

UNITED STATES SENATE  
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Rodolfo "Rudy" Armando Ruiz II

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

United States District Judge for the Southern District of Florida

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.

Dade County Courthouse  
73 West Flagler Street, Chambers 416  
Miami, Florida 33130

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

1979; Miami, Florida

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.

2002 – 2005, Georgetown University Law Center; J.D., 2005

2001 – 2002, London School of Economics; no degree received

1998 – 2002, Duke University; B.S., 2002

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.

2015 – Present  
Eleventh Judicial Circuit of Florida  
175 Northwest First Avenue

Miami, Florida 33128  
Circuit Court Judge

2012 – 2014  
Eleventh Judicial Circuit of Florida  
175 Northwest First Avenue  
Miami, Florida 33128  
County Court Judge

2009 – 2012  
Miami-Dade County Attorney's Office  
111 Northwest First Street, Suite 2810  
Miami, Florida 33128  
Assistant County Attorney

2006 – 2008  
White & Case, L.L.P.  
200 South Biscayne Boulevard, Suite 4900  
Miami, Florida 33131  
Associate

2005 – 2006  
The Honorable Federico A. Moreno, United States District Judge  
United States District Court for the Southern District of Florida  
Wilkie D. Ferguson Jr. United States Courthouse  
400 North Miami Avenue  
Miami, Florida 33128  
Law Clerk

2004  
White & Case, L.L.P.  
200 South Biscayne Boulevard, Suite 4900  
Miami, Florida 33131  
Summer Associate

2003  
United States Attorney's Office for the Southern District of Florida  
99 Northeast Fourth Street  
Miami, Florida 33132  
Law Clerk, Major Crimes Division

2002  
District of Columbia, Office of the Corporation Counsel  
441 Fourth Street, N.W.  
Washington, DC 20001  
Legal Intern, Criminal Division, Office of Public Protection and Enforcement

2002

Directorate of Central Intelligence  
Central Intelligence Agency  
1000 Colonial Farm Road  
McLean, Virginia 22101  
Graduate Fellow, Operations Center Analyst

Other Affiliations (uncompensated):

2014 – Present

Florida Bar Civil Procedure Rules Committee  
The Florida Bar  
651 East Jefferson Street  
Tallahassee, Florida 32399  
Chair (2017 – Present)  
Vice Chair (2016 – 2017)

2016 – Present

Dade Legal Aid – Put Something Back Pro Bono Project  
123 Northwest First Avenue  
Miami, Florida 33128  
Eleventh Judicial Circuit Court Liaison

2015 – Present

Florida Conference of Circuit Court Judges  
175 Northwest First Avenue  
Miami, Florida 33128  
Education Committee Faculty Member (2015 – Present)  
Third District Representative (2015 – 2017)

2015 – 2017

Florida Bar Rules of Judicial Administration Committee  
The Florida Bar  
651 East Jefferson Street  
Tallahassee, Florida 32399  
Civil Rules Representative

2013 – 2015

Florida Conference of County Court Judges  
Post Office Box 180244  
Tallahassee, Florida 32318  
Third District Vice President (2014 – 2015)  
Education Committee Faculty Member (2013 – 2015)  
Eleventh Circuit Representative (2013 – 2014)

2012

National Association of Women Judges  
1001 Connecticut Avenue, NW, Suite 1138  
Washington, D.C. 20036  
Co-Chair of Conference Security

2011 – 2012  
Dade County Bar Association  
123 Northwest First Avenue, Suite 214  
Miami, Florida 33128  
Chair, Schools Committee

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

I have not served in the military. I registered for the selective service upon turning 18.

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

Hispanic Heritage Judicial Trailblazer Award, Dade County Bar Association (2018)

Distinguished Service Award for Commitment to Eliminate Bias in the Judicial System,  
Coalition of South Florida Muslim Organizations (2017)

Award of Recognition, Miami Beach Bar Association (2015)

Distinguished Leadership Award, Florida Conference of County Court Judges (2014)

Justice for All Award for Outstanding Contributions to Victims of Crime, Coral Gables  
Police Department (2013)

Miami-Dade County Proclamation, Miami-Dade County Office of the Mayor and  
Board of County Commissioners, "Rudy Ruiz Day" (2012)

Articles Editor, American Criminal Law Review, Georgetown University Law Center  
(2003 – 2005)

Book Award in Constitutional Law, Georgetown University Law Center (2002)

Omicron Delta Epsilon Economics Honor Society, Duke University (2002)

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.

Florida Supreme Court Committee on Standard Jury Instructions in Criminal Cases  
(2016 – Present)

Florida Supreme Court Standing Committee on Fairness and Diversity (2017 – Present)

Florida Bar Civil Procedure Rules Committee (2014 – Present)

Chair (2017 – Present)

Vice Chair (2016 – 2017)

Dade Legal Aid – Put Something Back Pro Bono Project (2016 – Present)

Eleventh Judicial Circuit Court Liaison (2016 – Present)

Florida Conference of Circuit Court Judges (2015 – Present)

Education Committee Faculty Member (2015 – Present)

Third District Representative (2015 – 2017)

Florida Bar Rules of Judicial Administration Committee (2015 – 2017)

Civil Rules Representative (2015 – 2017)

Florida Conference of County Court Judges (2012 – 2015)

Third District Vice President (2014 – 2015)

Eleventh Circuit Representative (2013 – 2014)

Education Committee Faculty Member (2013 – 2015)

Eleventh Judicial Circuit of Florida Fairness & Diversity Committee (2016 – Present)

American Bar Association (2014 – Present)

Federalist Society (2016 – Present)

Dade County Bar Association (2010 – Present)

Chair, Schools Committee (2011 – 2012)

Federal Bar Association, South Florida Chapter (2010 – Present)

Hispanic National Bar Association (2012 – Present)

Florida Association for Women Lawyers, Miami-Dade Chapter (2012 – Present)

Cuban-American Bar Association (2010 – Present)

National Association of Women Judges (2012)

Co-Chair of Conference Security (2012)

Wilkie D. Ferguson, Jr. Bar Association (2014 – Present)

Gwen S. Cherry Black Women Lawyer's Association (2014 – Present)

Florida Muslim Bar Association (2014 – Present)

Coral Gables Bar Association (2014 – Present)

Miami Beach Bar Association (2013 – Present)

South Miami Kendall Bar Association (2014 – 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.

Florida, 2006

There has been no lapse in membership.

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

United States Court of Appeals for the Eleventh Circuit, 2011

United States District Court for the Southern District of Florida, 2009

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.

Educate Tomorrow, Miami, Florida (2013 – Present)

Foster Youth Mentor (2013 – Present)

Justice Teaching Program, Tallahassee, Florida (2013 – Present)

Volunteer Teacher (2013 – Present)

Georgetown Law Alumni Interview Program, Washington, DC (2016 – Present)  
Admissions Interviewer (2016 – Present)

Duke University Alumni Admissions Advisory Committee, Durham, NC (2012 – Present)  
Admissions Interviewer (2012 – Present)

Church of the Little Flower, Coral Gables, Florida (1979 – Present)  
Parishioner (2010 – Present)

Riviera Country Club, Coral Gables, Florida (1987 – Present)  
Member (2009 – Present)

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

Although Riviera Country Club does not currently discriminate on the basis of race, sex, religion, or national origin, nor formerly did so through formal membership requirements, upon information and belief, the organization did restrict membership through practical implementation of membership policies several decades ago. My father helped put an end to such policies and practices in the late 1980s by being one of the first Hispanics to join Riviera Country Club, and I became an official member in 2009 in an effort to continue his legacy and promote the importance of diversity.

To the best of my knowledge, none of the other organizations listed above currently 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.

With XueMing Jimmy Cheng and Ryan Harrington, *Securities Fraud*, 41 Am. Crim. L. Rev. 1079 (2004). Copy supplied.

When I ran for re-election as a County Court Judge in 2014 and a Circuit Court Judge in 2016, I had a campaign website, [www.judgerudyruiz.com](http://www.judgerudyruiz.com). I contributed biographical and other background information to the website. The website is no longer active.

- 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.

Florida Bar Civil Procedure Rules Committee, *2017-2018 Annual Report*, Apr. 6, 2018. Copy supplied.

Florida Bar Civil Procedure Rules Committee, *Proposed Amicus Curiae Rule and Florida Rule of Civil Procedure 1.071*, May 31, 2017. Copy supplied.

Florida Bar Civil Procedure Rules Committee, *Florida Rule of Civil Procedure 1.540(b)*, May 29, 2017. Copy supplied.

Florida Bar Civil Procedure Rules Committee, *Florida Rule of Civil Procedure 1.451 & Florida Rule of Judicial Administration 2.530*, Oct. 3, 2016. Copy supplied.

Florida Bar Rules of Judicial Administration Committee, *Florida Rule of Judicial Administration 2.330*, Sept. 21, 2016. Copy supplied.

Florida Bar Civil Procedure Rules Committee, *Federal E-Discovery Monitoring and Proposed Revisions to Florida Rule of Civil Procedure 1.380(e) re: ESI Preservation*, May 27, 2016. Copy supplied.

Florida Bar Civil Procedure Rules Committee, *Florida Rule of Judicial Administration 2.540(c) and Florida Rule of Civil Procedure Forms*, Apr. 11, 2016. Copy supplied.

Florida Bar Civil Procedure Rules Committee, *Florida Rule of Civil Procedure 1.380(b)(1)*, Dec. 28, 2015. Copy supplied.

Florida Bar Civil Procedure Rules Committee, *Federal E-Discovery Monitoring and Proposed Revisions to Florida Rule of Civil Procedure 1.380(e) re: ESI Preservation*, Dec. 9, 2015. Copy supplied.

Florida Bar Civil Procedure Rules Committee, *Florida Rule of Civil Procedure 1.610(b)*, Sept. 1, 2015. Copy supplied.



Florida Bar Civil Procedure Rules Committee, *Florida Rule of Civil Procedure 1.442 & Proposal for Settlement Forms*, Aug. 28, 2015. Copy supplied.

Florida Bar Civil Procedure Rules Committee, *Florida Rule of Civil Procedure 1.420(e)*, June 4, 2015. Copy supplied.

Florida Bar Civil Procedure Rules Committee, *Florida Rule of Civil Procedure 1.130*, June 1, 2015. Copy supplied.

Florida Bar Civil Procedure Rules Committee, *Florida Rule of Civil Procedure 1.442 & Proposal for Settlement Forms*, May 27, 2015. Copy supplied.

