut Bar Foundation, Life Fellow (2014 – present)

New Haven Inn of Court, Member (2015 – 2019)

Oliver Ellsworth Inn of Court, Member (2001 – 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 my knowledge, none of the organizations listed in response to 11a 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.

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.

Pioneer Women: Ellen Bree Burns and Joan Glazer Margolis, Judicature, Vol, 102, No. 3 (Fall/Winter 2018). Copy supplied.

Letter to the Editor, Hartford Courant, Nov. 3, 2007
Letter to the Editor, Hartford Courant, Aug. 15, 2004
Letter to the Editor, Hartford Courant, Dec. 14, 2003
Letter to the Editor, Hartford Courant, Oct. 3, 2003
Letter to the Editor, Hartford Courant, Apr. 23, 2003

Letter to the Editor, Hartford Courant, Sept. 22, 2001
Copies of all above letters supplied.

Letter to the Editor, Time Magazine, Winter 1996. I am unable to locate a copy.

- 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.

- 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.

On July 14, 2021, I testified at a hearing before the United States Senate Judiciary Committee regarding my nomination to become a United States District Judge.

Video available at

<https://www.judiciary.senate.gov/meetings/07/07/2021/nominations>. Responses to written Questions for the Record available at

<https://www.judiciary.senate.gov/imo/media/doc/Merriam%20QFR's.pdf>.

Public Hearing Testimony, Appropriations Committee, State of Connecticut Legislature, Apr. 9, 1997. Copy supplied.

Public Hearing Testimony, Transportation Committee, State of Connecticut Legislature, Feb. 24, 1997. Copy supplied.

In 1996 and 1997, I may have testified at other public hearings before committees of the Connecticut State Legislature, with regard to issues affecting state workers. However, a search of the State's legislative history database and Westlaw revealed only the two occasions indicated.

- 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.

I have searched my calendar, files, and the internet in an effort to identify all events responsive to this question. Below are the events I have identified.

December 9, 2021: Speaker, Branford High School, virtual presentation. A group of students from Branford High School observed a virtual naturalization ceremony I performed, and after the ceremony I answered their questions about the Court. I have no notes, transcript, or recording. The address of Branford High School is 185 East Main Street, Branford, Connecticut, 06405.

May 7, 2021: Speaker, Sixth Grade, Clinton Avenue School, New Haven, virtual presentation. I read a book about Susan B. Anthony to two separate sixth grade classes and answered their questions about being a judge as part of the Court's Law Day outreach program. I have no notes, transcript, or recording. The address of Clinton Avenue School is 293 Clinton Avenue, New Haven, Connecticut, 06513.

May 4, 2021: Panel Speaker, "Decorum and Advocacy in the Virtual Courtroom: A Judge's Perspective," Connecticut Bar Association, Young Lawyers' Division, virtual presentation. Outline supplied.

March 17, 2021: Panel Speaker, American Bar Association Diversity Outreach Program, Roger Park Middle School Social Justice Group, Danbury, Connecticut, virtual presentation. Outline supplied.

November 2, 2020: Speaker, Clerkship Informational Session, Washington University Law School, virtual presentation. The virtual presentation was on the attributes of successful law clerks. I have no notes, transcript, or recording. The address for Washington University Law School is 1 Brookings Drive, St. Louis, Missouri, 63130.

September 17, 2020: Speaker, Government Class, Hutchison High School, Fairbanks, Alaska, virtual class. Outline supplied.

September 10, 2020: Speaker, Government Class, Hutchison High School, Fairbanks, Alaska, virtual class. Outline supplied.

July 22, 2020: Speaker, "Celebrate with the Stars" Remarks in Honor of Judge Alvin W. Thompson, Connecticut Bar Association, virtual presentation. Recording available at <https://youtube.com/playlist?list=PL8RQSHoDGFsagnWkDGb0hx1TXe1XsUnV4>.

April 22, 2020, Speaker, Government Class, Hutchison High School, Fairbanks, Alaska, virtual class. Outline of class discussion topics supplied.

April 15, 2020: Speaker, Government Class, Hutchison High School, Fairbanks, Alaska, virtual class. Outline of class discussion topics supplied.

March 4, 2020: Panel Speaker, plenary session, American Psychology-Law Society annual conference, New Orleans, Louisiana. Outline supplied.

October 10, 2019: Speaker, Connecticut Trial Lawyers' Association, Women's Caucus Dinner, Madison, Connecticut. I made remarks regarding my experiences as a woman on the bench. I have no notes, transcript, or recording. The address for the Connecticut Trial Lawyers' Association is 150 Trumbull Street, 2nd Floor, Hartford, Connecticut, 06103.

April 3, 2019: Speaker, Yale Law School, New Haven, Connecticut. I was a guest speaker at a class entitled "Institution and Practice of the Federal District Court" taught by my colleague, Judge Robert N. Chatigny. I have no notes, transcript, or recording. The address of Yale Law School is 127 Wall Street, New Haven, Connecticut, 06511.

March 13, 2019: Panel Speaker, "Federal Court Discovery: A to Z," Connecticut Bar Association, Federal Practice Section and Young Lawyers Division, New Haven, Connecticut. The panel was on discovery in federal court. I have no notes, transcript, or recording. The address for the Connecticut Bar Association is 30 Bank Street, New Britain, Connecticut, 06051.

January 14, 2019: Guest, Mock Trial Continuing Education Class, FCI Danbury, Danbury, Connecticut. I presided over a mock trial conducted by female inmate students in a continuing education program at FCI Danbury, then addressed the students briefly regarding their performances in the mock trial. I have no notes, transcript, or recording. The address of FCI Danbury is 33 ½ Pembroke Road, Danbury, Connecticut, 06811.

November 5, 2018: Speaker, Remarks in Honor of Paul F. Thomas, Richard C. Law Award Dinner, United States District Court, District of Connecticut, New Haven, Connecticut. Outline supplied.

May 1, 2018: Judge, Mock Trial, Metropolitan Business Academy, New Haven, Connecticut. I served as a judge for a high school mock trial held at the District Court. I have no notes, transcript, or recording, but press coverage supplied.

January 3, 2018: Panel Moderator, "What Do Lawyers Actually Do and What Makes a Good Lawyer," Quinnipiac University School of Law, North Haven, Connecticut. I moderated a panel for law students about the practice of law. I have no notes, transcript, or recording. The address of Quinnipiac University School of Law is 370 Bassett Road, North Haven, Connecticut, 06473.

November 8, 2017: Speaker, Connecticut Labor & Employment Women Biannual

Dinner, Wethersfield, Connecticut. I made remarks regarding my experiences as a woman in the labor movement and on the bench. I have no notes, transcript, or recording. The address for Connecticut Labor & Employment Women is c/o Attorney Barbara Collins, 557 Prospect Avenue, 1st Floor, Hartford, Connecticut, 06105.

September 7, 2017: Panel Speaker, Connecticut Bar Association, Labor and Employment Law Section event, North Haven, Connecticut. The panel was on federal court mediation in labor and employment matters. I have no notes, transcript, or recording. The address of the Connecticut Bar Association is 30 Bank Street, New Britain, Connecticut, 06051.

June 20, 2017: Panel Speaker, National Student Leadership Conference, New Haven, Connecticut. The panel discussed the court system with high school students participating in a summer program at Yale University. I have no notes, transcript, or recording. The address of the National Student Leadership Conference is 320 West Ohio Street, Suite 4W, Chicago, Illinois, 60654.

May 5, 2017: Panel Speaker, Law Day presentation, High School in the Community, New Haven, Connecticut. Email providing outline of presentation supplied.

April 26, 2017: Speaker, North Haven High School, National Honor Society Induction Ceremony, North Haven, Connecticut. Draft remarks supplied.

April 11, 2017: Speaker, Career Day, Edgewood School, New Haven, Connecticut. I spoke with students at an elementary school I attended about being a judge. I have no notes, transcript, or recording. The address of Edgewood School is 737 Edgewood Avenue, New Haven, Connecticut, 06515.

March 30, 2017: Presenter, Connecticut Criminal Defense Lawyers' Association, New Haven, Connecticut. A member of the United States Probation Office and I presented information on the Bail Reform Act. I have no notes, transcript, or recording. The address of the Connecticut Criminal Defense Lawyers' Association is P.O. Box 1766, Waterbury, Connecticut, 06721.

March 7, 2017: Panel Speaker, Clerkships, University of Connecticut School of Law, Hartford, Connecticut. The panel discussed clerkship opportunities with law students. I have no notes, transcript, or recording. The address of the University of Connecticut School of Law is 55 Elizabeth Street, Hartford, Connecticut, 06105.

October 17, 2016: Speaker, Edgewood School, New Haven, Connecticut. I spoke with students in several classes at an elementary school I attended about being a judge. I have no notes, transcript, or recording. The address of Edgewood School is 737 Edgewood Avenue, New Haven, Connecticut, 06515.

