

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR NON-JUDICIAL NOMINEES

PUBLIC

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

Michael Francis Easley, Jr.

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

United States Attorney for the Eastern District of North Carolina

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.

McGuireWoods LLP
501 Fayetteville Street, Suite 500
Raleigh, North Carolina 27601

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

1985; Wilmington, North Carolina

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.

University of North Carolina at Chapel Hill School of Law (2007–2010)
J.D., May 2010

University of North Carolina at Chapel Hill (2003–2007)
B.A., May 2007

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.

McGuireWoods LLP (compensated)
501 Fayetteville Street, Suite 500
Raleigh, North Carolina 27601
Partner, January 2020–Present

Associate, September 2010–December 2019

Wake County Bar Association and Tenth Judicial District Bar (uncompensated)
712 W. North Street
Raleigh, North Carolina 27630
Member, Board of Directors, 2014–2016

Wake County District Attorney’s Office (uncompensated)
300 S. Salisbury Street
Raleigh, North Carolina 27601
Prosecution Extern, January–May 2009; August–October 2009

McGuireWoods LLP (compensated)
501 Fayetteville Street, Suite 500
Raleigh, North Carolina 27601
Summer Associate, June–July 2009

Robinson, Bradshaw & Hinson, P.A. (compensated)
101 N. Tryon Street, Suite 1900
Charlotte, North Carolina 28246
Summer Associate, May–June 2009

Smith Anderson Blount Dorsett Mitchell & Jernigan, LLP (compensated)
Wells Fargo Capitol Center
150 Fayetteville Street, Suite 2300
Raleigh, North Carolina 27601
Summer Associate, July–August 2008

McGuireWoods LLP (compensated)
501 Fayetteville Street, Suite 500
Raleigh, North Carolina 27601
Summer Associate, May–July 2008

Hendrick Motorsports (compensated)
4400 Papa Joe Hendrick Boulevard
Charlotte, North Carolina 28262
Intern, June–July 2007

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

I have not served in the U.S. Military. I have registered for selective service.

8. **Honors and Awards:** List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other

special recognition for outstanding service or achievement.

North Carolina Super Lawyers, Super Lawyers Magazine (Rising Star, 2015–2021)

North Carolina Pro Bono Honor Society, North Carolina Equal Access to Justice Commission - Pro Bono Resource Center (2019)

Legal Elite – Young Gun, Business North Carolina Magazine (2014)

Winning Team, Kilpatrick Stockton 1L Mock Trial Competition, University of North Carolina School of Law (2008)

Phi Beta Kappa, University of North Carolina at Chapel Hill (2007)

Certificate of Appreciation from the Orange County Board of Commissioners in recognition of “life saving response to Fire, Rescue, and Medical emergencies experienced by the Citizens of Orange County,” North Carolina (2006)

Literary Contest Award for Best Story by a Varsity Athlete, Raleigh Fine Arts Society (2003)

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.

North Carolina Bar Association

 Criminal Justice Section Council

 Task Force on Integration, Equity & Equal Justice

 Law Week / Liberty Bell Award Committee

Federal Bar Association, Eastern District of North Carolina Chapter

Tenth Judicial District Bar and Wake County Bar Association

 Board of Directors (2014–2016)

 Professionalism Committee

 CLE Sub-Committee

 Bar Awards Committee

Susie Sharp Inn of Court

Criminal Justice Act Panel for the Eastern District of North Carolina

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.

North Carolina, September 2010

There have been no lapses in membership.

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

United States District Court for the Eastern District of North Carolina (October 2010)

United States District Court for the Middle District of North Carolina (December 2010)

All state courts in North Carolina (September 2010)

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.