Florida Bar Civil Procedure Rules Committee, *Florida Rule of Civil Procedure 1.442 & Proposal for Settlement Forms*, Jan. 2, 2015. Copy supplied.

Florida Bar Civil Procedure Rules Committee, *Florida Rule of Civil Procedure 1.442 & Proposal for Settlement Forms*, Oct. 8, 2014. Copy supplied.

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

None.

- 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.

April 4, 2018: Speaker, "Criminal Prosecution & Defense Lawyering: Situational Ethics in the Adversarial System of Justice," University of Miami Law School, Coral Gables, Florida. Assisted with moot court regarding *Boria v. Keane*, 99 F.3d 492 (2nd Cir. 1996), and discussed the Sixth Amendment right to counsel and pretrial freeze of untainted assets as addressed by the United States Supreme Court in *Luis v. United States*, 136 S. Ct. 1083 (2016) and *Kaley v. United States*, 134 S. Ct. 1090 (2014). I have no notes, transcripts, or recordings. The address for the University of Miami Law School is 1311 Miller Road, Coral Gables, Florida 33146.

February 16, 2018: Speaker, "What Are Our Responsibilities as Judges?," Eleventh Judicial Circuit of Florida, Miami, Florida. PowerPoint presentation supplied.

January 30, 2018: Speaker, "Reach for the Stars Pro Bono Luncheon," Dade Legal Aid, Miami, Florida. Outline supplied.

January 26, 2018: Speaker, "Investiture: The Honorable Ivonne Cuesta, Circuit Court Judge," Eleventh Judicial Circuit, Miami, Florida. Copy of speech supplied.

October 26, 2017: Panelist, "Diversity in the Southern District of Florida: Implicit Bias vs. Effective Inclusion," United States District Court for the Southern District of Florida, Hispanic Heritage Month Commemoration, Miami, Florida. Outline supplied.

October 20, 2017: Speaker, "What Civil Division Judges Expect," Eleventh Judicial Circuit of Florida, Miami, Florida. Lecture at the Fifth Annual New Attorney Breakfast CLE Seminar regarding best practices in the realm of civil litigation and motion practice. I have no notes, transcripts, or recordings. The address for the Eleventh Judicial Circuit of Florida is 175 Northwest First Avenue, Miami, Florida 33128.

October 17, 2017: Speaker, "Attorneys' Fee Hearings: A View from the Bench," Key Biscayne Bar Association, Key Biscayne, Florida. Outline supplied.

September 27, 2017: Speaker, "Sentencing Hearings: Dos and Don'ts for Lawyers and Judges," Eleventh Judicial Circuit of Florida, Miami, Florida. PowerPoint presentation supplied.

July 28, 2017: Panelist, "SuperStars in Trial," University of Miami Law School, Coral Gables, Florida. Provided feedback at the conclusion of a mock trial, and discussed best practices in trial as part of a question and answer session. I have no notes, transcripts, or recordings. The address for the University of Miami Law School is 1311 Miller Road, Coral Gables, Florida 33146.

July 26, 2017: Speaker, "Pronouncing Sentence: Dos and Don'ts," Florida Conference of Circuit Judges, Orlando, Florida. Outline and PowerPoint presentation supplied.

July 17, 2017: Speaker, "Homeowner's Insurance Law Issues," Florida International University School of Law, Miami, Florida. Lecture regarding legal issues in homeowner's insurance cases, including a discussion about best practices at trial. I have no notes, transcripts, or recordings. The address for the Florida International University School of Law is 11200 Southwest Eighth Street, Miami, Florida 33199.

July 12, 2017: Speaker, “Reasons to Get Involved in Pro Bono Legal Services – A View from the Bench,” Dade Legal Aid, Miami, Florida. My presentation to summer associates and law school students addressed the importance of pro bono work. I have no notes, transcripts, or recordings. The address for Dade Legal Aid is 123 Northwest First Avenue, Miami, Florida 33128.

May 17, 2017: Speaker, “Attorney’s Fees in Florida,” Coral Gables Bar Association, Coral Gables, Florida. Outline supplied.

May 5, 2017: Introductions and Presenter, “Dade Legal Aid – Put Something Back Pro Bono Awards,” Dade Legal Aid, Miami, Florida. Outline supplied.

May 3, 2017: Panelist, “Motion Calendar Practice: Preferences, Pitfalls, and Professionalism,” Dade County Bar Association, Miami, Florida. Outline supplied.

April 28, 2017: Administration of Oath of Office to Mayor Raul Valdes-Fauli, Commissioner Patricia Keon, and Commissioner Vince Lago, Coral Gables City Commission, Coral Gables, Florida. Video available at [http://coralgables.granicus.com/MediaPlayer.php?view\\_id=4&clip\\_id=1072](http://coralgables.granicus.com/MediaPlayer.php?view_id=4&clip_id=1072).

March 24, 2017: Speaker, “Investiture: The Honorable Victoria del Pino, Circuit Court Judge,” Eleventh Judicial Circuit, Miami, Florida. Copy of speech supplied.

March 2, 2017: Speaker, “We Can Dream Gala to Benefit Pro Bono Across South Florida,” Dade County Bar Association, Key Biscayne, Florida. Copy of speech supplied.

February 28, 2017: Introductions, Moderator, and Panelist, “Uncovering Implicit Biases: A Discussion on Sentencing Disparities,” National Black Prosecutors Association and Eleventh Judicial Circuit Fairness & Diversity Committee, Miami, Florida. Outline supplied.

February 10, 2017: Panelist, “Voor Dire: A View from the Bench,” Dade County Bar Association, Miami, Florida. Outline supplied.

February 2, 2017: Presenter, “Together We Rise: Reflections on a Journey of Hope and Success – Black History Awards Ceremony Government Trailblazer Award,” Dade County Bar Association, Coral Gables, Florida. Copy of speech supplied.

January 12, 2017: Speaker, “Dade Legal Aid – Put Something Back Pro Bono Opportunities,” Miami Pro Bono Round Table, Miami, Florida. Outline supplied.

August 10, 2016: Speaker, "Landmines in Criminal Jury Instructions," Florida Conference of Circuit Court Judges, Orlando, Florida. PowerPoint presentation supplied.

August 5, 2016: Panelist, "Practicing with Professionalism Judicial Panel," Florida Bar, Miami, Florida. Outline supplied.

May 13, 2016: Speaker, "Just Adulting – Legal Survival Guide Resources," Hialeah-Miami Lakes Senior High School, Miami, Florida. PowerPoint presentation supplied.

May 4, 2016: Moderator and Panelist, "Bench & Bar Diversity Panel," Eleventh Judicial Circuit Fairness & Diversity Committee, Miami, Florida. I served as a moderator and panelist alongside voluntary bar leaders on the topic of diversity and fairness in the judicial system. I have no notes, transcripts, or recordings. The address for the Eleventh Judicial Circuit of Florida is 175 Northwest First Avenue, Miami, Florida 33128.

February 26, 2016: Panelist, "Voor Dire Pitfalls and Perils – The Experts Weigh In," Dade County Bar Association, Miami, Florida. Outline supplied.

December 16, 2015: Speaker, "Contested Attorneys' Fee Hearings: What Judges Want You to Know," Coral Gables Bar Association, Coral Gables, Florida. Outline supplied.

November 23, 2015: Administration of Oath of Office to Mayor Philip Levine, Miami Beach City Commission, Miami Beach, Florida. Video available at <http://vp.telvue.com/preview?id=T03249&video=256087>.

November 4, 2015: Moderator and Panelist, "Diversity and Fairness – Developing Skills for Better Courts," Eleventh Judicial Circuit of Florida, Miami, Florida. Served as a moderator and panelist on the topic of diversity concerns shared by voluntary bar leaders. I have no notes, transcripts, or recordings. The address for the Eleventh Judicial Circuit of Florida is 175 Northwest First Avenue, Miami, Florida 33128.

October 2, 2015: Speaker, "Diversity in Higher Education and the Role of Implicit Bias," Duke University Hispanic and Latino Alumni Association, Duke University, Durham, North Carolina. Copy of speech supplied.

July 22, 2015: Speaker, "Dade Legal Aid Leadership Academy Reception," Dade Legal Aid, Miami, Florida. Outline supplied.

July 9, 2015: Speaker, "Table for 8 with Judge Ruiz," Florida Association for Women Lawyers, Miami-Dade Chapter, Miami, Florida. I spoke about my background and shared my thoughts on the legal profession. I have no notes,

transcripts, or recordings. The address for the Florida Association for Women Lawyers, Miami-Dade Chapter, is 1450 Brickell Avenue, Suite 1900, Miami, Florida 33131.

June 26, 2015: Administration of Oath of Office to Daniel Diaz-Leyva, Miami-Dade College Board of Trustees. I administered the Oath of Office to Daniel Diaz-Leyva, a new member of the Miami-Dade College Board of Trustees. I have no notes, transcripts, or recordings. The address for Miami-Dade College is 300 Northeast Second Avenue, Miami, Florida 33132. Press coverage supplied.

February 20, 2015: Panelist, "Judicial Ethics Roundtable," Dade County Bar Association, Miami Florida. Served as a panelist on the topic of judicial ethics, including disqualification and recusal issues, as well as judicial campaign concerns. I have no notes, transcripts, or recordings. The address for the Dade County Bar Association is 123 Northwest First Avenue, Suite 214, Miami, Florida 33128.

February 13, 2015: Speaker, "Investiture of the Honorable Rodolfo A. Ruiz II, Eleventh Circuit Court Judge," Eleventh Judicial Circuit, Miami, Florida. Copy of speech supplied.

October 21, 2014: Panelist, "2013 Amendments to the Florida Residential Landlord Tenant Act," Dade County Bar Association, Miami, Florida. Outline supplied.

September 30, 2014: Speaker, "Appellate Review of Local Government Administrative Action," University of Miami Law School, Coral Gables, Florida. Outline supplied.

July 20, 2014: Speaker, "County Court – Front Line of the Judiciary," Miami Beach Chamber of Commerce, Miami Beach, Florida. Remarks regarding the important role of County Courts in our community, with a special emphasis on issues unique to Miami Beach; also discussed best practices for promoting transparency and the County Court's ability to instill confidence in the judicial branch. I have no notes, transcripts, or recordings. The address for the Miami Beach Chambers of Commerce is 1920 Meridian Avenue, Miami Beach, Florida 33139.