June 21, 2016: Panel Speaker, National Student Leadership Conference, New Haven, Connecticut. The panel discussed the court system with high school students participating in a summer program at Yale University. I have no notes, transcript, or recording. The address of the National Student Leadership Conference is 320 West Ohio Street, Suite 4W, Chicago, Illinois, 60654.

September 29, 2015: Speaker, Connecticut Trial Lawyers' Association, Women's Caucus Dinner, Hartford, Connecticut. I made remarks regarding my experiences as a woman on the bench. I have no notes, transcript, or recording. The address of the Connecticut Trial Lawyers' Association is 150 Trumbull Street, 2nd Floor, Hartford, Connecticut, 06103.

September 15, 2015: Speaker, Quinnipiac University School of Law. I spoke at a class taught by Professor Linda Meyer. I do not recall the subject matter of the class. I have no notes, transcript, or recording. The address of Quinnipiac University School of Law is 370 Bassett Road, North Haven, Connecticut, 06473.

June 26, 2015: Speaker, Investiture, United States District Court, District of Connecticut, New Haven, Connecticut. Unproofed transcript supplied.

June 10, 2015: Speaker, Graduation Ceremony, St. Thomas's Day School, New Haven, Connecticut. I made remarks to the graduating sixth grade class of my elementary school about advice for the next stages of their lives. I have no notes, transcript, or recording. The address of St. Thomas's Day School is 830 Whitney Avenue, New Haven, Connecticut, 06511.

April 2015 – present: Speaker, Naturalization Ceremonies, United States District Court for the District of Connecticut, New Haven, Connecticut. I conduct naturalization ceremonies in court on a regular basis. I have also conducted numerous off-site naturalization ceremonies at locations around the state of Connecticut. Standard script supplied.

2008 – 2014, Speaker and Panel Member, CJA Panel Trainings, Office of the Federal Defender, New Haven, Hamden, Hartford, and Bridgeport, Connecticut. When I was an Assistant Federal Defender, I spoke periodically at CJA panel training sessions focusing on topics such as the Sentencing Guidelines, cell site evidence, DNA evidence, and Second Circuit filing practices. I have no notes, transcript, or recording. The address of the Office of the Federal Defender is 265 Church Street, Suite 702, New Haven, Connecticut, 06510.

When I was employed by political campaigns, I gave political speeches as a matter of routine, on nearly a daily basis, to local Town Committees or groups of volunteers. I have been unable to locate any media coverage of any of those speeches. I do not have any notes or calendars that would provide specific dates and locations for such speeches. A summary description of my speeches in that capacity follows:

January 2007 – June 2007: Connecticut Political Director, campaign speeches, Dodd for President, Democratic Town Committees and volunteer gatherings in Connecticut. I have no notes, transcripts, or recordings. The Dodd for President campaign no longer has an address.

January 2006 – January 2007: Campaign Manager, campaign speeches, Murphy for Congress, Democratic Town Committees and volunteer gatherings in Connecticut's 5th Congressional District. I have no notes, transcripts, or recordings. The Murphy for Congress campaign no longer has an address.

January 1994 – November 1994: Field Coordinator/Deputy Field Director, campaign speeches, Curry for Governor, Democratic Town Committees and volunteer gatherings in Connecticut, primarily in the then-6th Congressional District. I have no notes, transcripts, or recordings. The Curry for Governor campaign no longer has an address.

June 1990 – September 1990: Field Coordinator, campaign speeches, Morrison for Governor, Democratic Town Committees and volunteer gatherings in Connecticut's 2nd Congressional District. I have no notes, transcripts, or recordings. The Morrison for Governor campaign no longer has an address.

- 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.

I have searched my files and other electronic databases in an effort to identify all items responsive to this question. I have located the publications below, but it is possible that there are a few interviews I was not able to identify.

Sopen B. Shah, Guidelines for Guidelines: Implications of the Confrontation Clause's Revival for Federal Sentencing, 48 J. Marshall L. Rev 1029, Summer 2015. Copy supplied.

Scott Benjamin, Congressional Campaign Manager Analyzes Micro-targeting, Patch.com, Dec. 1, 2014. Copy supplied. I discovered this article while performing an internet search to ensure that my responses to this question were complete. Although I recall Mr. Benjamin from 2006, I did not give him an interview in 2014, and I do not recall having made the statements attributed to me.

Hamden Hall Country Day School, Middle Schoolers Immersed in American Political System, Oct. 23, 2012. Copy supplied. I discovered this article while performing an internet search to ensure that my responses to this question were complete. Although I did attend the event referenced in the article, I did not participate in any interviews or give any remarks to the press.

Christian Nolan, Cracking Open Prison Doors, Conn. L. Tribune, Jan. 19, 2009. Copy supplied.

Nicole A. Bernabo, An Energetic and Passionate Young Lawyer Taking the Path Less Traveled: An Interview with Sarah Merriam, The Cross Examiner, Spring 2007. Copy supplied.

Local Democrats Like Dodd For President, Newtown Bee, Mar. 30, 2007. Copy supplied.

David Lightman, Murphy Draws House Attic; Office Lottery Gives Newcomer Political Siberia with View, Hartford Courant, Dec. 3, 2006. Copy supplied.

Thomas B. Scheffey, Upset Deconstructed; Relatively Young in Age, Murphy and Merriam Flex Their Political Prowess When it Counts, Connecticut Law Tribune, Nov. 27, 2006. Copy supplied.

Dave Collins, Lieberman, Lamont beginning final campaign drives, Associated Press, Nov. 5, 2006. Copy supplied.

Raymond Hernandez, Harsh Words Dominate New York Region's Congressional Races, N.Y. Times, Nov. 4, 2006. Copy supplied.

Scott Whipple, 5th District Resident Files Robo-call Complaint, Herald, Nov. 3, 2006. Copy supplied.

Adam Wittenberg, Moving on Up, Record-Journal, Oct. 31, 2006. Copy supplied.

Adam Wittenberg, New TV Ad Makes Bigger Waves in 5th, Record-Journal, Oct. 25, 2006. Copy supplied.

Walter Shapiro, Blue-state Backlash?, Salon, Oct. 23, 2006. Copy supplied.

Adam Wittenberg, Murphy, Johnson Continue Battle, Record-Journal, Oct. 21, 2006. Copy supplied.

Adam Wittenberg, Now It's Bickering Over "Robocalls" in 5th, Record-Journal, Oct. 19, 2006. Copy supplied.

Ad Questioned by Nonpartisan Watchdog Group; Murphy Stands by It, Record-Journal, Oct. 18, 2006. Copy supplied.

Adam Wittenberg, Johnson, Murphy Spar Over Homeland Security, Medicare, Record-Journal, Oct. 15, 2006. Copy supplied.

Murphy's Ad Irks Johnson Campaign, Record-Journal, Oct. 15, 2006. Copy supplied. Copy supplied.

David Lightman, Shays Hits Hard in Page Scandal; Invokes Chappaquiddick in Rebuking Farrell; Polls Show Issue Not Helping Democrats, Hartford Courant, Oct. 11, 2006. Copy supplied.

Scott Whipple, The Latest Battleground, Herald, Oct. 7, 2006. Copy supplied.

Michael Puffer, Johnson basks - in glow of credit - for tax breaks - Murphy: Super-rich benefit, Republican-American, Oct. 6, 2006. Copy supplied.

Scandal Resonates with Candidates in Race for 5th District House Seat, Record-Journal, Oct. 4, 2006. Copy supplied.

Paul Hughes, Johnson Campaign Continues to Stress Taxes, Terrorism, Republican-American, Oct. 4, 2006. Copy supplied.

Walter Shapiro, The Elephant in the Room, Salon, Oct. 4, 2006. Copy supplied.

Paul Hughes, Charlotte Koskoff Lost Her 1998 Challenge to Nancy Johnson by a Mere 1,587 Votes - and Her Campaign Manager then is the Candidate Now, Taking on Johnson Again, Republican-American, Aug. 21, 2006. Copy supplied.

Adam Wittenberg, Air War in the 5th District, Record-Journal, Aug. 13, 2006. Copy supplied.

Who Has Longer Connecticut Coattails?, CQ Politics, Aug. 8, 2006. Copy supplied.

Jeffrey B. Cohen, Sparks Fly in Race to Sway; Johnson, Murphy Come Out Swinging with TV Ads in Battle for U.S. House Seat, Hartford Courant, July 27, 2006. Copy supplied.

Adam Wittenberg, Following the Money in the 5th, Record-Journal, July 23, 2006. Copy supplied.

John Guilfoil, Connecticut's 5th District: The Seemingly Insurmountable Incumbent, Blogcritics.org Politics, June 26, 2006. Copy supplied.