Board of Visitors, University of North Carolina at Chapel Hill (2021–Present)

Old Chatham Golf Club (2013–Present)

Leadership Council on Legal Diversity, Mentor (2012-2015, 2017, 2019-2020)

Fair Fight Action, Voter Empowerment Volunteer (2020)

North Carolina Museum of History Young Associates, Steering Committee (2010–2014)

In addition, I have made financial contributions to charitable organizations over the years. Such organizations may list me as a member by virtue of my financial contribution. I have not listed above any organization to which I gave funds and did not otherwise participate in programmatic activities.

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

To my knowledge, none of these organizations discriminates or formerly discriminated on the basis of race, sex, religion or national origin either through

formal membership requirements or the practical implementation of membership policies.

12. Published Writings and Public Statements:

- a. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited, including material published only on the Internet. Supply four (4) copies of all published material to the Committee.

I have done my best to identify all books, articles, reports, letters to the editor, editorial pieces and other published material, including through a review of my personal files, and searches of publicly available electronic databases. Despite my searches, there may be other materials that I have been unable to identify, find, or remember. I have located the following:

Courts Adopt Varying Approaches to Implementing Due Process Protections Act, Subject to Inquiry Blog, April 1, 2021. Copy supplied.

New Due Process Protection Act Amends Criminal Rule 5, May Strengthen Defendants' Brady Rights, Subject to Inquiry Blog, December 1, 2020. Copy supplied.

Proposed Changes to North Carolina CON Process - February 2012 Update, McGuireWoods Legal Insights, February 6, 2012. Copy supplied.

Committee to Consider Reforming NC Certificate of Need Law, McGuireWoods Legal Insights, September 15, 2011. Copy supplied.

Tar Heel Biotech: The Policies, Trends, and Investments That Continue to Promote Growth in North Carolina's Biotechnology Sector, Fierce Biotech, April 2011. Copy supplied.

Public Perceptions of Negative Campaigning: How different demographic subgroups define campaign negativity, Dept. of Political Science, University of North Carolina at Chapel Hill, 2007. Copy supplied.

TV Ad Inflation Drives Campaign Spending, North Carolina DataNet No. 38, April 2005. Copy supplied.

- b. Supply four (4) copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

To my knowledge I have not prepared or contributed in the preparation of any reports, memoranda, or policy statements, on behalf of any bar association, committee, conference, or organization of which I have been a member. Despite my searches, there may be materials I have been unable to identify, find, or remember.

- c. Supply four (4) copies of any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation, that you have issued or provided or that others presented on your behalf to public bodies or public officials.

To my knowledge I have not issued or provided any testimony, official statements or other communication relating, in whole or in part, to matters of public policy or legal interpretation to public bodies or public officials. Despite my searches, there may be other materials I have been unable to identify, find, or remember.

- 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 done my best to identify transcripts or recordings of all speeches or talks delivered, including through a review of personal files and searches of publicly available electronic databases. I frequently speak without notes or speak from a handwritten outline. I did not retain those handwritten outlines. Despite my searches, there may be other items I have been unable to identify, find, or remember. I have identified the following:

July 30, 2018

On one occasion, I introduced Charlie Bailey, candidate for Attorney General of Georgia, at an event hosted at a personal residence. The group consisted of North Carolina-based friends and supporters of Mr. Bailey. The subject matter of the introduction concerned the importance of the office of Attorney General, my appreciation to the group for coming to meet Mr. Bailey, and a request to consider supporting him in his campaign.

Charlotte, North Carolina

Copy not available.

August 31, 2017

Historic Celebration Honoring African American Justices of the North Carolina Supreme Court

North Carolina Supreme Court Chambers, Raleigh, North Carolina.

The subject matter of the speech was related to the importance of the state's judiciary, honoring the African American justices who have served on the North Carolina Supreme Court, and the imperative of a diverse and inclusive judiciary. The audience was comprised of the general public, members of the judiciary, the honorees, and their families.

While no transcript or written text is available, a video recording of this speech is available on the Facebook page of the North Carolina Judicial Branch at <https://www.facebook.com/NCcourts/videos/467565870276452/> at timestamp 1 hour and 11 minutes.