July 9, 2014: Speaker, "Managing the Contested Attorneys' Fees Hearing in Florida," Florida Conference of County Court Judges, Ponte Vedra, Florida. Outline and PowerPoint presentation supplied.

May 16, 2014: Speaker, "Democracy and the Rule of Law: Why Every Vote Matters," Kensington Park Elementary School, Miami, Florida. Outline supplied.

April 10, 2014: Speaker, "Legal Services Judges' Luncheon," Legal Services of Greater Miami, Inc., Miami, Florida. I spoke with the staff of Legal Services about my background and views on the legal profession. I have no notes, transcripts, or recordings. The address for Legal Services of Greater Miami, Inc. is 4343 West Flagler Street, Suite 100, Miami, Florida 33134.

April 5, 2014: Panelist, "Aspire to Inspire Leadership Conference," Caribbean Bar Association, Miami, Florida. I served as a panelist on the topic of paths to professional success for students. I have no notes, transcripts, or recordings. The address for the Caribbean Bar Association is Post Office Box 10429, Miami, Florida 33101.

March 19, 2014: Speaker, "Emerging Issues in Landlord-Tenant Law," Coral Gables Bar Association, Coral Gables, Florida, and South Miami-Kendall Bar Association, Miami, Florida. Outline supplied.

March 10-14, 2014: Speaker and Panelist, "Florida Landlord-Tenant Law," "Civil Case Management," & "Civil Discovery Scope and Methods," Florida Judicial College, Orlando, Florida. PowerPoint presentations supplied.

March 7, 2014: Speaker, "The First Amendment," Kensington Park Elementary School, Miami, Florida. Outline supplied.

February 28, 2014: Speaker, "Emerging Issues in Landlord-Tenant Law," Coral Gables Bar Association, Coral Gables, Florida, and South Miami-Kendall Bar Association, Miami, Florida. Outline supplied.

January 24, 2014: Panelist, "Here Come the Judges," Aventura Marketing Council, Sunny Isles Beach, Florida. Outline supplied.

December 6, 2013: Speaker, "Judicial Decision-Making and the Constitution," Booker T. Washington High School, Miami, Florida. Outline supplied.

November 25, 2013: Administration of Oath of Office to Mayor Philip Levine, Miami Beach City Commission, Miami Beach, Florida. Transcript supplied.

October 22, 2013: Speaker, "Ethical Governance Day – Judicial Ethics," Coral Gables Senior High, Coral Gables, Florida. Lecture regarding judicial ethics, canons of judicial conduct, and the appearance of impropriety standard. I have no notes, transcripts, or recordings. The address for Coral Gables Senior High is 450 Bird Road, Coral Gables, Florida 33146.

October 18, 2013: Speaker, "The Invaders – A Constitutional Rights Activity," North Miami Middle School, Miami, Florida. Outline supplied.

October 10, 2013: Speaker, "Judicial Decision-Making and the Constitution," Booker T. Washington High School, Miami, Florida. Outline supplied.

June 18, 2013: Speaker, "Landlord-Tenant Issues Arising on Miami Beach," Miami Beach Bar Association, Miami Beach, Florida. Outline supplied.

May 31, 2013: Speaker, "Realizing the Dream: Equality for All," Kensington Park Elementary School, Miami, Florida. Outline supplied.

May 24, 2013 & May 17, 2013: Speaker, "The Truth About Bullies," Kensington Park Elementary School, Miami, Florida. Outline and PowerPoint presentation supplied.

March 19, 2013: Speaker, "Table for 8 with Judge Ruiz," Florida Association for Women Lawyers, Miami-Dade Chapter, Miami, Florida. I spoke about my background and shared my thoughts on the legal profession. I have no notes, transcripts, or recordings. The address for the Florida Association for Women Lawyers, Miami-Dade Chapter is 1450 Brickell Avenue, Suite 1900, Miami, Florida 33131.

March 15, 2013: Speaker, "2013 Amendments to the Personal Injury Protection Statutes," Miami-Dade County Court, Miami, Florida. Outline supplied.

January 23, 2013: Panelist, "Here Come the Judges," Aventura Marketing Council, North Miami, Florida. I served as a panelist on the topic of legal issues facing Miami-Dade County Courts, and discussed the responsibilities of County Court Judges. I have no notes, transcripts, or recordings. The address for the Aventura Marketing Council is One Aventura Executive Center, 20900 NE 30th Avenue, Suite 410, Aventura, Florida 33180. Article supplied.

October 17, 2012: Speaker, "Interactions Between the Judiciary & Law Enforcement," Department of Criminal Justice, Florida International University, Miami, Florida. Lecture on the ways in which law enforcement and the judiciary interact in the context of criminal court proceedings. I have no notes, transcripts, or recordings. The address for Florida International University is 11200 Southwest Eighth Street, Miami, Florida 33199.

October 12, 2012: Speaker, "Ethical Governance Day – Judicial Ethics," MAST Academy, Key Biscayne, Florida. Lecture regarding judicial ethics, canons of judicial conduct, and the appearance of impropriety standard. I have no notes, transcripts, or recordings. The address for MAST Academy is 3979 Rickenbacker Causeway, Key Biscayne, Florida 33149.

July 13, 2012: Speaker, "Investiture of the Honorable Rodolfo A. Ruiz II, Miami-Dade County Court Judge," Eleventh Judicial Circuit, Miami, Florida. Copy of speech supplied.

June 22, 2011 & April 28, 2010: Speaker, "Litigation and Presentation of Value Adjustment Board Appeals," Miami-Dade County Attorney's Office, Miami, Florida. Conducted lecture and training for Miami-Dade County Property Appraiser staff members on how to best present ad valorem assessment challenges to Special Magistrates at administrative hearings and other quasi-judicial proceedings; worked with fellow Assistant County Attorneys in the Tax & Finance section to teach staff basic advocacy skills. I have no notes, transcripts, or recordings. The address for the Office of the Miami-Dade County Property Appraiser is Stephen P. Clark Center, 111 Northwest First Street, Suite 710, Miami, Florida 33128-1984.

March 30, 2010: Speaker, "Red Flag Identity Theft Prevention," Miami-Dade County Attorney's Office, Miami, Florida. Outline supplied.

- e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and four (4) copies of the clips or transcripts of these interviews where they are available to you.

*Tribunal en el que no necesitas abogado – Conozca el tribunal de asuntos de cuantía menor del condado Miami-Dade*, Special Report by Telemundo Channel 51, July 22, 2014. Local news interview conducted in Spanish; designed to inform the Hispanic population in Miami-Dade County about Small Claims Court. Copy supplied. .

Carlos Harrison, *The Judiciary Weekly Profile: Judge Ruiz Packs a Lot of Experience In a Few Years*, Daily Bus. Rev., Sept. 16, 2013. Copy supplied.

*Justice Teaching Takes on Bullies*, Florida Bar News, July 1, 2013. Copy supplied.

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

Circuit Court Judge, Eleventh Judicial Circuit of Florida, 2015 – Present  
Civil Division, 2017 – Present  
Criminal Division, 2015 – 2016

I was appointed by Florida Governor Rick Scott to this position and, following a retention election, was retained without opposition in 2016.

The Circuit Civil Division is a trial court which generally has jurisdiction over civil cases in which the amount in controversy is more than \$15,000.



The Circuit Criminal Division hears major felony cases where the resulting penalty can be death or imprisonment in a state penitentiary for one year or more.

County Court Judge, Eleventh Judicial Circuit of Florida, 2012 – 2014

Civil Division, 2012 – 2014

Criminal Division, 2012 – 2014

Domestic Violence Civil Division, 2012

Appointed by Governor Rick Scott to the Miami-Dade County Court in 2012 and, following a retention election, was retained without opposition in 2014.

The County Civil Division handles landlord-tenant litigation, small claims (amounts up to \$5,000), and other civil matters such as automobile negligence, condominium, and personal injury protection cases (amounts of \$5,001 up to \$15,000).

The County Court Criminal Division handles minor criminal misdemeanor cases, criminal traffic matters, municipal and county ordinance violations, and civil traffic infractions.

The Domestic Violence Civil Division handles civil injunction for protection order (restraining order) cases.

- a. Approximately how many cases have you presided over that have gone to verdict or judgment? 300

- i. Of these, approximately what percent were:

jury trials:	16%
bench trials:	84% [total 100%]
civil proceedings:	40%
criminal proceedings:	60% [total 100%]

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

A list of citations to opinions I have written is included at Appendix 13.b.

- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (3) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

1. *Basten v. Pinon*, Case No. 13-16833 CA 01 (22) (Fla. 11th Cir. Ct.)

This matter involved a wrongful death medical malpractice claim brought by the personal representative of the decedent's estate. Plaintiff contended that the doctor was negligent in the care provided to the decedent, and that said negligence was the legal cause of the decedent's death. The doctor denied that he was negligent, and further denied that the death was due to his purported misdiagnosis. A defense verdict was rendered after a week-long jury trial; the jury found that the doctor was not negligent. A copy of the judgment is attached.

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Counsel for Defendant:

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Kelly A. Fernandes, Esq.  
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2. *Gavers v. Espacio Miami Prop., LLC*, Case No. 14-10879 CA 01 (22), 2017 WL 3047581 (Fla. 11th Cir. Ct. June 8, 2017).

This matter involved a personal injury claim brought by the plaintiff, who alleged he slipped and fell on a transitory foreign substance in the lobby of a building owned and maintained by the defendant. At the conclusion of trial, defendant moved for directed verdict pursuant to Fla. R. Civ. P. 1.480 given the absence of any evidence as to whether the defendant had actual or constructive notice of the

transitory foreign substance on the floor of its premises. I reserved ruling on the motion for directed verdict, and allowed the matter to go to the jury. The jury returned a verdict in favor of the plaintiff and awarded damages. After the verdict was returned, I proceeded to hear additional oral argument on defendant's motion for directed verdict. I granted the motion, thereby vacating the jury award, and issued a written opinion.

Counsel for Plaintiff:

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Jeremy S. Rones, Esq.  
Victor K. Rones, P.A.  
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(305) 954-6522

Counsel for Defendant:

Jeffrey W. Johnson, Esq.  
Timothy F. Malin, Esq.  
The Johnson Law Group  
370 Camino Gardens Boulevard, Suite 402  
Boca Raton, Florida 33432  
(561) 994-9433

3. *Suarez v. Lifemark Hosp. of Fla., Inc.*, Case No. 14-24306 CA 01 (22) (Fla. 11th Cir. Ct.)