Mark Pazniokas, Senator Holds Party in Limbo; Lieberman's Choice Risks Ripple Effect, Hartford Courant, June 18, 2006. Copy supplied.

Joseph Straw, 5th District Race Focuses on Money, New Haven Register, May 6, 2006. Copy supplied.

Chris Cillizza, Clash in Connecticut's 5th, Wash. Post, Apr. 27, 2006. Copy supplied.

George Moore, Nancy Fires Back Answers MoveOn.org Ad With One of Her Own, Herald, Apr. 27, 2006. Copy supplied.

Daniel E. Goren, Johnson Target of New Ad; Group Attacks Prescription Drug Plan Stance, Hartford Courant, Apr. 26, 2006. Copy supplied.

Bill Yelenak, 5th Dist. Funding Flows In, Record-Journal, Apr. 14, 2006. Copy supplied.

Protesters Picket at Rep. Johnson's Office, Hartford Courant, Jan. 16, 1997. Copy supplied.

I gave a series of interviews for television, radio, and print media in or about 1996 regarding the planned privatization of the operation of Connecticut's drawbridges. I have been unable to locate any of the reports online.

I also gave several interviews to the Torrington Register-Citizen, Hartford Courant, and Waterbury Republican-American from September 1995 to November 1995 in my role as campaign manager for a mayoral candidate in Torrington, Connecticut. I have been unable to locate any of the reports online.

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 am currently a United States District Judge for the District of Connecticut. I was nominated for the position by President Biden on June 15, 2021. I was confirmed by the United States Senate on October 6, 2021, and sworn in on October 12, 2021.

Prior to October 12, 2021, I served as a United States Magistrate Judge for the District of Connecticut for more than six-and-a-half years. The District Judges of the United States District Court for the District of Connecticut selected me for the Magistrate Judge position in December 2014. I was sworn in on April 3, 2015.

The United States District Court has limited subject matter jurisdiction. As an Article III District Judge, I hear all aspects of civil and criminal cases. As an Article I Magistrate Judge, I did not have authority to hear felony criminal trials or to impose sentence in felony matters, and my decisions in most civil cases were subject to review by a District Judge.

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

I have presided over five cases that have gone to judgment after trial.

i. Of these cases, approximately what percent were:

| | |
|---------------|-----|
| jury trials: | 20% |
| bench trials: | 80% |

ii. Of these cases, approximately what percent were:

| | |
|-----------------------|------|
| civil proceedings: | 100% |
| criminal proceedings: | 0% |

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

A list of all opinions and decisions published on Westlaw as of April 27, 2022, is supplied.

c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature of 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 (4) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

1. COVID Coverage Cases: Harvey B. Pats, M.D., P.A. v. Hartford Fire Ins. Co., No. 3:20CV000697(SALM), 2021 WL 5988571 (D. Conn. Dec. 17, 2021); Dr. Jeffrey Milton, DDS, Inc. v. Hartford Cas. Ins. Co., No. 3:20CV00640(SALM), 2022 WL 603028 (D. Conn. Mar. 1, 2022) (appeal withdrawn); ENT & Allergy Assocs., LLC v. Cont'l Cas. Co., No. 3:21CV00289(SALM), 2022 WL 624628 (D. Conn. Mar. 3, 2022) (appeal pending).

Since my appointment as a United States District Judge, I have been assigned a number of cases addressing the question of insurance coverage for business losses alleged to be attributable to the COVID-19 pandemic. I have issued rulings in the three cases listed here, finding in each case, like the great majority of decisions on such cases, no coverage.

Plaintiffs' counsel:

Daniel C. Levin [counsel in Pats]
Levin Sedran & Berman
510 Walnut Street, Suite 500
Philadelphia, PA 19106
(215) 592-1500

Kathleen L. Nastri [counsel in Milton]

Koskoff, Koskoff & Bieder, P.C.
350 Fairfield Avenue
Bridgeport, CT 06604
(203) 336-4421

R. Cornelius Danaher , Jr. [counsel in ENT]
Danaher Lagnese & Neal, P.C.
Capitol Place
21 Oak Street, Suite 700
Hartford, CT 06106
(860) 247-3666

Defendants' counsel:
Gerald P. Dwyer, Jr. [counsel in Pats and Milton]
Robinson & Cole LLP
280 Trumbull Street
Hartford, CT 06103
(860) 275-8331

Kevin Buckley [counsel in ENT]
Mound Cotton Wollan & Greengrass LLP
One New York Plaza
New York, NY 10004
(212) 804-4200

2. McCarter & English LLP v. Jarrow Formulas, Inc., No. 3:19CV01124(MPS), 2020 WL 2528508 (D. Conn. Mar. 3, 2020) (ruling on motion for prejudgment remedy); 2019 WL 10630388 (D. Conn. Aug. 23, 2019) (order on motion for early discovery)

McCarter brought a claim for nonpayment of approximately \$2 million in legal fees against its former client, Jarrow, sounding in breach of contract, account stated, and unjust enrichment, and sought a prejudgment remedy. Jarrow filed counterclaims alleging overpayment and recoupment, unjust enrichment, breach of fiduciary duty, legal malpractice, unfair trade practices, and setoff. The claims arose out of McCarter's representation of Jarrow in a trial in Kentucky federal court, in which Jarrow was found liable on one count of willful misappropriation of trade secrets and subject to a substantial verdict. As a Magistrate Judge, I conducted a multi-day evidentiary hearing on the motion for prejudgment remedy and entered an order granting the motion, in part. I also presided over certain other pretrial matters. The case remains pending before another District Judge.

Counsel for plaintiff:
Louis R. Pepe
McElroy, Deutsch, Mulvaney & Carpenter, LLP
One State Street, 14th Floor

Hartford, CT 06103
(860) 522-5175

James G. Green, Jr.
McElroy, Deutsch, Mulvaney & Carpenter, LLP
One State Street, 14th Floor
Hartford, CT 06103
(860) 522-5175

Counsel for defendant:
Jeffrey J. Tinley [deceased]

3. Dominion Res. Servs., Inc. v. Alstom Power, Inc., No. 3:16CV00544(JCH), 2017 WL 3575892 (D. Conn. Aug. 18, 2017) (ruling on motion to quash and for protective order); 2017 WL 3228120 (D. Conn. July 31, 2017) (ruling on motion to quash and for protective order)

Dominion and Alstom had a contract regarding inspection by Alstom of a boiler at a Dominion industrial facility, which required Alstom to maintain certain insurance. An industrial accident occurred at the facility killing and injuring Dominion workers, who filed suit against Dominion. Dominion settled the claims brought by the workers. The Alstom insurance was used to cover part of the costs associated with that litigation and settlement. After those settlements, Dominion brought a claim against Alstom that it had not maintained the proper type of insurance, resulting in less insurance money being available to Dominion for the defense and settlement of the workers' cases.

As a Magistrate Judge, I managed certain discovery and case management issues in the case from July 2017 to October 2017, and then conducted settlement discussions with the parties from July 2019 to November 2019. The matter was settled in full in February 2020.

Counsel for plaintiffs:
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Foley Hoag, LLP
Seaport West
255 Seaport Boulevard
Boston, MA 02210
(617) 832-1220

Vaughan Finn
Shipman & Goodwin
One Constitution Plaza, 18th Floor
Hartford, CT 06103
(860) 251-5000

Counsel for defendant:
Michael D. Fisse
Daigle Fisse & Kessenich, PLC
227 Highway 21
Madisonville, LA 70447
(985) 871-0800

Mark A. Milano
Milano & Wanat LLC
471 East Main Street
Branford, CT 06405
(203) 315-7000

4. World v. Semple, et al., No. 3:16CV00519(JCH)

Plaintiff, an inmate in the Connecticut Department of Correction, brought Eighth Amendment deliberate indifference claims. He alleged that defendants failed to diagnose an aggressive form of cutaneous t-cell lymphoma, misdiagnosing his condition as psoriasis. Plaintiff alleged that he did not receive a dermatologic consult for two years, and that a necessary biopsy was denied. His condition worsened quickly. I held several in-person conferences, including one where I visited plaintiff in the hospital, and dozens of phone conferences. The parties reached a settlement in 2018 under which the State paid \$1.3 million to plaintiff. I addressed a dispute after the settlement was finalized concerning the transfer of funds to plaintiff's counsel. After being granted compassionate release by the State, Mr. World passed away in 2020.

Unpublished recommended ruling on motion to reopen and for sanctions supplied.