October 17, 2012

Seats of Honor Ceremony

North Carolina State Capitol, 1 E Edenton St, Raleigh, North Carolina 27601

The subject matter of the speech concerned the importance of leadership in state government and the Department of Cultural Resources' State Capitol Historic Site's Seats of Honor project, which commemorates the contributions of North Carolina Secretaries of State and Governors, including Gov. Mike Easley, with commemorative benches on the grounds of the State Capitol. The audience was comprised of members of the general public, the honorees, and their families.

Copy not available.

May 5, 2008

Campaign Rally

Pitt Community College Gymnasium, Winterville, North Carolina

The subject matter of the remarks concerned the importance of the presidential election, the introduction of Sen. Hillary Clinton, and a request to support her in the Democratic primary election.

Copy not available.

May 5, 2008

Campaign Rally

High Point Train Station, High Point, North Carolina

The subject matter of the remarks concerned the importance of the presidential election, Sen. Hillary Clinton's commitments to improve early childhood education and keep college affordable, and a request to support her in the Democratic primary election.

Copy not available.

May 5, 2008

Campaign Rally

Wake Forest, North Carolina

The subject matter of the remarks concerned the importance of the presidential election, the introduction of former President Bill Clinton, and a request to support Sen. Hillary Clinton in the Democratic primary election.

Copy not available.

September 2004

I spoke on behalf of Gov. Mike Easley at La Fiesta del Pueblo, a Latino community event in North Carolina.

North Carolina State Fairgrounds

Raleigh, North Carolina

The subject matter of the remarks consisted of greeting the crowd and short remarks in Spanish, including a request to support Gov. Easley.

Copy not available.

- 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 done my best to identify all interviews I have given to newspapers, magazines, or other publications, or radio or television stations, including through a review of my personal files, and searches of publicly available electronic databases. Despite my searches, there may be other materials that I have been unable to identify, find, or remember. I have located the following:

Seed Money: Is it too late in the season for venture capital to nurture the growth of biotechs?, Business North Carolina Magazine, May 1, 2014. Copy supplied.

Legal Elite – Young Guns 2014, Business North Carolina Magazine, January 15, 2014. Copy supplied.

Students vital to firefighting effort, Daily Tar Heel, February 1, 2007. Copy supplied.

13. Public Office, Political Activities and Affiliations:

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

I have not run for public office. I was nominated by the Nominations Committee of the Tenth Judicial District Bar and Wake County Bar Association as a candidate for the joint Board of Directors of the two organizations and was subsequently elected to the Board by a vote of the members of the Tenth Judicial District Bar, serving 2014–2016.

- b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and

responsibilities.

In 2000 and 2004, I volunteered for statewide campaigns of Governor Mike Easley. My responsibilities included assisting with the planning and staffing of certain campaign events, conducting research, performing office and administrative tasks, and participating in campaign strategy.

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

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

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

I have not served as a judicial law clerk.

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

I have not 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.

McGuireWoods LLP
501 Fayetteville Street, Suite 500
Raleigh, North Carolina 27601
Partner, January 2020–Present
Associate, September 2010–December 2019

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

I have not served as a mediator or arbitrator.

b. Describe:

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

I am a Partner in the litigation practice at McGuireWoods focused on government investigations and litigation. The litigation and investigations practice at McGuireWoods tends to handle complex matters, so many of my cases have involved substantial factual records, novel or complicated legal issues, significant amounts of damage, or all three simultaneously. I

have been responsible for managing a range of investigation and litigation matters, as well as pre-trial case evaluation and risk assessment. The matters on which I have worked have included, for example, criminal prosecution and grand jury investigations, securities litigation, data privacy, personal injury, and complex commercial matters. These matters have proceeded in court, administrative proceedings, arbitration, and/or mediation.

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

My typical clients have been large and small businesses and individuals, including court-appointed indigent criminal defendants in federal court.

- 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.