This matter involved a wrongful death medical malpractice claim brought by the personal representative of the estate of the decedent. Plaintiff had settled with all of the defendants prior to trial except for the hospital. Specifically, plaintiff's cause of action for direct and vicarious medical negligence alleged that the hospital was responsible for the care and treatment rendered by it and the admitting physician, and for failing to timely diagnose and treat a gastrointestinal bleed resulting in the death of the decedent. The hospital denied that it was negligent and that it was responsible for the actions of the admitting physician. The case involved extensive motion practice prior to trial requiring numerous key rulings on apparent agency issues regarding the hospital's liability for the admitting physician's negligence, as well as purported spoliation of evidence and medical record-keeping. The jury rendered a defense verdict after a week-long trial, finding that there was no negligence on the part of the hospital or the admitting physician. However, the parties entered into a high/low settlement agreement moments before the verdict was returned. A copy of the stipulation and final order dismissing the action is attached.

Counsel for Plaintiff:

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Counsel for Defendant:

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4. *Aldana v. Miami Tile Deliveries Corp.*, Case No. 15-6122 CA 01 (22) (Fla. 11th Cir. Ct.)

This matter involved a wrongful death claim brought by the personal representative of the decedent's estate. Plaintiff alleged that the individual defendant in the case negligently operated a hydraulic conveyor belt boom, thereby causing the boom to come in contact with an overhead power line and electrocuting the decedent. Moreover, plaintiff alleged that defendant's employer was vicariously liable for the purported negligence of its employee. After a three-day trial, the jury awarded the plaintiff \$1,861,096.29 in total damages (\$23,096.29 for medical and funeral expenses; \$3,000 for past loss of services; \$35,000 for future loss of services; \$300,000 for past loss of companionship, protection, and future pain and suffering; and \$1.5 million for future loss of companionship, protection, and future pain and suffering). After calculating all applicable set-offs, the final award was \$861,096.29. A copy of the judgment is attached.

Counsel for Plaintiff:

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Counsel for Defendant:

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Fort Lauderdale, Florida 33309  
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5. *State v. Quintana*, Case No. F12-23033, 2015 WL 10383442, 23 Fla. L. Weekly Supp. 918(a) (Fla. 11th Cir. Ct. Mar. 2, 2016).

The State of Florida originally charged the defendant via indictment with first degree premeditated murder for stabbing and killing his co-worker. The defendant maintained he had done so in self-defense, and was therefore entitled to prosecutorial immunity pursuant Florida's "Stand Your Ground" law under sections 776.032(1), 776.013(3), and 776.031 of the Florida Statutes. At the conclusion of a two-day pretrial evidentiary hearing, I entered an order denying defendant's motion for declaration of immunity and dismissal. Defense counsel appealed my aforementioned order by filing a petition for writ of prohibition, which was denied. Accordingly, the case proceeded to trial, during which time the defendant continued to maintain he acted in self-defense. The trial resulted in a deadlocked jury after two days of deliberation, and I declared a mistrial. The State then proceeded to amend the charges against the defendant, via information, to second degree murder with a deadly weapon.

Four months later, the case proceeded to trial for a second time. Given that the defendant once again asserted that he acted in self-defense, important evidentiary rulings were required regarding the reasonable apprehension or state of mind of the accused under section 90.404(1)(b) of the Florida Evidence Code. The defendant's knowledge of the victim's specific prior acts of violence against others was deemed admissible in accordance with Florida case law to show the reasonableness of the defendant's supposed apprehension at the time of incident. Ultimately, after a week-long trial and a day of deliberation, the jury found the defendant not guilty.

Counsel for the State:

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Counsel for Defendant:

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6. *State v. Bradshaw*, F09-8184A (Fla. 11th Cir. Ct.), *aff'd*, 206 So. 3d 710 (Fla. 3d DCA 2016) (per curiam)

The State of Florida charged the defendant via information with second degree murder with a firearm. The altercation arose when the victim, an ex-boyfriend of the defendant's wife, appeared at the home of the defendant and his wife in the early morning hours. An argument ensued between the defendant and the victim, leading the defendant to arm himself and chase the victim off his property. While giving chase for several blocks, the defendant discharged his firearm at the victim, and ultimately shot him in the head, causing immediate death. Defense counsel sought to portray the case as manslaughter, and requested a heat of passion instruction. I rejected the request, finding there was no evidence the defendant had acted in the heat of passion on legally adequate provocation. In doing so, I noted on the record that there was a break in time between the initial altercation on defendant's property and the shooting. My ruling was affirmed on appeal.

Ultimately, the jury found the defendant guilty of second degree murder with a firearm after a four-day trial. Pursuant to the sentencing guidelines, I sentenced him to life imprisonment. In addition, pursuant to section 775.087(2)(a)(3) of the Florida Statutes, I imposed a mandatory minimum term of life imprisonment pursuant to my discretionary authority as established by *Mendenhall v. State*, 48 So. 3d 740 (Fla. 2010). A copy of the docket in the case is attached.

Counsel for the State:

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Justin Funck, Assistant State Attorney  
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Counsel for Defendant:

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7. *State v. Narvaez*, F12-015851 (Fla. 11th Cir. Ct.), *aff'd*, 208 So. 3d 714 (Fla. 3d DCA 2016) (per curiam).

The State of Florida charged the defendant via information with second degree murder with a deadly weapon. The defendant and the victim were in a relationship, and the defendant, believing that she was cheating on him, got into an argument with her. As the argument escalated, the defendant stabbed the victim with a knife six different times. Defense counsel did not contest that the defendant had died at the hands of the victim, but sought to portray the case as a mistake or accident in an effort to establish that the defendant was only guilty of the lesser included offense of manslaughter. Given that one of the material facts in dispute was whether the murder was an accident, the State sought to introduce similar fact evidence of instances of prior domestic abuse of the victim pursuant to section 90.404(2) of the Florida Statutes and *Williams v. State*, 110 So. 3d 654 (Fla. 1959) to rebut the defendant's theory of defense. Given that the similar fact evidence was relevant to an issue in dispute – to prove the killing of the victim was not an accident – I allowed it to be admitted into evidence. My ruling was affirmed on appeal. The jury found the defendant guilty of second degree murder with a firearm. Pursuant to the sentencing guidelines, I sentenced him to life imprisonment. A copy of the docket in the case is attached.

Counsel for the State:

Christine Hernandez, Assistant State Attorney  
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The Honorable Joseph Mansfield (former Assistant State Attorney)  
Miami-Dade County Court Judge  
Richard E. Gerstein Justice Building  
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Counsel for Defendant:

John L. Sullivan, III, Assistant Public Defender

Michael D. Melinek, Assistant Public Defender  
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(305) 545-1600

8. *State v. Scott*, F14-08780 (Fla. 11th Cir. Ct.), *aff'd*, 218 So. 3d 476 (Fla. 3d DCA 2017)

The State of Florida charged the defendant via information with three counts of sexual activity with a child by a person in familiar or custodial relationship, a first-degree felony under section 794.011(8)(b) of the Florida Statutes. The case presented numerous significant and complex evidentiary issues regarding the admissibility of social media evidence, as well as the State's reliance on numerous child hearsay statements pursuant to section 90.803(23) of the Florida Statutes. Section 90.803(23) creates a limited exception to the hearsay rule for reliable statements of children sixteen or less which describe an act of sexual abuse upon the declarant child victim; in this case, I conducted a lengthy and critical pre-trial hearing to ensure statements from the child victim satisfied the statutory requirements relating to reliability. The case was challenging due to the nature of the allegations, and fraught with emotional testimony that tested my role as an evidentiary gatekeeper.

Ultimately, all of my rulings were affirmed on appeal. The jury found the defendant guilty on all three aforementioned counts after a week-long jury trial. Pursuant to the sentencing guidelines, I sentenced him to twenty (20) years on count one, twenty (20) years on count two, and ten (10) years on count three – to be served consecutively for a total of fifty (50) years in prison. A copy of the docket in the case is attached.

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Counsel for Defendant:

Jean-Claude Dugue (deceased)

Jeffrey S. Weiner, Esq.  
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(305) 670-9919

9. *State v. Baugh*, F12-23410 (Fla. 11th Cir. Ct.).

The State of Florida charged the defendant via information with second degree murder with a firearm. The defendant maintained he acted in self-defense, and took the stand to testify on his own behalf. Moreover, the defendant's knowledge of the victim's specific prior acts of violence against others was deemed admissible under section 90.404(1)(b) of the Florida Evidence Code and Florida case law to show the reasonableness of the defendant's supposed apprehension at the time of incident. At the conclusion of a four-day trial, the jury found the defendant not guilty. A copy of the docket in the case is attached.

Counsel for the State:

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Justin Funck, Assistant State Attorney  
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10. *State v. Staten*, F12-022161 (Fla. 11th Cir. Ct.), *aff'd*, 203 So. 3d 169 (Fla. 3d DCA 2016) (per curiam).

The State of Florida charged the defendant via information with six counts of attempted second degree murder for shooting at his ex-wife and five minor children, as well as one count of violating an injunction for protection against domestic violence, one count of shooting a deadly missile, and one count of possession of a firearm by a convicted felon. I admitted a 911 from the victim as an excited utterance under 90.803(2) of the Florida Evidence Code, and also held that it did not violate the Confrontation Clause under the Sixth Amendment pursuant to the United States Supreme Court's decision in *Davis v. Washington*, 547 U.S. 813 (2006). The trial also required me to analyze and rule on the introduction of evidence pursuant to section 90.404(2) of the Florida Evidence Code and *Williams v. State*, 110 So. 3d 654 (Fla. 1959), regarding the defendant's prior charges of domestic violence against his ex-wife. Given that the prior acts

were offered to prove material facts at issue – namely motive, intent, absence of mistake, and nature of relationship – I allowed them to be admitted into evidence.

At the conclusion of a four-day trial, the defendant was found guilty on all counts. I imposed a sentence of life imprisonment with a twenty (20) year minimum mandatory term pursuant to section 775.087(2)(d) of the Florida Statutes. A copy of the docket in the case is attached.

Counsel for Plaintiff:

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Counsel for Defendant:

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- 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. *Fuentes v. Viajehoy, LLC*, Case No. 16-12617 CA 01 (22), 2017 WL 6597259 (Fla. 11th Cir. Ct. Dec. 22, 2017).