Counsel for plaintiff:
DeVaughn Ward
Ward Law LLC
255 Main Street, 5th Floor
Hartford, CT 06106
(860) 351-3047

Kenneth James Krayske
Kenneth J. Krayske Law Offices
255 Main Street, 5th Floor
Hartford, CT 06106
(860) 995-5842

Counsel for defendants:
Madeline A. Melchionne
Office of the Attorney General
110 Sherman Street

Hartford, CT 06105
(860) 808-5450

Steven R. Strom (retired)
Office of the Attorney General
110 Sherman Street
Hartford, CT 06105
(860) 804-3683

5. Caporaso v. Donnelly, No. 3:16CV00521(SALM), 2019 WL 3886726 (D. Conn. Aug. 19, 2019) (ruling on defendants' motions in limine)

The homeowner plaintiff brought claims pursuant to 42 U.S.C. § 1983 against police and fire personnel for unlawful entry and search, and for use of excessive force. The parties consented to Magistrate Judge jurisdiction, and I conducted a jury trial. The jury returned a verdict for defendants. Plaintiff filed an appeal, but the appeal was withdrawn. Judgment supplied.

Plaintiff's counsel:
Norman A. Pattis and Kevin Smith
Pattis & Smith LLC
383 Orange Street, First Floor
New Haven, CT 06511
(203) 393-3017

Defendants' counsel:
Michael Cuff Deakin
Esty & Buckmir, LLC
2340 Whitney Avenue, 2nd Floor
Hamden, CT 06517
(203) 248-5678

David C. Yale
Hassett & George, PC
915 Hopmeadow Street
Simsbury, CT 06070
(860) 651-1333

6. Doe v. Hicks, No. 3:15CV01123(AVC), 2016 WL 5172814 (D. Conn. Sept. 21, 2016) (ruling on amended motion for sanctions); 2016 WL 6433828 (D. Conn. Oct. 31, 2016) (ruling on motion for reconsideration)

Ms. Doe brought suit against a hotel, its employee, and its parent company asserting claims for negligence and infliction of emotional distress. Ms. Doe was raped in her room while she was staying in the defendant hotel, and the Complaint alleged the hotel employees had reason to know she was in danger and failed to

protect her. I handled case management and discovery issues at certain points in the case, and then managed the settlement efforts. After I ruled on a motion for sanctions, I requested that the matter be reassigned to another Magistrate Judge for continuing settlement efforts, to ensure the separation of the merits and settlement aspects of the case.

The parties reached a full and final settlement.

Counsel for plaintiff:
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Ruberry, Stalmack & Garvey
10 South LaSalle Street, Suite 1800
Chicago, IL 60663
(312) 466-8050

Counsel for defendants:
Andrew S. Turret
Law Offices of Meehan, Turret & Rosenbaum
108 Leigus Road, 1st Floor
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(203) 624-9165

John Stephen Papa
Howard, Kohn, Sprague & Fitzgerald
237 Buckingham Street
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Hartford, CT 06126
(860) 525-3101

7. Goff v. Chivers, No. 3:15CV00722(SALM), 2017 WL 2174404 (D. Conn. May 17, 2017) (bench trial memorandum of decision); 2017 WL 2896022 (D. Conn. July 7, 2017) (ruling on motion for award of attorneys' fees)

Two plaintiffs brought claims pursuant to 42 U.S.C. § 1983 against state police officers. Plaintiff Goff was driving; plaintiff Gibson was her passenger. A traffic stop was made by Officer Chivers, and Ms. Goff was required to engage in a sobriety test, which she failed, and she was placed under arrest. Ms. Goff was not compliant during the arrest. Mr. Gibson remained in the car, watching Ms. Goff's interactions with Officer Chivers. At one point, Mr. Gibson stood up, and at another point he shouted to Officer Chivers. Officer Chivers ordered him to get back into the car, and he complied. After additional officers arrived, Mr. Gibson was arrested for interfering with the police. Ms. Goff brought a claim for excessive force during the course of her arrest; Mr. Gibson brought a claim for false arrest. (All other claims and other defendants were dismissed prior to the close of evidence.) The parties consented to Magistrate Judge jurisdiction, and I conducted a bench trial in this matter.

I found for defendant as to Ms. Goff's excessive force claim, and for plaintiff as to Mr. Gibson's false arrest claim, and awarded \$38,500 in damages plus attorney's fees and costs. Judgment supplied.

Plaintiffs' counsel:

Joseph M. Merly
John R. Williams & Associates, LLC
51 Elm Street, Suite 409
New Haven, CT 06510
(203) 562-9931

Defendants' counsel:

Madeline A. Melchionne
Office of the Attorney General
110 Sherman Street
Hartford, CT 06105
(860) 808-5450

8. Moss v. Bisson, No. 3:13CV01241(SALM)

Plaintiff brought a claim under 42 U.S.C. § 1983 alleging use of excessive force by defendant, a police officer. Mr. Moss was arrested after leaving the scene of a motor vehicle accident. He alleged that Officer Bisson used excessive force when placing him in handcuffs, and that the handcuffs were too tight, injuring him. I conducted a bench trial at which both plaintiff and defendant testified.

I found for defendant, and entered judgment in her favor. Bench trial decision entered verbally on the record. Transcript of bench trial decision and judgment supplied.

Counsel for plaintiff:

Joseph M. Merly
John R. Williams & Associates, LLC
51 Elm Street, Suite 409
New Haven, CT 06510
(203) 562-9931

Counsel for defendant:

Christopher Molloy Neary
Allied World Assurance
1690 New Britain Avenue, Suite 101
Farmington, CT 06032
(860) 284-1300

9. Enfield Excessive Force Cases: Demski v. Enfield, et al., No.

3:14CV01568(VAB); F. Salas v. Enfield, et al., No. 3:14CV01883(WWE); R. Salas v. Enfield, et al., No. 3:14CV01895(WWE); Crowley v. Enfield, et al., No. 3:14CV01903(MPS); Olschafskie, et al. v. Enfield, et al., No. 3:15CV00067(MPS); McAlmond v. Enfield, et al., No. 3:15CV00158(JAM); Trowbridge v. Enfield, et al., No. 3:15CV00688(JAM); Avalos v. Enfield, et al., No. 3:15CV00902(VAB).

These cases brought excessive force claims against Enfield Police officers; a particular officer was involved in nearly all of the underlying incidents. The same attorneys appeared for each plaintiff, and defendants were consistently represented by the same counsel accompanied by the same insurance representative. All of the cases were referred to me for settlement purposes. There was a great deal of variation in the cases, which ranged from comparatively minor incidents to allegations of permanent injury and even death.

Full settlements were reached in all of the listed cases. No judgment or opinion was published.

Plaintiffs' counsel:
David K. Jaffe [deceased]

A. Paul Spinella
Spinella & Associates, LLC
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Defendants' counsel:
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Karsten & Tallberg, LLC
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West Hartford, CT 06119
(860) 233-5600

Patrick D Allen
Karsten & Tallberg LLC
500 Enterprise Drive, Suite 4B
Rocky Hill, CT 06067
(860) 233-5600

10. Asbestos Cases: More than 40 cases were referred to me when I was a Magistrate Judge as part of this effort. The first-filed case in that group was Wood v. General Electric, et al., No. 3:14CV00193(MPS).

For several years, most cases asserting injury due to exposure to asbestos, generally related to the naval and shipbuilding industries in southeastern

Connecticut, were referred to me for settlement purposes. I developed a streamlined system for identifying the key factors in each case that would affect the settlement value, and special procedures for settlement negotiations in these cases. I managed the settlement process in all of the cases. Some cases were resolved by telephone, some by full in-person settlement conferences, and others by written submissions.

Full settlements were reached in all of the cases. No judgments or opinions were published.

Dozens of attorneys appeared in these cases. I have provided below those who appeared most often before me.

Counsel for plaintiffs included:

Amity L. Arscott
Embry Neusner Arscott & Shafner, LLC
118 Poquonnock Road
P.O. Box 1409
Groton, CT 06340
(860) 449-0341

Melissa Riley
Probate Administration
186 Newington Road
West Hartford, CT 06110
(860) 231-2442

Counsel for defendants included:

Catherine A. Mohan
McCarter & English, LLP
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(860) 275-6700

Dan E. LaBelle
Halloran & Sage
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Westport, CT 06880
(203) 227-2855

Robert F. Martin
Eckert Seamans Cherin & Mellott LLC
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(914) 286-6439

James R. Oswald
Adler, Pollock & Sheehan
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Jessica Leigh Patch
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Boston, MA 02110
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Jason Kirk Henderson
Halloran & Sage LLP
One Goodwin Square
225 Asylum Street
Hartford, CT 06103
(860) 247-4693

- d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.