Approximately 90% of my practice has been in litigation, which requires occasional court appearances. These matters have included matters involving grand jury investigations or other regulatory inquiries which resolved favorably or through settlement with a governmental body.

- i. Indicate the percentage of your practice in:
 - 1. federal courts; approximately 50%
 - 2. state courts of record; approximately 45%
 - 3. other courts; 0%
 - 4. administrative agencies; approximately 5%

- ii. Indicate the percentage of your practice in:
 - 1. civil proceedings; approximately 60%
 - 2. criminal proceedings; approximately 40%.

- 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 three cases to verdict. I sat as co-counsel, arguing “first chair” for two of the trials and arguing portions of the third trial.

- 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.

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

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

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

- 1) *United States v. The Boeing Company*
No. 4:21-cr-005, Northern District of Texas
The Honorable Reed C. O'Connor
2019-2021

This matter involved representation of The Boeing Company in relation to a Department of Justice investigation and Deferred Prosecution Agreement (DPA). After investigation, the Department of Justice filed a criminal information alleging a conspiracy to defraud the government, specifically the Federal Aviation Administration's Aircraft Evaluation Group (FAA AEG), in connection with the FAA AEG's evaluation of differences training for Boeing's 737 MAX airplane. Boeing entered into a DPA with the Department of Justice. I served as a member of the team representing Boeing in the course of the Department of Justice investigation and in relation to the DPA. My work included supervision of other attorneys consistent with my role as a partner and advising the client on legal and factual matters. The criminal information and DPA are lengthy documents and are record filings available at *United States v. The Boeing Company*, No. 4:21-cr-005 (N.D. Tx.) at Dkt. Nos. 1 (Criminal Information) and 4 (DPA) and describe in further detail the resolution reached by Boeing and the Department of Justice.

Primary Co-Counsel:
Richard Cullen
Brandon M. Santos
McGuireWoods LLP
800 East Canal Street
Richmond, VA 23219
804-775-1000

Benjamin L. Hatch
McGuireWoods LLP
101 W Main Street #9000
Norfolk, VA 23510
757-640-3727

Mark Filip
Craig S. Primis
Patrick Haney
Kirkland & Ellis LLP
1301 Pennsylvania Avenue NW
Washington, DC 20004
202-389-5000

Principal Opposing Counsel:
Cory E. Jacobs
Michael T. O'Neill
Scott Philip Armstrong
U.S. Department of Justice
1400 New York Ave NW
Washington, DC 20005
202-355-5704

- 2) *In re SCANA Corporation Public Shareholder Litigation*
No. 3:18-cv-00505, District of South Carolina
The Honorable Margaret B. Seymour
2020-2021

In this matter, investor plaintiffs filed a putative class action alleging that a former officer and certain former members of the SCANA board of directors breached fiduciary duties in connection with a merger. I served as a member of the team defending the former directors of SCANA Corporation in the litigation. My role has included developing a comprehensive understanding of the underlying facts surrounding the merger process, trial preparation and the development of case themes, extensive legal research concerning applicable legal standards, and co-leading a team of attorneys preparing for the testimony of dozens of fact witnesses.

Primary Co-Counsel:
Brian E. Pumphrey
Brian D. Schmalzbach
McGuireWoods LLP
800 East Canal Street
Richmond, VA 23219
804-775-1000

C. Scott Greene
Bryan Cave Leighton Paisner LLP
1201 W Peachtree Street NW
14th Floor
Atlanta, GA 30309
404-572-6600

Principal Opposing Counsel:
David T. Wissbroecker
Robbins Geller Rudman and Dowd LLP
655 West Broadway, Suite 1900
San Diego, CA 92101
619-231-1058

- 3) *United States Securities and Exchange Commission v. SCANA Corporation et al.*
No. 3:20-cv-00882, District of South Carolina
The Honorable Mary Geiger Lewis
2018-2020