Counsel for Plaintiffs:

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2. *Matheson v. Miami-Dade Cty.*, Case No. 17-17478 CA 01 (22), 2017 WL 5586965 (Fla. 11th Cir. Ct. Nov. 14, 2017).

Counsel for Plaintiff:

Enrique Arana, Esq.  
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Joseph L. Rebak, Esq.  
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3. *Adams v. Surf House Condo. Ass'n, Inc.*, Case No. 16-23813 CA 01 (22), 2017 WL 4239019 (Fla. 11th Cir. Ct. Aug. 7, 2017).

Counsel for Plaintiffs:

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4. *Canta v. R.J. Reynolds Tobacco Co.*, Case No. 07-46972 CA 01 (22), 2017 WL 4239017 (Fla. 11th Cir. Ct. Jul. 26, 2017), *cert. denied*, Case No. 3D17-1959, 2017 WL 6598577, at \*1 (Fla. 3d DCA Dec. 27, 2017).

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5. *State Farm Mut. Auto. Ins. Co. v. Health & Wellness Assoc., Inc.*, Case No. 15-313 AP, 25 Fla. L. Weekly Supp. 220(a) (Fla. 11th Cir. Ct. App. May 24, 2017). Copy supplied.

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6. *McKenzie v. Fifteen Fla. Multifamily, LLC*, Case No. 2011-21510 CA 01 (22), 2017 WL 2269130, 25 Fla. L. Weekly Supp. 252(a) (Fla. 11th Cir. Ct. May 13, 2017).

Counsel for Plaintiff:

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Counsel for Defendants:

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7. *State v. Castro*, Case No. F14-026807C, 2016 WL 631919, 23 Fla. L. Weekly Supp. 825(a) (Fla. 11th Cir. Ct., Feb. 17, 2016).

Counsel for Plaintiff:

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8. *State v. Walker*, Case No. F07-4947, 2015 WL 7184661 (Fla. 11th Cir. Ct., Nov. 13, 2015).

Counsel for Plaintiff:

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9. *State v. Matthews*, Case No. F14-9074, 2015 WL 4596967, 23 Fla. L. Weekly Supp. 735(a) (Fla. 11th Cir. Ct. Jul. 31, 2015), *aff'd*, 207 So. 3d 242 (Fla. 3d DCA 2016).

Counsel for Plaintiff:

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10. *Martinez v. Guevara*, Case No. F15-1835, 2015 WL 2379675, 22 Fla. L. Weekly Supp. 1118(a) (Fla. 11th Cir. Ct. Apr. 24, 2015).

Counsel for Petitioner:

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Counsel for Respondent:

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

To the best of my knowledge, there have not been any cases that I have been involved with as a judge in which certiorari was requested or granted.

- f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.

Decisions Reversed by the Third District Court of Appeal as a Circuit Judge:

*Fersom Mortgage, Inc. v. Moreno*, Case No. 3D17-509, 2018 WL 1936566, at \*1 (Fla. 3d DCA Apr. 25, 2018). The Third District Court of Appeal, noting “case law [in Florida] is sparse with respect to this issue,” reversed and remanded my dismissal of a crossclaim for lack of subject matter jurisdiction. In doing so, the Third District found that the crossclaim survived plaintiff’s voluntary dismissal of the main foreclosure action. My decision relied on the Second District Court of Appeal’s opinion in *Layne Dredging Co. v. Regus, Inc.*, 622 So. 2d 7 (Fla. 2d DCA 1993), which the Third District distinguished by noting the crossclaim was filed before the voluntary dismissal, and was not purely derivative so as to disappear with the dismissal of the main claim.

Decisions Reversed by the Circuit Court Appellate Division as a County Judge:

*Progressive Express Ins. Co. v. Gables Ins. Recovery, Inc.*, 25 Fla. L. Weekly Supp. 11(a) (Fla. 11th Cir. Ct. App. Jul. 5, 2016). My denial of defendant’s motion for summary judgment was reversed due to a clarification in the law by the Third District Court of Appeal following the issuance of my decision. My denial relied upon the Third District’s opinion in *Coral Imaging Servs. v. Geico Indemn. Ins. Co.*, 955 So. 2d 11, 16 (Fla. 3d DCA 2016), in concluding that if “gratuitous” or improperly calculated personal injury protection (“PIP”) payments are made under the Medicare Part B fee schedule, the fact an insurance company has exhausted benefits does not shield it from having to pay above its limits of liability. However, in *Geico Indem. Co. v. Gables Ins. Recovery, Inc.*, 159 So. 3d 151, 155 (Fla. 3d DCA 2014), the Third District subsequently emphasized that *Coral Imaging* “only applies where the PIP insurer exhausts benefits by improperly paying untimely claims” and held that an insurer is not required to “set aside” funds in anticipation of litigation over an unpaid claim to avoid the risk of paying more than its coverage limits. *Lauzan* mandated the entry of summary judgment in favor of the defendants given the exhaustion of benefits, thereby warranting reversal. A copy of the Circuit Court opinion reversing my decision is supplied.

*United Auto. Ins. Co. v. A Rehab Assoc. of So. Fla. Corp.*, 22 Fla. L. Weekly Supp. 519(a) and *United Auto. Ins. Co. v. Med. Plus Ctrs., Inc.*, (Fla. 11th Cir. Ct. App. Jan. 9, 2015). The issue on appeal was whether the defendant’s presuit settlement offers met the requirements of section



627.428 of the Florida Statutes, which authorizes attorney's fees in favor of an insured who has obtained a judgment greater than any offer of settlement previously tendered by the insurer. Here, plaintiff made presuit settlement offers which included all sums it owed to defendants if judgment had been entered on the date of the settlement offer. The defendants rejected these offers, litigated the cases, and did no better at trial. Pursuant to section 627.428 and *Danis Indus. Corp. v. Ground Improvement Techniques*, 645 So. 2d 420 (Fla. 1994), the circuit court panel reversed my decision to award plaintiffs attorney's fees, finding that the requirements of a proposal for settlement under section 768.79 and Fla. R. Civ. P. 1.442 had been inappropriately applied to an insured's statutory right to fees under section 627.428. A copy of the Circuit Court opinion reversing my decision is supplied.

*Harvey v. Alamo Hotel, LLC*, 22 Fla. L. Weekly Supp. 518(a) (Fla. 11th Cir. Ct. App. Nov. 26, 2014). Per curiam affirmance, but reversing on the limited issue of appellant's counterclaim, which the circuit panel found to be timely filed and erroneously struck. A copy of the Circuit Court opinion reversing my decision is supplied.

*Harvey v. Campton Assoc.*, 22 Fla. L. Weekly Supp. 48(a) (Fla. 11th Cir. Ct. App., Jul. 16, 2014): Reversed and remanded pursuant to section 83.60(2) of the Florida Statutes to conduct a rent determination hearing in a landlord-tenant matter. Section 83.60(2) requires that a trial court, when faced with a motion to determine rent, hold a hearing to determine said amount. Although my order found that the substance of appellant's motion "was not, in fact, a Motion requesting determination of the amount of rent to be paid into the Registry," the circuit court panel disagreed and found that appellant's answer had also included a request for rent determination, and therefore a hearing had to be held by the trial court. A copy of the Circuit Court opinion reversing my decision is supplied.

*Progressive Express Ins. Co. v. AB Diagnostics Ctr.*, Case No. 13-113 AP (Fla. 11th Cir. Ct. App., Apr. 28, 2016): Reversed and remanded for a new trial given the circuit court panel's finding that I abused my discretion by: (i) restricting the testimony of appellant's sole expert witness on the issue of whether the administration of x-rays were reasonable, related, and medically necessary; and (ii) deciding not to give an adverse jury instruction. No further explanation was provided regarding either basis for reversal. A copy of the Circuit Court opinion reversing my decision is supplied.

*Coto v. State*, Case No. 13-262 AC (Fla. 11th Cir. Ct. App., Dec. 30, 2015): After a jury trial, the defendant was found not guilty of two counts of misdemeanor battery, not guilty of one count of misdemeanor assault against a minor, guilty of misdemeanor assault, and guilty of disorderly intoxication. The aforementioned convictions for misdemeanor assault and disorderly intoxication were reversed and

remanded for a new trial given the circuit court panel's finding that one of the jurors should have been stricken for cause. Specifically, the panel noted statements by the juror that she would be thinking about her past life experiences – namely negative feelings about her stepfather, who used to be violent and “under the influence a lot.” Two judges on the circuit court panel held that this equivocal response raised a reasonable doubt as to whether said juror possessed the state of mind necessary to render an impartial verdict, and the juror was never sufficiently rehabilitated; one judge dissented without opinion. A copy of the Circuit Court opinion reversing my decision is supplied.

- 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.

Over the course of my nearly six years as a state court judge, I have issued in excess of 100 written decisions. Approximately 60% consist of unpublished opinions. All of my unpublished opinions are stored as part of the court files maintained by the Miami-Dade Clerk of Courts.

- 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.

*Miller v. Brazzel*, Case No. 14-13010 CA 01 (22), 2017 WL 2269128, 25 Fla. L. Weekly Supp. 241(a) (Fla. 11th Cir. Ct. Mar. 31, 2017).

*State v. Facen*, Case Nos. F14-21285/F14-23783B, 2016 WL 4702541, 24 Fla. L. Weekly Supp. 502(a) (Fla. 11th Cir. Ct. Sept. 2, 2016).

*Doral Health Ctr., P.A. v. State Farm Mut. Auto. Ins. Co.*, Case No. 13-120 SP 24, 2013 WL 4026972, 20 Fla. L. Weekly Supp. 1088(b) (Miami-Dade Cty. Ct. Aug. 8, 2013).

- 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.

In determining the necessity or propriety of recusal, I thoroughly review each case assigned to me in order to determine whether the matter presents potential recusal-related issues. In doing so, I have been consistently guided by: (i) Florida Rule of Judicial Administration 2.330; (ii) the Florida Code of Judicial Conduct; and (ii) Opinions of the Florida Judicial Ethics Advisory Committee (“JEAC”).