1. Johnson v. Vera House, Inc., et al., No. 3:22CV00314(SALM), 2022 WL 829337 (D. Conn. Mar. 18, 2022)

Self-represented plaintiff

No counsel appearing for defendants

2. In re Application for Search Warrant, 527 F. Supp. 3d 179 (D. Conn. 2020)

Counsel for the government:
Brendan Keefe
Office of the United States Attorney
157 Church Street, 25th Floor
New Haven, CT 06510
(203) 821-3700

3. Johnson v. Saul, No. 3:19CV01222(SALM), 2020 WL 6562402 (D. Conn. Nov. 9, 2020)

Counsel for plaintiff:
Hannalore Burns Merritt

Osterhout Disability Law, LLC
521 Cedar Way, Suite 200
Oakmont, PA 15139
(412) 794-8003

Counsel for defendant:
Andreea Lechleitner
Social Security Administration
Office of the General Counsel
26 Federal Plaza
New York, NY 10278
(212) 264-2442

4. S.C. Johnson & Son, Inc. v. Henkel Corp., No. 3:19CV00805(AVC), 2020 WL 5640528 (D. Conn. Sept. 22, 2020)

Counsel for plaintiff:
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James Emory Regan
McCarter & English, LLP
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(860) 275-6771

Counsel for defendant:
Edward J. Heath
Robinson & Cole
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(860) 275-8297

5. Poole v. Saul, 462 F. Supp. 3d 137 (D. Conn. 2020)

Counsel for plaintiff:
Ivan Michael Katz
Law Offices of Ivan M. Katz
57 Trumbull Street, 3rd Floor
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Counsel for defendant:
Alexander Broche
Social Security Administration
26 Federal Plaza, Room 3904
New York, NY 10278
(305) 773-4611

6. McCarter & English LLP v. Jarrow Formulas, Inc., No. 3:19CV01124(MPS),
2020 WL 2528508 (D. Conn. Mar. 3, 2020)

Counsel for plaintiff:
Louis R. Pepe
McElroy, Deutsch, Mulvaney & Carpenter, LLP
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(860) 522-5175

James G. Green, Jr.
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One State Street, 14th Floor
Hartford, CT 06103
(860) 522-5175

Counsel for defendant:
Jeffrey J. Tinley [deceased]

7. Antech Diagnostics, Inc. v. Veterinary Oncology & Hematology Ctr., LLC,
No. 3:16CV00481(AWT), 2018 WL 2254543 (D. Conn. May 17, 2018)

Counsel for plaintiff:
Amanda C. Nugent
Carmody Torrance Sandak & Hennessey, LLP
195 Church Street, 18th floor
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New Haven, CT 06510
(203) 777-5501

Counsel for defendants:
Edward D. Altabet
Cohen Seglias Pallas Greenhall & Furman PC
55 Broadway, Suite 901
New York, NY 10006
(212) 871-7400

8. State Farm Ins. Co. v. Organek, No. 3:16CV00474 (SALM), 2018 WL
624635 (D. Conn. Jan. 30, 2018)

Counsel for plaintiff:
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Howard, Kohn, Sprague & Fitzgerald
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(860) 525-3101

Counsel for defendants:
John J. Houlihan, Jr.
Riscassi & Davis, P.C.
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(860) 522-1196

Sean Joseph Stokes
D'Amore Law Group, P.C.
4230 Galewood Street, Suite 200
Lake Oswego, OR 06106
(503) 222-6333

9. Walsh v. St. Denis, No. 3:17CV01032(AWT), 2017 WL 4163662 (D. Conn. Sept. 20, 2017)

Counsel for plaintiff:
Patrick A. Klingman
Klingman Law, LLC
280 Trumbull Street, Floor 21
Hartford, CT 06103-3514
(860) 256-6120

Defendant did not appear; default judgment was entered.

10. United States v. Pearlman, No. 3:17CR00027(MPS), 2017 WL 7732811 (D. Conn. July 7, 2017)

Counsel for the government:
Douglas P. Morabito
Koskoff Koskoff & Bieder PC
350 Fairfield Avenue, 5th Floor
Bridgeport, CT 06604
(203) 336-4421

Counsel for the defendant:

Michael M. Rosensaft
Katten Muchin Rosenman LLP
50 Rockefeller Plaza
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(212) 940-8800

James I. Glasser
Wiggin & Dana
265 Church Street
P.O. Box 1832
New Haven, CT 06508
(203) 498-4313

- e. Provide a list of all cases in which certiorari was requested or granted.

None.

- 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.

D'Agostin v. Fitness Int'l, LLC, No. 3:20CV01657(KAD)(SALM), 2021 WL 1040486 (D. Conn. Mar. 18, 2021). The District Judge sustained, in part, an objection to my discovery ruling. See D'Agostin v. Fitness Int'l, LLC, No. 3:20CV01657(KAD), 2021 WL 1923786 (D. Conn. May 12, 2021).

Demars v. Berryhill, No. 3:18CV00432(SALM), 2019 WL 1434599 (D. Conn. Mar. 31, 2019), rev'd and remanded sub nom. Demars v. Comm'r of Soc. Sec., 841 F. App'x 258 (2d Cir. 2021). The Court of Appeals disagreed with my conclusion that substantial evidence supported the Commissioner of Social Security's decision denying benefits to plaintiff, and remanded for an award of benefits.

Magana v. Wells Fargo Bank, N.A., No. 3:17CV02176(JCH)(SALM), 2018 WL 3055787 (D. Conn. Mar. 2, 2018). My recommended ruling was adopted in large part. The District Judge agreed that the Complaint should be dismissed for failure to state a claim, but disagreed that this failure amounted to a lack of subject matter jurisdiction. See Magana v. Wells Fargo Bank, N.A., No. 3:17CV02176(JCH), 2018 WL 3055782 (D. Conn. May 4, 2018) ("The court views the issues discussed in Section III.A, not as questions of subject matter jurisdiction, but as grounds for dismissal for failure to state a claim upon which relief can be granted. Whether these shortcomings are construed as a failure to state a claim or a failure of subject matter jurisdiction, however, both approaches require dismissal in this case." (citations and quotation marks omitted)).

Hardaway v. City of Hartford, No. 3:16CV00115(JCH)(SALM), 2016 WL 10935186 (D. Conn. Aug. 1, 2016), subsequently aff'd in part sub nom. Hardaway v. Hartford Pub. Works Dep't, 708 F. App'x 45 (2d Cir. 2018). The District Court adopted my recommended ruling dismissing the complaint in this case. Plaintiff appealed, and the Second Circuit affirmed in large part, but reversed on the following issue: "[T]he district court erroneously dismissed Hardaway's third amended complaint by holding that the exhaustion requirement is a pleading requirement incumbent on a Title VII plaintiff, rather than an affirmative defense." Hardaway v. Hartford Pub. Works Dep't, 879 F.3d 486, 491 (2d Cir. 2018).

- 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.

I enter hundreds of routine orders and decisions issues every month in the form of docket orders. Those orders are not published. All of my substantial written rulings are marked upon upload to ECF as available for publication, but Westlaw does not publish all of them. Approximately 70% of my substantial written rulings as a Magistrate Judge were published on Westlaw. A somewhat higher percentage seem to be published since I became a District Judge. Those rulings that are not published on Westlaw remain accessible through the Court website and on the ECF system. If I issue a ruling that I believe could provide useful precedent, and it is not published by Westlaw, I send the opinion to Westlaw for publication.

- h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.

None.

- i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.

I have not sat by designation on a federal court of appeals.

14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

- a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;
- b. a brief description of the asserted conflict of interest or other ground for recusal;
- c. the procedure you followed in determining whether or not to recuse yourself;
- d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

As a judge I follow the guidance of the Code of Judicial Conduct, and precedential decisions, in determining whether I should recuse myself from a matter. The central inquiry is whether my impartiality in a given matter might reasonably be questioned, or whether my involvement in the case would undermine public confidence in the integrity and impartiality of the Court. I have provided a recusal list to the Clerk's Office, and to my chambers staff, identifying a small group of attorneys who should not appear before me because I have, or in the past had, close personal relationships with them. Those cases are not assigned to me.

I have recused myself consistently in cases affecting the interests of any business, entity, or organization in which an immediate family member has a significant interest. To my knowledge, this issue has arisen only in connection with the law firm in which my father was formerly a partner. While he was a partner there, and for one year after his departure from the firm, I recused myself from all cases in which the firm appeared.

I do not hear any matters in which I had any involvement as an attorney. Further, if I have personal, non-public knowledge of a case as a result of my service in the Office of the Federal Defender, even if I did not have an appearance in the matter, I recuse myself from the matter.

Specific matters in which I have recused myself, or have been asked to recuse myself:

In an unknown civil case (name and number unknown), a self-represented litigant filed a motion for my recusal. The basis for the motion to recuse was that the litigant had been acquainted with my father, Dwight Merriam, who is an attorney. The litigant represented that his relationship with Dwight was a good one, and it did not appear to be a close or recent relationship. I researched case law and reviewed the Code of Conduct. I determined that mere acquaintance by a party with a relative of mine was not a basis for recusal, so I denied the request. I entered an order explaining my decision, and the litigant did not object further.