This matter involved an investigation and subsequent lawsuit brought by the SEC charging SCANA Corp. and its subsidiary South Carolina Electric & Gas Co. (SCE&G) with defrauding investors by making false and misleading statements about a nuclear power plant expansion that was ultimately abandoned. I served as counsel to SCANA and SCE&G in the course of the investigation and subsequent proceedings. My role involved comprehensive factual development, conducting witness interviews, drafting written advocacy, and responding to extensive requests from the SEC for documents and materials. SCANA and SCE&G entered into a settlement, without admitting or denying the allegations, providing for SCANA to pay a \$25 million penalty, and SCANA and SCE&G to pay \$112.5 million in disgorgement plus prejudgment interest which was deemed satisfied by settlement payments in related ratepayer and shareholder litigation.

Primary Co-Counsel:
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Benjamin L. Hatch
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2001 K Street NW, Suite 400
Washington, DC 20006
202-857-1700

Mark Carroll Moore
Nexsen Pruet
PO Drawer 2426
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803-540-2146

SEC Counsel:

Justin C. Jeffries
Natalie Brunson
John O'Halloran
Harry B. Roback
Securities and Exchange Commission
950 East Paces Ferry Road NE
Suite 900
Atlanta, GA 30326
404-842-7676

- 4) *United States v. Wilder*
No. 7:17-cr-00083, Eastern District of North Carolina
The Honorable W. Earl Britt
2017-2018

I was sole counsel representing Defendant Wilder in this federal court matter, which involved charges against a former Marine at Camp Lejeune for conspiracy, larceny, and sale of U.S. Government property. I investigated the underlying facts, analyzed discovery, negotiated the plea, and handled both the briefing and oral argument at sentencing on behalf of the defendant. The case was resolved with a negotiated plea of guilty which resulted in dismissal of two of the three counts and Mr. Wilder was sentenced to a term of probation.

Opposing Counsel:
Mark J. Griffith
Assistant United States Attorney:
LSSS SAUSA Section
Marine Corps Installations East -MCB
PSC Box 20005
Camp Lejeune, NC 28542-0005
910-451-2394

- 5) *Kiebach et al. v. Pershing*
No. 2:16-cv-15220, Eastern District of Louisiana
The Honorable Lance M. Africk
2013-2017

This matter involved claims of secondary liability against a clearing broker by a group of investors alleging \$80 million in losses arising from fraudulent certificates of deposit issued by a nonparty, Stanford International Bank, as part of a \$7 billion investment fraud scheme perpetrated by R. Allen Stanford. I served as part of the pre-trial and trial team representing our clearing broker client before a Financial Industry Regulatory Authority ("FINRA") arbitral panel. My role included general fact development, drafting motions and briefs, working with expert witnesses, and preparing witnesses for trial. After a contested hearing, the FINRA panel determined that our client, a third party clearing broker, had no liability for the damages alleged and dismissed all claims. The Fifth Circuit

affirmed a lower court's ruling confirming the FINRA panel's decision.

Primary Co-Counsel:
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212-548-7060

Thomas M. Farrell
McGuire Woods, LLP
600 Travis Street
Suite 7500
Houston, TX 77002
713-353-6677

Principal Opposing Counsel:
Phillip W. Preis
Charles M. Gordon
Preis Gordon, APLC
North Tower
450 Laurel St. Suite 2150
P.O. Box 2786
Baton Rouge, LA 70821-2786
225-387-0707

- 6) *United States v. Sanchez et al.*
No. 5:15-cr-00334, Eastern District of North Carolina
The Honorable Terrence W. Boyle
2015-2017

I was sole counsel to Defendant Sanchez in this federal court matter, which involved charges of identity theft, money laundering, and access device fraud against Defendant Sanchez and nine co-defendants arising from an investigation by the U.S. Secret Service and local law enforcement indicating that the defendants acquired and used stolen credit information from overseas hackers. I investigated the underlying facts, argued and examined witnesses at a hearing challenging the Defendant's pre-trial detention, analyzed discovery, negotiated the plea, and handled both the briefing and oral argument at sentencing on behalf of the defendant. The matter resolved with a negotiated plea of guilty which resulted in the dismissal of five of seven counts and a sentence of 42 months.