*Spousal Policy:* Given that my spouse is a non-equity partner at the law firm of Cole, Scott & Kissane, P.A. (“CSK”), I instituted a policy on all CSK cases upon my transfer to the Circuit Civil Division in January 2017 instead of automatically recusing from CSK cases. Once a CSK attorney files a Notice of Appearance in a case assigned to my division, they are also simultaneously required to file a Notice of Disclosure alerting all parties and counsel that my spouse is a non-equity partner at CSK. If any party, upon receiving said Notice of Disclosure, opts to request that I be disqualified, that request is automatically granted. This policy provides parties with the option of remittal of disqualification under Fla. Code Jud. Conduct, Canon 3F, which provides that a judge disqualified by the terms of Canon 3E may disclose the basis of the judge’s disqualification and ask the parties and their lawyers to consider, outside the presence of the judge, whether to waive disqualification. If all parties agree the judge should not be disqualified, the judge may participate in the proceeding. Similarly, towards the end of my tenure in the County Civil Division, CSK had begun to appear as defense counsel in a limited amount of personal injury protection cases. When counsel would appear before me and announce their appearance and employment with CSK, I would immediately disclose my spouse’s affiliation with the firm on the record, and allow opposing counsel to either request my disqualification or waive the conflict.

Pursuant to the aforementioned policy, I have automatically recused myself sua sponte or granted Motions to Disqualify upon request in the following matters:

*Perez v. Wolfson*, Case No. 14-14468 CA 01 (02) (Fla. 11th Cir. Ct. May 15, 2018) – Order of Recusal entered pursuant to Spousal Policy

*Castellanos v. Morin*, Case No. 15-7618 CA 01 (02) (Fla. 11th Cir. Ct. Feb. 12, 2018) – Order of Recusal entered pursuant to Spousal Policy

*Lopez v. Caracuatro, LLC*, Case No. 15-23986 CA 01 (02) (Fla. 11th Cir. Ct., Feb. 7, 2018) – Order of Recusal entered pursuant to Spousal Policy

*Dotres v. Efronson*, Case No. 14-21200 CA 01 (02) (Fla. 11th Cir. Ct. Feb. 1, 2018) – Order of Recusal entered pursuant to Spousal Policy

*R.S.B. Ventures, Inc. v. Berlowitz*, Case No. 17-434 CA 01 (02) (Fla. 11th Cir. Ct. Jan. 31, 2018) – Order of Recusal entered pursuant to Spousal Policy

*Obando v. All Fla. Paint & Body Shop, Inc.*, Case No. 13-10028 CA 01 (02) (Fla. 11th Cir. Ct. Jan. 31, 2018) – Order of Recusal entered pursuant to Spousal Policy

*MSPA Claims 1, LLC v. GEICO*, Case No. 16-10632 CA 01 (02) (Fla. 11th Cir. Ct., Jan. 12, 2018) – Order of Recusal entered pursuant to Spousal Policy

*Bourgoignie v. Benedetti*, Case No. 15-28961 CA 01 (02) (Fla. 11th Cir. Ct. Jan. 10, 2018) – Order of Recusal entered pursuant to Spousal Policy

*Dunbar v. Homeowners Choice Cas. & Ins. Co.*, Case No. 17-15949 CA 01 (02) (Fla. 11th Cir. Ct. Jan. 9, 2018) – Order of Recusal entered pursuant to Spousal Policy

*Bhatt v. Clear Channel Adshel, Inc.*, Case No. 16-23219 CA 01 (02) (Fla. 11th Cir. Ct. Jan. 5, 2018) – Order of Recusal entered pursuant to Spousal Policy

*Gonzalez v. Safepoint Ins. Co.*, Case No. 17-190007 CA 01 (22) (Fla. 11th Cir. Ct. Oct. 18, 2017) – Order of Recusal entered pursuant to Spousal Policy

*Exume v. Citizens Prop. Ins. Co.*, 17-20737 CA 01 (22) (Fla. 11th Cir. Ct. Oct. 18, 2017) – Order of Recusal entered pursuant to Spousal Policy

*Moise v. OLA Condo., Inc.*, Case No. 17-13363 CA 01 (22) (Fla. 11th Cir. Ct. Oct. 13, 2017) – Order of Recusal entered pursuant to Spousal Policy

*Garrett v. Guerra*, Case No. 17-1657 CA 01 22 (Fla. 11th Cir. Ct., June 20, 2017) – Order of Recusal entered pursuant to Spousal Policy

*Basden v. Winn-Dixie Stores, Inc.*, Case No. 16-30223 CA 01 (22) (Fla. 11th Cir. Ct., June 6, 2017) – Order of Recusal entered pursuant to Spousal Policy

*Martinez v. Aloma Apartments, Ltd.*, Case No. 16-17764 CA 01 (22) (Fla. 11th Cir. Ct., May 1, 2017) – Order of Recusal entered pursuant to Spousal Policy

*Grimes v. SafePoint Ins. Co.*, 16-9073 CA 01 (22) (Fla. 11th Cir. Ct., Feb. 24, 2017) – Order of Recusal entered pursuant to Spousal Policy

*Vargas v. Homeowners Choice Prop. & Cas. Ins.*, 16-24265 CA 01 (22) (Fla. 11th Cir. Ct. Feb. 2, 2017) – Order of Recusal entered pursuant to Spousal Policy

Aside from cases involving my spouse's employment, below is a list of cases where I have either granted or denied a motion for disqualification or recused myself sua sponte:

Motions to Disqualify:

*MTM Finest, Ltd. v. Abukasis*, Case No. 07-46108 CA 01 (02) (Fla. 11th Cir. Ct. May 4, 2018). Defense counsel filed a motion to disqualify based on a prior ruling I had entered against him in the case regarding a motion for sanctions due to bad faith litigation. Given that the motion failed to allege facts sufficient to produce a reasonable fear that the defendant could not obtain a fair hearing, and instead took issue with my prior ruling and findings of fact, I denied the motion.

*HSBC Bank USA v. Hannion*, Case No. 12-31957 CA 01 (02) (Fla. 11th Cir. Ct. Mar. 26, 2018). Defense counsel filed a motion to disqualify taking issue with a prior ruling I had made regarding a motion to strike. Given that the motion failed to allege facts sufficient to produce a reasonable fear that the defendants could not obtain a fair hearing, and instead took issue with my prior ruling, I denied the motion.

*Atl. Broadband (Miami), LLC v. Solis*, Case No. 14-15642 CA 01 (22) (Fla. 11th Cir. Ct. Oct. 6, 2017). This matter involved the plaintiff's challenge to its 2012 tangible personal property assessment. Plaintiff sought recusal based on the fact that I had formerly represented the Miami-Dade County Property Appraiser's Office in ad valorem tax matters up to and through 2012. Given that the motion satisfied the procedural requirements of Rule 2.330 and alleged that the plaintiff reasonably feared it would not receive a fair trial because I may be biased in favor of the defendant due to my former representation of the Property Appraiser, I granted the motion.

*Miller v. Brazzel*, Case No. 14-13010 CA 01 (22) (Fla. 11th Cir. Ct. Jul. 10, 2017). During a bench trial regarding a breach of contract claim for attorney's fees, a review of the documents in evidence revealed that I had been involved in the case during my time as an Assistant County Attorney. I immediately raised the issue and alerted both parties, neither of which had noticed my name on certain filings in the case. The plaintiff subsequently filed a motion to disqualify, which I denied given that it was untimely. See Fla. R. Jud. Admin. 2.330(e) ("A motion to disqualify shall be filed within a reasonable time *not to exceed 10 days after discovery of the facts* constituting the grounds for the motion and shall be presented to the court for an immediate ruling.") (emphasis added). However, I subsequently recused myself sua sponte from the matter in the best interest of the administration of justice.

*Hernandez v. Philip Morris USA, Inc.*, Case No. 08-1484 CA 01 (22) (Fla. 11th Cir. Ct. June 16, 2017). Plaintiff initially filed a motion to disqualify, which I denied given the motion's failure to adhere to the procedural requirements of Rule 2.330. However, plaintiff cured said deficiencies in her renewed motion, which set forth allegations that, if

taken as true, created a question regarding my impartiality. Specifically, plaintiff maintained that my entry of a final judgment of foreclosure against her in an unrelated matter created a reasonable fear that she would not obtain a fair hearing. Accordingly, I granted the renewed motion to disqualify.

*8221 Star LLC v. Mastrapa*, Case No. 15-21353 CA 01 (22) (Fla. 11th Cir. Ct., June 6, 2017). Given that the defendant failed to allege facts that would be sufficient to produce a reasonable fear that she could not obtain a fair hearing and instead simply disagreed with my prior rulings, I denied the motion.

*Fed. Nat'l Mortg. Ass'n v. Centurion*, Case No. 13-39073 CA 01 (22) (Fla. 11th Cir. Ct. May 9, 2017). Defendant's motion alleged a reasonable fear that I would not be fair and impartial given that I had purportedly interrupted his arguments and made rulings in favor of the plaintiff. Given that the defendant simply took issue with my prior rulings, I denied the motion.

*State v. Perez*, F14-18854 (Fla. 11th Cir. Ct. Dec. 19, 2016). Defense counsel filed his motion on the eve of sentencing, alleging that statements I purportedly made regarding the defendant's failure to comply with the conditions of his plea agreement at issue created a fear that he would not receive a fair hearing at sentencing. Accordingly, given that the motion satisfied the procedural requirements of Rule 2.330, I determined it would be in the best interest of justice to recuse myself and avoid any appearance of impropriety.

*State v. Burnett*, Case No. F15-18748 (Fla. 11th Cir. Ct., Apr. 12, 2016). In his motion, the defendant alleged that statements I purportedly made in open court had given him cause to believe he would be treated unfairly. I granted the motion, given that it satisfied the procedural requirements of Rule 2.330.

#### Sua Sponte Recusals:

*Scurtis v. Rodriguez*, Case No. 14-31805 CA 01 (02) (Fla. 11th Cir. Ct. Apr. 13, 2018). Upon reviewing the record in preparation for an upcoming hearing, I became aware that the plaintiff was the son of a close family friend. Accordingly, I determined it would be inappropriate for me to preside over the case pursuant to the Florida Code of Judicial Conduct, and entered a sua sponte order of recusal.

*Ellek v. Benza*, Case No. 12-26152 CA 01 (02) (Fla. 11th Cir. Ct. Apr. 2, 2018). Based upon a notice of appearance filed by my spouse on behalf of the defendant, I entered a sua sponte order of recusal pursuant to the Florida Code of Judicial Conduct.

*Miller v. Brazzel*, Case No. 14-13010 CA 01 (22) (Fla. 11th Cir. Ct. Jul. '10, 2017). See above.