In Mpala v. Funaro, No. 3:13CV00252(SALM), a self-represented plaintiff filed two motions for my recusal on the basis that I was (a) an alumna of Yale Law School, which was not a defendant in the matter but where some of the events underlying the Complaint had occurred; (b) an “associate” of a potential witness in the case; and (c) a donor to Yale Law School. I conducted a factual inquiry, and then a legal inquiry. I determined that I did not have any relationship with the potential witness, who was an employee of the Law School. I do not donate to the Law School, and I am not involved in alumni activities. I then researched the question, and found case law indicating that mere association with a school does not give rise to a conflict of interest. I determined that the asserted bases for recusal were without merit, and my continued involvement in the case would not cause a reasonable person to question my impartiality, and I denied the request.

In Zaky v. United States, No. 3:15CV00600(AVC), I requested reassignment of the case to another Magistrate Judge, sua sponte. Mr. Zaky filed a petition for a writ of habeas corpus. His motion to proceed in forma pauperis was referred to me by the presiding judge. I briefly represented Mr. Zaky in the criminal matter underlying the habeas petition. Because I had previously represented Mr. Zaky in the underlying matter, I determined, without additional research, that the case presented an actual conflict. I immediately notified the presiding judge of the conflict, and the referral was vacated.

In McKinney v. New Haven Police Dept., No. 3:17CV01663(JCH), the plaintiff filed a motion to recuse me from considering a defense motion to enforce the putative settlement agreement reached at a settlement conference I had facilitated. Plaintiff asserted that my direct involvement in the settlement conference and his belief that I might be biased against him based on my conduct of that conference warranted recusal. I researched case law and reviewed the Code of Conduct. I found, based on case law, that recusal was not appropriate. I denied plaintiff’s motion to recuse, and also denied defendants’ motion to enforce the settlement agreement.

In Zaky v. Commissioner, No. 3:18CV01426(VAB), I requested reassignment of the case to another Magistrate Judge, sua sponte. Mr. Zaky filed an appeal of a denial of Social Security benefits. I was the Magistrate Judge assigned to handle preliminary matters in all new Social Security appeals, so the appeal was briefly assigned to me. Because I had previously represented Mr. Zaky, I determined, without additional research, that the case presented at least an apparent conflict. I immediately notified the presiding judge of the conflict, and the referral was vacated.

In United States v. Braylovsky, No. 3:20CR00094(KAD), I requested reassignment of the case to another Magistrate Judge, sua sponte. I was presented with an ex parte investigatory application in this matter, and determined that the target of the investigation had graduated from high school with me. I reviewed the Code of Conduct. I determined that although I did not know the target well in

high school, and had not had contact with him since 1989, the prior acquaintance could provide a reasonable basis to question my impartiality, and I recused myself from the matter.

In Milner v. Bristol, et al., No. 3:18CV01104(JAM), the self-represented plaintiff filed several motions to recuse me and the trial judge from the case, to “appoint new judges” or to “remove presiding judges.” Plaintiff contended that the judges assigned to his case (myself, then a Magistrate Judge, and a District Judge) were aware of violations of his Constitutional rights and took no action to address them. Plaintiff further asserted that the assigned judges refused to rule on his motions. The matter was dismissed by the assigned District Judge in September 2021, and the Second Circuit dismissed the plaintiff’s appeal. I conducted research into relevant case law and reviewed the Code of Conduct, and I found no basis for my recusal.

In a sealed case (name and number unknown), I requested reassignment of the case to another Magistrate Judge, sua sponte. In or about 2019 I was presented with an ex parte investigatory application, possibly a search warrant, in an investigation into drug trafficking. The brother of a close friend was mentioned as a known drug customer of the target(s) of the investigation. I reviewed the Code of Conduct, and I determined that my personal relationship with a person connected to the investigation could create a conflict, and I recused myself from the matter.

In a sealed case (case name and number unknown), I requested reassignment of the case to another Magistrate Judge, sua sponte. In or about 2017 I was presented with an ex parte investigatory application, possibly a search warrant, in an investigation into a white collar criminal offense. Two of the targets of the investigation were personally known to me, having been social friends in the 1990s and early 2000s. I reviewed the Code of Conduct, and I determined that my past personal relationships with parties connected to the investigation could create a conflict, and I recused myself from the matter.

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.

None.

- 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.

Connecticut Political Director, Chris Dodd for President (January 2007 – June 2007)

I coordinated campaign efforts in Connecticut early in the campaign.

Campaign Manager, Chris Murphy for Congress, CT-05 (January 2006 – January 2007)

I managed all aspects of the campaign.

Treasurer, Mantilla 2006, Secretary of the State of Connecticut (July 2005 – March 2007)

I served as the Treasurer on a volunteer basis, processing contributions and expenditures and filing necessary reports.

Campaign Volunteer, Harwinton Democrats (Fall 2005)

I assisted candidates for Board of Selectmen with campaign strategy.

Member, Platform Committee, Democratic National Convention (1996)

I participated in the discussion and approval of the platform presented at the Democratic National Convention.

Campaign Manager, Mary Jane Gryniuk for Mayor, Torrington, Connecticut (September 1995 – November 1995)

I managed all aspects of the campaign for approximately eight weeks.

Field Coordinator/Deputy Field Director, Bill Curry for Governor, Connecticut (January 1994 – November 1994)

I coordinated field activities in various regions of the state, and later helped to train, coordinate, and direct field activities statewide.

Field Coordinator, Second Congressional District, Bruce Morrison for Governor, Connecticut (June 1990 – September 1990)

I coordinated field activities in the Second Congressional District.

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;

I served as a law clerk to two judges.

The Honorable Alvin W. Thompson
United States District Court for the District of Connecticut
September 2000 – September 2002

The Honorable Thomas J. Meskill
United States Court of Appeals for the Second Circuit
September 2002 – August 2003

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

I 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;

August 2003 – December 2005
Cowdery, Ecker & Murphy, LLC
280 Trumbull Street, 22nd Floor
Hartford, Connecticut, 06103
Associate

July 2007 – April 2015
Office of the Federal Defender
265 Church Street
New Haven, Connecticut, 06510
Assistant Federal Defender

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

I did not serve as a mediator or arbitrator prior to becoming a Magistrate Judge. As a Magistrate Judge, I regularly served as a settlement judge and mediator. I have served in a settlement role in hundreds of cases.

b. Describe:

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

I have generally practiced in federal court, with only minimal experience in the state court system.

From 2003 to 2005, I was an associate in a small private practice. In that role I worked on a variety of civil and criminal matters. All of the criminal

matters were in federal court, as were the majority of the civil matters. I worked on all aspects of these matters including discovery, client management, drafting of court submissions, and court appearances.

From 2007 to 2015, I was an Assistant Federal Defender. In that role, I represented defendants, targets, and witnesses in connection with federal criminal proceedings. I handled matters from initial appearance through guilty plea or trial, appeal, and post-conviction proceedings. I often coordinated defense efforts in multi-defendant cases. I appeared in court almost daily.

From 2015 to 2021, I served as a United States Magistrate Judge.

From 2021 to the present, I have served as a United States District Judge.

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

From 2003 to 2005, when I was in private practice, my clients included businesses and individuals, some of whom were plaintiffs and some of whom were defendants. I did not have any particular specialty.

From 2007 to 2015, when I was an Assistant Federal Defender, my clients were people who were financially unable to retain counsel able to take on their cases. Some of those clients were completely indigent, others were simply unable to afford the cost of retaining counsel in a complex federal criminal case. Cases were randomly assigned to me, and I had no particular area of specialty, though I did become very familiar with the Sentencing Guidelines, and often advised CJA and private counsel on Guidelines issues. I also provided training to other defense counsel on Second Circuit filing, DNA evidence, and cell site evidence.

- 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.

During the time I was in private practice (August 2003 – December 2005), my practice was approximately 50 percent civil and 50 percent criminal, with approximately 20 percent in state court and 80 percent in federal court. During the time I was a federal defender (July 2007 – April 2015), nearly 100 percent of my work was in criminal proceedings, with minimal work in civil proceedings, and 100 percent of my work was in federal court. I appeared in court occasionally when I worked in private practice; I appeared in court almost daily when I was a federal defender.

- i. Indicate the percentage of your practice in:

1. federal courts: 99%
2. state courts of record: 1%
3. other courts: 0%
4. administrative agencies: 0%

ii. Indicate the percentage of your practice in:

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

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

I tried two cases to final verdict after trial. In both I was associate counsel.

i. What percentage of these trials were:

1. jury: 100%
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.

My practice before the Supreme Court of the United States is limited to a 2011 Petition for a Writ of Certiorari, on the issue of retroactivity of the Fair Sentencing Act, in the matter of Acoff v. United States of America, No. 10-10444. The petition was denied. Copy supplied.

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. United States v. Hamlett, No. 3:14CR00049(AWT) (D. Conn.)