Opposing Counsel:
William M. Gilmore
United States Attorney's Office - EDNC
150 Fayetteville Street, Suite 2100

Raleigh, NC 27601
919-856-4530

- 7) *Avery Avenue Partners v. Lowes Foods, LLC*
No. 14-CVS-1211, North Carolina Superior Court
The Honorable J. Thomas Davis
2016

This matter involved a breach of contract dispute concerning the ownership of trade fixtures under a commercial lease agreement and alleged over \$1 million in liability for renovating and upfitting leased premises. I served as trial co-counsel to the defendant, Lowes Foods, drafted pre-trial and trial motions, examined witnesses and delivered closing arguments. We secured a full defense verdict for our client from the jury.

Co-Counsel:
Mark W. Kinghorn
McGuireWoods
201 N Tryon St #3000,
Charlotte, NC 28202
704-343-2102

Principal Opposing Counsel:
Hon. Forrest A. Ferrell
Sigmon Clark
250 2nd Ave SW,
Hickory, NC 28602
828-328-2596

- 8) *Duke Energy Progress, Inc. v. N.C. Department of Environment and Natural Resources, Division of Water Resources*
No. 15 EHR 02581, Office of Administrative Hearings
The Honorable Phil Berger, Jr.
2015

This matter involved a challenge to a \$25 million penalty alleging groundwater contamination at a coal ash facility on grounds that the penalty was improper and contrary to policy favoring corrective action in lieu of fines at such facilities. I served as associate counsel representing the Plaintiff in the investigation, pretrial litigation, and in preparation for a trial before the Office of Administrative Hearings. My work included fact development through analysis of the factual record and meetings with fact and expert witnesses, litigation strategy, preparing and editing motions, discovery, and other filings, and preparing for the contested case hearing. The case was resolved before commencement of the hearing pursuant to a settlement agreement resolving claims for all 14 of the Plaintiff's coal ash facilities and involving Plaintiff's commitment to accelerated remediation efforts.

Primary Co-Counsel:
Mark E. Anderson
C. Colon Willoughby
Joan S. Dinsmore
Tracy S. DeMarco
501 Fayetteville St # 500,
Raleigh, NC 27601
919-755-6600

Principal Opposing Counsel:
William Lane (at the time a Partner with Kilpatrick Townsend)
North Carolina Department of Environmental Quality
217 W Jones St,
Raleigh, NC 27603
877-623-6748

- 9) *Kneese et al. v. Pershing*
No. 3:10-cv-01908, Northern District of Texas
The Honorable David C. Godbey
2013-2014

This case involved claims against a third-party clearing broker for allegedly aiding and abetting the sale of unregistered securities under the Texas Securities Act, seeking compensation for losses arising from fraudulent certificates of deposit issued by a non-party, Stanford International Bank in Antigua. I was co-counsel on the pre-trial litigation team representing the clearing broker defendant. I took primary responsibility for the factual investigation, including reviewing and analyzing voluminous financial records, account statements, and wire authorizations. I also handled discovery and negotiations with opposing counsel. The matter resolved on a confidential basis.