*Swasey v. Super Star Mobile Grooming, Corp.*, Case No. 16-3275 CA 01 (22) (Fla. 11th Cir. Ct. Apr. 15, 2017). At a status conference held on April 5, 2017, I became aware

that a close family friend was representing one of the defendants. Accordingly, I determined it would be inappropriate for me to preside over the case pursuant to the Florida Code of Judicial Conduct, and entered a sua sponte order of recusal.

*State v. Banni*, Case No. F15-1126 (Fla. 11th Cir. Ct. Feb. 18, 2015). At arraignment, I became aware that the defendant was the sister of one of the Assistant State Attorneys assigned to my division. Accordingly, I determined it would be inappropriate for me to preside over the case pursuant to the Florida Code of Judicial Conduct and entered a sua sponte order of recusal.

*South Beach Food Ctr., Inc. v. Bentley Commercial Units, LLC*, Case No. 14-3796 CC 24 (Miami-Dade Cty. Ct. Dec. 12, 2014). Based on plaintiff's notice of related cases filed on December 12, 2014, which indicated this matter was related to *Bentley Commercial Units, LLC v. 510 Ocean Partners, Inc.*, Case No. 14-4128 CC 24 (see below), I recused myself from further consideration of the case.

*Bentley Commercial Units, LLC v. 510 Ocean Partners, Inc.*, Case No. 14-4128 CC 24 (Miami-Dade Cty. Ct. Nov. 7, 2014). Based upon a notice of appearance filed on October 30, 2014, it came to my attention that my spouse was representing the defendant. Accordingly, pursuant to the Florida Code of Judicial Conduct, I recused myself from further consideration of the case.

*Richard B. Carmel Profit Sharing Trust v. Rose*, Case No. 14-2250 CC 24 (Miami-Dade Cty. Ct. June 18, 2014). Residential landlord-tenant eviction case where the defendant repeatedly expressed concerns in open court regarding my inability to be fair and impartial, and alleged I was biased in favor of landlords given that I had entered a final judgment of eviction against her in a prior matter. Accordingly, given the defendant's fear that she would not receive a fair hearing because of my purported bias, I determined it would be in the best interest of justice to recuse myself and avoid any appearance of impropriety.

**15. Public Office, Political Activities and Affiliations:**

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

I have not held public office other than judicial office.

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

I have not rendered any services to any political party or election committee. Nor have I ever held a position or played a role in a political campaign.

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 the Honorable Federico A. Moreno, United States District Judge for the Southern District of Florida, from 2005 to 2006.

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

I have never practiced alone.

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

2006 – 2008  
White & Case, L.L.P.  
200 South Biscayne Boulevard, Suite 4900  
Miami, Florida 33131  
Associate

2009 – 2012  
Miami-Dade County Attorney's Office  
111 Northwest First Street, Suite 2810  
Miami, Florida 33128  
Assistant County Attorney

2012 – 2014  
Eleventh Judicial Circuit of Florida  
175 Northwest First Avenue  
Miami, Florida 33128  
County Court Judge

2015 – Present  
Eleventh Judicial Circuit of Florida  
175 Northwest First Avenue  
Miami, Florida 33128



Circuit Court Judge

- 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 never served as a mediator or arbitrator.

b. Describe:

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

After completing my clerkship in the United States District Court for the Southern District of Florida, my law practice focused on corporate and securities matters as an associate with White & Case L.L.P. from 2006 through 2008, where I was a member of the Corporate Latin America transactional practice group.

In 2008 I returned to litigation and public service as a member of the Miami-Dade County Attorney's Office, where I represented Miami-Dade County, the Public Health Trust, and government employees in federal and state court at both trial and appellate levels from 2009 through 2012. As a member of several practice groups, namely the Federal Litigation, Tax & Finance, and Torts sections, I handled a wide range of civil litigation matters.

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

As an associate with White & Case L.L.P. from 2006 through 2008, I was a member of the Corporate Latin America transactional practice group. My practice focused on corporate and securities matters, including cross-border mergers and acquisitions, financings, joint ventures, restructurings, and capital market transactions. My clients were primarily domestic and multinational companies, private equity funds, hedge funds, commercial banks, and other institutional and strategic investors in transactions throughout the United States, Latin America, and the Caribbean. I assisted in representing clients with transactions in Mexico, Panama, the Dominican Republic, and Brazil.

My practice as an Assistant County Attorney from 2009 through 2012 was quite diverse. As a member of the Tax & Finance section, I primarily represented the Property Appraiser's Office and Tax Collector's Office in all aspects of imposition and collection of local taxes, special assessments, and license fees. My practice focused on complex commercial litigation

defending Miami-Dade County's tax rolls and collection practices, including ad valorem assessments on a wide spectrum of commercial and residential properties within Miami-Dade County. As counsel for the Miami-Dade County Property Appraiser, I frequently represented my client in legal hearings conducted before the Value Adjustment Board, an administrative body that conducts adversarial proceedings before Special Magistrates regarding tax classification, homestead, and agricultural exemption matters. I regularly advised the Property Appraiser on statutory law provisions, Department of Revenue regulations, and assisted with the interpretation and application of the Florida Constitution.

As a member of the Torts section, I represented Miami-Dade County in a wide range of personal injury matters, including claims arising from the use of County facilities, as well as the operations of various County departments. I routinely engaged in motion practice, conducted depositions, attended mediations, and appeared in state court for hearings on a variety of cases from general negligence and premises liability, to false arrest and wrongful death claims.

As a member of the Federal Litigation section, I represented the County, the Miami-Dade County Police Department, and the Miami-Dade County Department of Corrections in civil rights litigation under 42 U.S.C. § 1983, as well as lawsuits involving a broad range of constitutional issues, such as: the reasonableness of searches, seizures, and/or arrests under the Fourth Amendment, and use of force claims under the Eighth and Fourteenth Amendments. Accordingly, my federal practice often presented a hybrid of both civil and criminal law, and involved numerous state and federal issues, such as sovereign and/or qualified immunity.

Aside from the aforementioned practices areas, I also routinely drafted legislation for the Board of County Commissioners in the form of ordinances and resolutions, and served as the County Attorney's Office point of contact for all ethical and financial disclosure inquiries and issues. In addition, I advised the County Administration on fraud and identity theft prevention, and also handled intellectual property issues for the County, such as trademark infringement and registration issues.

- 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 during my tenure as an Assistant County Attorney with the Miami-Dade County Attorney's Office was in civil litigation. I frequently appeared in Florida state court – approximately four to five times a month. I also occasionally appeared in federal court proceedings over the course

of my career, and presented oral argument twice before the Third District Court of Appeal of Florida.

i. Indicate the percentage of your practice in:

- |                             |     |
|-----------------------------|-----|
| 1. federal courts:          | 30% |
| 2. state courts of record:  | 60% |
| 3. other courts:            | 0%  |
| 4. administrative agencies: | 10% |

ii. Indicate the percentage of your practice in:

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

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

Excluding cases brought to a conclusion by way of a motion for summary judgment or other case dispositive motion, I have tried two (2) cases to verdict as associate counsel in Florida state court, six (6) cases as sole counsel in arbitration proceedings, and over one-hundred (100) cases as sole counsel before administrative bodies, such as the Miami-Dade County Value Adjustment Board.

i. What percentage of these trials were:

- |              |     |
|--------------|-----|
| 1. jury:     | 1%  |
| 2. non-jury: | 99% |

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

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

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

- the date of representation;
- 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. *Rolle v. Miami-Dade Cty.*, Case No. 02-219101 CA 01 (25) (Fla. 11th Cir. Ct.), *aff'd*, 138 So. 3d 457 (Fla. 3d DCA 2014) (per curiam)

I represented Miami-Dade County and served as associate counsel in this matter before the trial court and second chair at trial. I also drafted and argued Miami-Dade County's post-trial motions, which were granted and later affirmed on appeal before the Third District Court of Appeal.

This matter involved a false arrest claim against Miami-Dade County that resulted in a five-day jury trial. The County asserted probable cause for the arrest as an affirmative defense, and although the jury found the police officer did not have probable cause to arrest, they simulatenously made material factual findings in support of probable cause as a matter of law through special interrogatories that I, along with my co-counsel, successfully argued to include on the verdict form. Accordingly, the trial court reserved ruling on the County's motion for directed verdict, and requested that the issue be fully briefed and argued given the jury's findings of fact as to the issue of probable cause. I was responsible for drafting and arguing Miami-Dade County's motion for judgment in accordance with prior motion for directed verdict, or in the alternative motion for new trial, which was granted. The trial court agreed with the County's argument that the police officer had probable cause to arrest the plaintiff as a matter of law, and therefore the existence of probable cause served as a complete bar to a claim for false arrest. The trial court also agreed with the County's argument that permitting the jury to consider a post-arrest alibi defense in a false arrest claim constituted error and warranted a new trial, and therefore granted the County's motion for new trial as well. The aforementioned ruling was affirmed by the Third District Court of Appeal after my departure from the Miami-Dade County Attorney's Office due to my appointment to the Miami-Dade County Court bench.

Dates of Representation: 2010 – 2012

Judges/Courts: The Honorable Beatrice Butchko, Eleventh Judicial Circuit of Florida

Counsel for Plaintiff:

Marvin Weinstein, Esq.  
Grover & Weinstein, P.A.  
777 41st Street, Suite 205  
Miami Beach, Florida 33140  
(305) 673-3000

Co-Counsel for Defendant:

Evan Grob, Assistant County Attorney  
Miami-Dade County Attorney's Office  
111 NW 1st Street, Suite 2810  
Miami, Florida 33128  
(305) 375-5151

2. *Isaac v. Miami-Dade Cty.*, Case No. 11-22698-CIV-PAS (S.D. Fla. 2011)

I represented Miami-Dade County, served as associate counsel in this matter, and was responsible for developing litigation strategy and coordinating discovery efforts with the co-defendants. Among other tasks, I drafted and successfully argued a dispositive motion to dismiss on behalf Miami-Dade County in November 2011.