I represented Mr. Hamlett from the time of his arrest through guilty plea, after which I withdrew because I was leaving the Office of Federal Defender, and my co-counsel took over the matter. Mr. Hamlett was charged with serving as the “getaway driver” for his father in the course of a bank robbery. He was initially detained by the Magistrate Judge, but later released after my appeal of the detention order to the District Judge. Mr. Hamlett indicated that he wished to go to trial, and we selected a jury. The day after jury selection Mr. Hamlett pled guilty to one count of aiding and abetting bank robbery. Mr. Hamlett was eventually sentenced to time served and three years of supervised release, due in large part to his successful compliance with the terms of pretrial release.

Representation: March 2014 – December 2014

Court and Judge: United States District Court, District of Connecticut, Hon. Alvin W. Thompson, U.S.D.J.

Co-counsel:

Paul F. Thomas
Duffy Law, LLC
129 Church Street, Suite 310
New Haven, CT 06510
(203) 946-2000

Deirdre A. Murray
Office of the Federal Public Defender
409-A Broad Street
New Bern, NC 28560
(252) 633-2970

Opposing counsel:

Douglas P. Morabito
Koskoff Koskoff & Bieder, PC
350 Fairfield Avenue, 5th Floor
Bridgeport, CT 06604
(203) 336-4421

Hon. Sarala Vidya Nagala
United States District Judge
450 Main Street
Hartford, CT 06103
(860) 240-3873

2. United States v. Thomas, No. 3:13CR00004(JBA) (D. Conn.)

I was co-counsel for Mr. Thomas, a Mashantucket tribal leader who was accused of theft of tribal funds. Mr. Thomas was alleged to have used a tribal credit card for

approximately \$100,000 in personal expenses, without reimbursing the tribe. Mr. Thomas was convicted after trial and sentenced principally to 18 months of imprisonment. The judgment was upheld on appeal. I was not involved in the appeal.

Representation: July 2013 – March 2015

Court and Judge: United States District Court, District of Connecticut, Hon. Janet B. Arterton, U.S.D.J.

Co-counsel:

Paul F. Thomas
Duffy Law, LLC
129 Church Street, Suite 310
New Haven, CT 06510
(203) 946-2000

Opposing counsel:

Christopher M. Mattei
Koskoff, Koskoff & Bieder, P.C.
350 Fairfield Avenue
Bridgeport, CT 06604
(203) 336-4421

Douglas P. Morabito
Koskoff Koskoff & Bieder, PC
350 Fairfield Avenue, 5th Floor
Bridgeport, CT 06604
(203) 336-4421

3. United States v. Rose, No. 3:12MJ00286(HBF) (D. Conn.)

Ms. Rose was arrested on a criminal complaint and charged with bank fraud, for allegedly writing checks to herself without authorization from her employer's account. Her offense was rooted in her addiction. After approximately 21 months in treatment, both inpatient and outpatient, Ms. Rose entered into a rare pretrial diversion agreement. She successfully completed the pretrial diversion period and more than four years after her arrest, the charges against her were officially dismissed.

Representation: December 2012 – April 2015

Court and Judge: United States District Court, District of Connecticut, Hon. Holly B. Fitzsimmons, U.S.M.J.

Opposing counsel:

Raymond F. Miller
Office of the United States Attorney

157 Church Street, 25th floor
New Haven, CT 06510
(203) 821-3700

4. United States v. Green, No. 3:12CR00193(VLB) (D. Conn.)

I represented Mr. Green as counsel, and later as stand-by counsel, in connection with his prosecution for tax fraud. Mr. Green filed a tax return that sought a refund of over \$600,000, based on a theory that equated debt owed with taxes withheld. The IRS issued the refund, and then shortly thereafter demanded repayment. When repayment was not made, Mr. Green was indicted. His case was challenging because of his belief that the Court lacked jurisdiction over him. He repeatedly sought to proceed pro se, and I filed appropriate motions on his behalf to permit him to do so, with me serving as stand-by counsel. After numerous hearings and extensive briefing, his motion was granted. He proceeded to trial with my assistance as stand-by counsel. Mr. Green was convicted and sentenced principally to 51 months of imprisonment. He appealed, arguing through counsel, inter alia, that the Court should have denied his motion to proceed pro se. The Second Circuit affirmed. I was not involved in the appeal.

Representation: September 2012 – February 2014

Court and Judge: United States District Court, District of Connecticut, Hon. Vanessa L. Bryant, U.S.D.J.

Co-counsel:
Kelly M. Barrett
Office of the Federal Public Defender
265 Church Street, Suite 702
New Haven, CT 06510
(203) 498-4200

Opposing counsel:
Susan Wines
Office of the United States Attorney
157 Church Street, 23rd Floor
New Haven, CT 06510
(203) 821-3700

Sean Beaty
Office of the United States Attorney
157 Church Street, 24th Floor
New Haven, CT 06510
(202) 616-2717

5. United States v. Blackwelder, No. 3:12CR00061(AWT) (D. Conn.)

I represented Mr. Blackwelder, who was charged with nine counts of fraud and money laundering. He was accused of persuading friends and acquaintances to invest money with him on false pretenses, and then lying to cover up losses. He was a prominent member of his church community and the case therefore attracted a great deal of attention. Mr. Blackwelder pled guilty to two counts and was sentenced principally to 46 months of imprisonment. I filed an appeal of the sentence, contending, inter alia, that the sentencing court had improperly applied the sentencing enhancement for ten or more victims and had failed to adequately explain the sentence imposed. The government agreed to seek remand for further factfinding on the applicability of the ten or more victims enhancement, and for further consideration and explanation of the reasons for the sentence imposed. The case was remanded. On remand, the parties agreed to jointly recommend a sentence of 37 months, which was imposed.

Representation: March 2012 – December 2014

Courts and Judges: United States District Court, District of Connecticut, Hon. Ellen Bree Burns, U.S.D.J. (deceased); United States Court of Appeals, Second Circuit, Hon. Pierre N. Leval, Hon. Chester J. Straub, Hon. Reena Raggi

Opposing counsel:
Jonathan N. Francis
Office of the United States Attorney
157 Church Street, 25th Floor
New Haven, CT 06510
(203) 821-3700

6. United States v. Morin, No. 3:10CR00150(AWT), No. 3:12CR00051(AWT) (D. Conn.)

I represented Mr. Morin through both of his federal prosecutions for obtaining controlled substances by misrepresentation, and in connection with numerous pre-trial and supervised release violation proceedings. Mr. Morin was a Marine Corps veteran with a long history of addiction to pain medication. He had been arrested dozens of times on state charges before being charged federally. He relapsed and violated the conditions of his pre-trial release repeatedly. He pled guilty and was sentenced to one year in prison in the 2010 case. He was released in May 2011 and promptly reoffended. I learned that Mr. Morin had been prescribed opiate pain medication in the Bureau of Prisons, and released with a two-week supply of that medication, so that he continued to be an active addict even upon release from prison. In October 2011 he was arrested on new federal charges related to obtaining opioid pain medications, this time including identity fraud. He pled guilty and was sentenced to a total of three years in prison.

Representation: February 2010 – March 2015

Court and Judge: United States District Court, District of Connecticut, Hon. Alvin W. Thompson, U.S.D.J.

Opposing counsel:
David J. Sheldon
Office of the United States Attorney
157 Church Street, 23rd Floor
New Haven, CT 06510
(203) 821-3700

7. United States v. Luis Soto, No. 3:09CR00200(AWT), No. 3:11CR00156(AWT) (D. Conn.)

I was co-counsel representing Mr. Soto, who was charged with three bank robberies; Mr. Soto went to trial on one count. I worked closely with Mr. Soto in preparing for trial. The government relied heavily on evidence relating to the location of the defendant's cell phone in relation to the site of the robbery and the locations of his alleged co-conspirators' cell phones on the day of the robbery. Before trial, we moved in limine to exclude this evidence on the grounds that it required expert testimony. The Court granted our motion. At trial, I successfully cross-examined the government's expert over the course of several hours. The expert conceded that he could not establish the defendant's whereabouts at the time of the robbery with certainty. Mr. Soto was convicted. He pled guilty to the remaining counts, and was sentenced principally to 15 years in prison.

Representation: December 2009 – March 2015

Court and Judge: United States District Court, District of Connecticut, Hon. Alvin W. Thompson, U.S.D.J.