Primary Co-Counsel:
Jeffrey J. Chapman
McGuireWoods LLP
1251 Avenue of the Americas
20th Floor
New York, NY 10020
212-548-7060

Principal Opposing Counsel:
Ryan R.C. Hicks
Peter Schneider
Schneider Wallace Cottrell Brayton Konecky, LLP
3700 Buffalo Speedway, Suite 300
Houston, TX 77098
713-338-2560

- 10) *North Carolina Department of State Treasurer v. The Bank of New York Mellon and The Bank of New York Mellon Corporation*
No. 12-CVS-003920, North Carolina Superior Court
The Honorable John R. Jolly, Jr
2012-2015

This case alleged that the defendant breached an investment agreement by investing \$95 million in securities issued by Lehman Brothers Holdings, Inc., which collapsed in 2008, and sought damages for breach of contract and breach of fiduciary duty. I was the primary associate attorney, focused on the factual investigation, legal research, and motion to dismiss. After reviewing the complaint, and investigating the facts, I researched and drafted an argument that the breach of contract claim should be dismissed at the pleading stage and that our holding company client had been improperly named as a defendant. I further researched and drafted our opposition to the Plaintiff's cross-motion for judgment on the pleadings. The matter settled before escalation to trial.

Primary Co-Counsel:
Douglas W. Ey, Jr.
McGuireWoods
201 N Tryon St # 26,
Charlotte, NC 28202
704-343-2076

Amy Reeder Worley
Berkeley Research Group
3000 Sandina Dr.
Raleigh, NC 27607
704-806-6542

Principal Opposing Counsel:
Carl N. Patterson, Jr.
J. Mitchell Armbruster
Smith Anderson
Wells Fargo Capitol Center,
150 Fayetteville St # 2300,
Raleigh, NC 27601
919-821-1220

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

My legal activities have included representing companies and individuals in federal grand jury matters before the United States Department of Justice and investigations, audits, and inquiries by other federal agencies and state regulators. I have participated in internal investigations for various companies and worked on matters involving a wide array of legal and factual issues, including data privacy, money laundering, federal firearms laws, federal environmental laws, antitrust and market power, securities fraud, and consumer protection laws. I have worked on federal criminal matters in the Eastern District of North Carolina involving access device fraud, environmental laws, controlled substances/narcotics, immigration laws, and identity theft.

My civil practice has included a wide array of litigation from business and securities litigation to personal injury actions and environmental matters. I have experience managing expert witnesses, including experts in digital forensics, statistics, anti-money laundering (AML), financial transactions, construction, economics and market power. I have prepared, defended, and examined expert and lay witnesses in depositions and at trial.

I have experience supervising large teams of attorneys across multiple offices, including managing and coordinating long-term case strategy, budgets, and investigative tasks. I am also involved in helping law students and junior attorneys through formal and informal mentoring.

I have never worked as a lobbyist.

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

None.

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

None.

19. **Outside Commitments During 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.

None.

20. **Sources of Income:** List sources and amounts of all income received during the calendar

year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding \$500 or more (if you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here).

Please see my SF-278 as provided by the Office of Government Ethics.

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

See net worth statement.

22. **Potential Conflicts of Interest:**

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

During the nomination process, I consulted with the Department of Justice's ethics office and Designated Ethics Officer to identify any potential conflicts. If I am confirmed, I will continue to consult with that office and will recuse myself from any matter in which recusal is required.

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

If I am confirmed, any potential conflict of interest will be resolved in accordance with the terms of an ethics agreement that I have entered with the Department's designated agency ethics official. If confirmed, I will continue to consult with the Department of Justice's ethics office and will recuse myself from any matter in which recusal is required.

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

I view *pro bono* work as a duty of the profession and have devoted over 400 hours to pro bono representation on various matters. As part of my affiliation with the Criminal Justice Act Panel for the Eastern District of North Carolina I handle court-appointed cases for persons who cannot afford an attorney, including *pro bono* and reduced hourly

rate work. For example, I worked *pro bono* to represent a defendant alleged to have obtained prescription medication by misrepresentation, despite evidence of his medical need for the treatment. Our team's efforts resulted in the voluntary dismissal of charges. I have also prepared wills, powers of attorney, and related documents as part of the Wills for Heroes program for police, firefighters, and first responders.

In addition, I have served on the board of directors of the Tenth Judicial District Bar and Wake County Bar Association. I have not kept a record of the hours spent serving these organizations through board membership or performing non-board voluntary activities.