Co-counsel:
Terence S. Ward
Federal Public Defender
10 Columbus Boulevard, 6th Floor
Hartford, CT 06106
(860) 493-6260

Opposing counsel:
David E. Novick
Office of the United States Attorney
157 Church Street, 25th Floor
New Haven, CT 06510
(203) 821-3700

Hon. Michael J. Gustafson
Connecticut Superior Court, GA23
121 Elm Street
New Haven, CT 06510
(203) 503-6800

8. United States v. Acoff, No. 3:09CR00073(SRU), No. 3:11CR00179(SRU), (D. Conn.), rev'd, 634 F.3d 200 (2d Cir. 2011), cert. denied, 564 U.S. 1013 (2011)

I represented the defendant, Mr. Acoff, beginning after his original guilty plea and sentencing. The Court had sentenced Mr. Acoff to a term of imprisonment of 18 months – well below the five-year mandatory minimum that applied at the time – concluding that the disparity between crack and powder cocaine sentences lacked foundation and the mandatory minimum sentence was unreasonable. The government appealed the sentence. While the appeal was pending, the Fair Sentencing Act of 2010 (“FSA”) was enacted. Under the FSA, Mr. Acoff would not be subject to a mandatory minimum. I argued on appeal that the FSA should apply retroactively and the sentence should be affirmed. The Second Circuit reversed and remanded for resentencing in accordance with the mandatory minimum, but Judge Calabresi and Judge Lynch each wrote favorable concurring opinions. I filed a petition for a writ of certiorari to the Supreme Court, which was denied. In 2011, while the appeal was pending, Mr. Acoff was charged with possession of a firearm by a convicted felon; he pled guilty to that charge, which was consolidated with the 2009 case for sentencing purposes on remand. Mr. Acoff was sentenced to 60 months of imprisonment on the 2009 case and 42 months of imprisonment on the 2011 case, to be served concurrently.

Representation: April 2011 – April 2015

Courts and Judges: United States District Court, District of Connecticut, Hon. Stefan R. Underhill, U.S.D.J.; United States Court of Appeals, Second Circuit, Hon. Guido Calabresi, Hon. Gerard E. Lynch, Hon. J. Garvan Murtha

Co-counsel:

Thomas G. Dennis (retired)
Federal Public Defender
10 Columbus Boulevard, 6th Floor
Hartford, CT 06106-1976
(860) 493-6260

Successor counsel:

Charles F. Willson
Office of the Federal Public Defender
10 Columbus Boulevard, 6th Floor
Hartford, CT 06106-1976
(860) 493-6260

Opposing counsel:

Brian P. Leaming
Office of the United States Attorney
450 Main Street, Room 328
Hartford, CT 06103

(860) 947-1101

9. United States v. Haider, No. 3:09CR00017(JCH) (D. Conn.)

I represented Ms. Haider, who was charged with defrauding the government by exchanging SNAP “food stamp” benefits for cash and non-approved items. Ms. Haider and her co-defendant husband ran a small convenience store. Ms. Haider pled guilty, but contested the loss amount argued by the government. I filed a lengthy sentencing memorandum, including more than 200 pages of exhibits, challenging the government’s theory of loss and demonstrating that the government’s theory lacked merit. In response, the government filed a supplemental sentencing memorandum, adopting a new theory of loss. The Court eventually found the loss amount to be about 30% of the government’s initial claim. Ms. Haider was sentenced to a term of probation.

Representation: December 2007 – July 2014

Court and Judge: United States District Court, District of Connecticut, Hon. Janet C. Hall, U.S.D.J.

Co-counsel – counsel for co-defendant husband:

Justin T. Smith
Office of the Public Defender, GA23
20 Franklin Square
New Britain, CT 06051
(860) 515-5370

Opposing counsel:

Henry K. Kopel
Office of the United States Attorney
157 Church Street, 23rd Floor
New Haven, CT 06510
(203) 821-3700

10. United States v. Tang, No. 3:08CR00030(JBA) (D. Conn.)

I represented Mr. Tang from the time of his arrest through his plea of guilty. Mr. Tang was charged with illegal possession and transport of firearms and explosives. He was simultaneously facing additional federal weapons and explosives charges in the Eastern District of New York, and New York state charges related to an explosive device that seriously injured a man. Working closely with Mr. Tang’s New York counsel, I negotiated a binding plea agreement that included a stipulated sentence, for all matters, of 20 years of imprisonment. Mr. Tang requested new counsel in advance of his sentencing, and I moved to withdraw. He was sentenced to 20 years in prison, and his appeal was dismissed.

Representation: January 2008 – December 2008

Court and Judge: United States District Court, District of Connecticut, Hon. Janet Bond Arterton, U.S.D.J.

Co-counsel:
George Farkas
32 Court Street, Suite 408
Brooklyn, NY 11201
(718) 541-8310

Terence S. Ward
Federal Public Defender
10 Columbus Boulevard, 6th Floor
Hartford, CT 06106
(860) 493-6260

Opposing counsel:
Henry K. Kopel
Office of the United States Attorney
157 Church Street, 23rd Floor
New Haven, CT 06510
(203) 821-3700

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.)

Significant Legal Activities:

Since becoming a judge, I have worked actively with others in the court community to review and update court rules and practices, including the processing of Social Security appeals; management of prisoner litigation; and the filing and docketing of criminal investigatory materials.

Lobbying Activities:

In 1995, I assisted a variety of lobbyists with their work at the Connecticut State Capitol. The lobbyists I assisted were:

Barry Williams: I assisted him with all aspects of his lobbying work. His clients included the organization representing professional counselors and several labor unions, including Connecticut Employees Union Independent/SEIU Local 511.

Connecticut AFL-CIO: I assisted the government relations staff with lobbying activities.

Jim Leahy: I performed administrative work and occasionally assisted him in his lobbying work, mostly for the association representing physical therapists.

In 1996 and 1997, I served as the primary lobbyist for Connecticut Employees Union Independent/SEIU Local 511 at the State Capitol. In that role I met with legislators about legislation of interest to the union's membership, organized members to speak with legislators and testify at public hearings, and testified at public hearings myself.

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

I have never taught a course. I have visited on a casual basis with classes at every level from elementary school through law school.

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

None.

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

No.

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).

When my nomination is formally submitted to the Senate, I will file my Financial Disclosure Report and will supplement this Questionnaire with a copy of that 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 do not expect that any particular persons, parties, categories of litigation, and financial arrangements are likely to present potential conflicts-of-interest when I first assume the position to which I have been nominated. I have not confronted many actual or potential conflicts of interest in over seven years as a Magistrate Judge and District Judge. The persons and entities that are most likely to present such a conflict are:

Former Clients.

My mother is or has recently been closely associated with the following entities: Connecticut Community Foundation; Pomperaug River Watershed Coalition; Naugatuck Community College Foundation; Jane Doe No More; and Westover School.

My stepfather is or has recently been closely associated with the following entities: Westside Medical Group; Connecticut Counseling Center; Audubon Bent of the River; Waterbury Symphony Orchestra.

My father is or has recently been closely associated with the following entities: Connecticut Legal Rights Project; Rivers Alliance of Connecticut. He is a solo practicing attorney, and occasionally serves as an expert witness.

I would recuse myself from any matter involving or directly affecting any immediate family member, or any organization in which an immediate family member has a significant role, including those listed above.

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

The Code of Conduct requires recusal from any cases in which close relatives are, or might become, parties, counsel, witnesses, or otherwise affected by the outcome of the proceeding.

If confirmed, I will continue to identify and address any actual or potential conflicts of interest in matters that come before me. I will review the Code of Conduct for United States Judges, and relevant case law, and determine in each matter whether I should recuse myself. I will continue to recuse myself from any cases in which family members or others close to me are involved or could be affected, as well as any cases involving former clients.

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.

As an Assistant Federal Defender, all of my clients were low-income or indigent and usually disadvantaged in other ways. I did not engage in pro bono representation for outside clients while employed with the Office of the Federal Defender. I did, however, do a great deal of work that was not directly related to my own caseload. One of my informal roles was to assist CJA Panel attorneys, who also represent indigent defendants, where doing so posed no conflict with Federal Defender cases. In particular, I regularly consulted with Panel attorneys on Sentencing Guidelines and criminal history issues. I also provided training for Panel attorneys on issues including cell site location evidence, DNA evidence, the Sentencing Guidelines, and Second Circuit appeals.

As a judge, I do not engage in pro bono legal work. However, I attempt to serve the community in other ways. I am an active member of the Public Outreach Committee. I have volunteered on numerous occasions to speak to school groups, to judge mock trials, to conduct naturalization ceremonies at remote locations, and to present at continuing education seminars.

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.

I contacted the offices of Senator Blumenthal and Senator Murphy in late January 2022, expressing my interest in being considered for a position with the Second Circuit Court of Appeals. I completed a questionnaire for review by an Advisory Committee appointed by the Senators, which I submitted through staff members of Senator Blumenthal and Senator Murphy. I participated in a remote interview with the Advisory Committee in March 2022. I was then contacted by Senator Blumenthal’s office to arrange an interview with Senator Blumenthal and Senator Murphy by Zoom, which also occurred in March 2022.

I was contacted by the White House Counsel’s Office on April 9, 2022. Since that time, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On April 27, 2022, the President announced his intent to nominate me.

- 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.