Plaintiff's complaint asserted numerous § 1983 and state law claims against Miami-Dade County for false arrest, false imprisonment, malicious prosecution, failure to train or supervise, and failure to state a policy, custom, or practice. Plaintiff claimed that County officers violated his civil rights by arresting him for two robberies without conducting a reasonable investigation or having probable cause, and averred that County officers used a flawed photo lineup to identify the plaintiff as the perpetrator of the robberies. Moreover, plaintiff alleged that his arrest was racially motivated, and maintained there was a departmental custom of intentionally implicating innocent citizens in crimes. I argued that plaintiff's complaint warranted dismissal given its failure to satisfy the pleading standard established by *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544 (2007), given plaintiff's inability to set forth any facts identifying how County officers actually participated in any of the events described in the complaint. I also asserted that plaintiff's claims for false arrest and false imprisonment were barred by the doctrine of qualified immunity, and argued that plaintiff's complaint pled the existence of sufficient probable cause for his arrest, thereby defeating his claim for malicious prosecution. With regards to plaintiff's claims of failure to train, I noted the complaint's failure to allege a pattern of past incidents that would have put the County on notice of a need to train, as well as the absence of allegations that the County deliberately chose not to do so. Additionally, plaintiff's failure to allege that his injuries were a result of a policy, custom, or practice adopted by the County's final policymakers was similarly fatal. Ultimately, the trial court agreed with all of my aforementioned arguments and granted my motion without prejudice, but specifically dismissed the claims for false arrest and all claims against the Miami-Dade County Police with prejudice. The complaint was ultimately amended and remanded to state court, and resolved after my departure from the County Attorney's Office upon being appointed to the Miami-Dade County Court bench.

Dates of Representation: 2011 – 2012

Judges/Courts: The Honorable Patricia A. Seitz, United States District Court for the Southern District of Florida

Counsel for Plaintiff:

Louis Thaler, Esq.  
Louis Thaler, P.A.  
4000 Ponce De Leon Boulevard, Suite 790  
Coral Gables, Florida 33146  
(305) 446-0100

Albert Dubbin Viener, Esq.  
Post Office Box 561643  
Miami, Florida 33256  
(305) 971-0132

Counsel for Co-Defendants:

Warren Bittner, Esq. (former Assistant City Attorney, City of Miami)  
287 Northeast 96th Street  
Miami Shores, Florida 33138  
(305) 283-7394

Christopher J. Stearns, Esq.  
Michael Ross Piper, Esq.  
Johnson, Anselmo, Murdoch, Burke, Piper & Hochman, P.A.  
2455 E. Sunrise Boulevard, Suite 1000  
Fort Lauderdale, Florida 33304  
(954) 463-0100

3. *Barbara v. Miami-Dade Cty.*, Case No. 10-33690 CA 01 (31) (Fla. 11th Cir. Ct.)

I represented Miami-Dade County, and served as sole counsel in this matter before the trial court. I conducted discovery and depositions, engaged in extensive motion practice, and drafted and argued the County's motion for summary judgment, which was granted. This personal injury case involved a slip and fall accident on metal grates near a sidewalk outside of the Doubletree Hotel in Coconut Grove, Florida. Plaintiff maintained that the metal grates, which had eroded slightly over time, presented a slippery and inherently dangerous condition whenever it rained. I engaged in extensive discovery and conducted multiple depositions in an effort to determine whether the County had any actual or constructive notice of the alleged dangerous condition. Upon determining the absence of record evidence supporting the duration of said condition, and in turn establishing that the County had no constructive or actual notice, I moved for final summary judgment. I prevailed before the trial court, and also succeeded in securing attorney's fees and costs for the County via a previously filed proposal for settlement.

Dates of Representation: 2009 – 2012

Judges/Courts: The Honorable Abby Cynamon, Eleventh Judicial Circuit of Florida

Counsel for Plaintiff:

Mitchell J. Panter, Esq.  
Panter, Panter & Sampedro, P.A.  
6950 N. Kendall Drive  
Miami, Florida 33156  
(305) 662-6178

Counsel for Co-Defendants:

Benjamin Esco, Esq.  
Cole, Scott & Kissane  
9150 S. Dadeland Boulevard, Suite 1400  
Miami, Florida 33156  
(305) 350-5300

Tarin Smithline, Esq. (former Assistant City Attorney, City of Miami)  
420 Caligula Avenue  
Coral Gables, Florida 33146  
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4. *South Pointe Family & Children Ctr., Inc. v. Miami-Dade Cty.*, Case No. 07-12352  
CA 01 (31) (Fla. 11th Cir. Ct.), *aff'd*, 57 So. 3d 256 (Fla. 3d DCA 2011)

I served as sole counsel for the Miami-Dade County Property Appraiser and the Miami-Dade County Tax Collector in this matter before the trial and appellate courts. I drafted and argued the motion to dismiss before Judge Schlesinger, as well as drafted an answer brief on appeal and argued before the Third District Court of Appeal.

The Third District, in affirming Judge Schelsinger's final order of dismissal for lack of jurisdiction, issued a significant opinion in the field of Florida tax law. Plaintiff claimed that because it was a non-profit corporation and purportedly exempt from *ad valorem* taxes, the mandatory sixty-day time period to file a tax challenge under section 194.171 of the Florida Statutes did not apply. Plaintiff also attempted to circumvent its failure to timely contest its 2004, 2005, and 2006 tax assessments by claiming it was challenging the issuance of tax certificates instead of assessments. The Third District rejected plaintiff's efforts to circumvent the sixty-day deadline, holding that when taxpayers are challenging an *ad valorem* tax assessment as void due to an improper classification, or for any other reason, they are still bound by the sixty-day jurisdictional requirement of section 194.171 (identified by the Court as the "Non-Claim Statute"). The Third District further emphasized that a "classification challenge" could not be used to circumvent the failure to properly and timely challenge the tax assessment of one's property, and held that the trial court correctly found that plaintiff's claim was time-barred under the jurisdictional requirements of the Non-Claim Statute.

Dates of Representation: 2009 – 2011

Judges/Courts: The Honorable Angel A. Cortinas, the Honorable David M. Gersten, and the Honorable Richard Joseph, Third District Court of Appeal of Florida; the Honorable

John C. Schlesinger, Eleventh Judicial Circuit of Florida

Counsel for Plaintiff:

Joel M. Aresty, Esq.  
Joel M. Aresty, P.A.  
Tierra Verde, Florida 33715  
(305) 904-1903

5. *Cline v. Tolliver*, Case No. 09-22463-CIV-DLG, 2010 WL 661984 (S.D. Fla. Feb. 18, 2010), *aff'd*, 434 Fed App'x 823, 2011 WL 2749566 (11th Cir. Jul. 14, 2011) (per curiam)

I served as lead counsel in this matter; drafted all motions and Miami-Dade County's answer brief on appeal, and represented Counselor Tolliver, an employee of the Miami-Dade Corrections and Rehabilitation Department, as well as the Department itself. This action was initiated by a *pro se* inmate who later proceeded in forma pauperis on appeal, and alleged a denial of the constitutional right of access to the courts while incarcerated in the Miami-Dade County jail.

The Eleventh Circuit, affirming the district court's entry of summary judgment, emphasized the need to tie a purported denial of legal resources to actual injury in relation to a direct criminal appeal, habeas petition, or civil rights claim in order to state a valid claim for denial of access to courts. The Eleventh Circuit proceeded to discount the plaintiff's claims as formulaic, and therefore insufficient to state a plausible claim for relief, citing the United States Supreme Court's holding in *Ashcroft v. Iqbal*, 556 U.S. 662 (2009). Consequently, this matter greatly assisted the Miami-Dade County's Federal Litigation section by introducing new legal authority mandating and emphasizing the actual injury requirement, while relying on the Supreme Court's iteration of the pleading standard under *Iqbal*.

Dates of Representation: 2009 – 2011

Judges/Courts: The Honorable Robert Lanier Anderson III, the Honorable Edward Earl Carnes, and the Honorable Gerald Bard Tjoflat, United States Court of Appeals, Eleventh Circuit; the Honorable Donald L. Graham, United States District Court for the Southern District of Florida

Counsel for Plaintiff:

Dale H. Cline, *pro se*

Co-Counsel for Defendants:

Craig E. Leen, Esq. (former Assistant County Attorney, Miami-Dade County)  
Senior Advisor, U.S. Department of Labor  
Office of Federal Contract Compliance Programs



200 Constitution Avenue, N.W.  
Room C3325  
Washington, DC 20210  
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Bridgette Thornton, Esq. (former Assistant County Attorney, Miami-Dade County)  
Our Kids of Miami-Dade/Monroe, Inc.  
Miami, Florida 33128  
(305) 455-6222

6. *Horne v. Miami-Dade Cty.*, Case No. 10-5848 / 10-4676 CA 01 (21) (Fla. 11th Cir. Ct.), *rev'd*, 89 So. 3d 987 (Fla. 3d DCA 2012)

I served as sole counsel in this matter on behalf of Miami-Dade County before the trial and appellate courts, developed litigation strategy with counsel for co-defendant, the Miami-Dade Clerk of Courts, drafted Miami-Dade County's answer brief, which was joined by the Miami-Dade Clerk of Courts, and argued before the Third District Court of Appeal.

This case addressed the validity of a tax deed sale, which was called into question due to alleged irregularities in the auction process conducted by the Miami-Dade Clerk of Courts. Plaintiff claimed that the aforementioned irregularities resulted in a lower auction price, and therefore the sale should be deemed void. Plaintiff also raised due process concerns and the Miami-Dade County Tax Collector's purported failure to comply with statutory notice requirements as grounds to invalidate the sale. After extensive oral argument, the trial court found no violation of due process and granted summary judgment. The Third District reversed and remanded the matter for additional findings to determine whether the County took "additional reasonable steps" to notify plaintiff of the tax sale, noting that Miami-Dade County, "[i]n a motion for relinquishment, and thereafter at oral argument, candidly and commendably acknowledged that an evidentiary hearing regarding the notice issue would have been appropriate in light of Plaintiff's affidavit." *See Horne*, 89 So. 3d at 988. The Third District's opinion ultimately provided additional clarity regarding due process challenges to tax deed sales, and broke new ground by analyzing equitable concerns raised by the Miami-Dade Clerk of Courts' competitive bidding process.

Dates of Representation: 2010 – 2012

Judges/Courts: The Honorable Vance Salter, the Honorable Angel A. Cortinas, the Honorable Barbara Lagoa, Third District Court of Appeal of Florida; the Honorable William Thomas, Eleventh Judicial Circuit of Florida

Counsel for Plaintiffs:

Michael Winer, Esq.  
The Law Office of Michael Winer, P.A.

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Counsel for Co-Defendants:

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Luis Montaldo, Esq.  
General Counsel to Clerk of Courts  
Miami-Dade Clerk of Courts  
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(305) 349-7395

Steven Jones, Esq.  
Larson and Jones  
216 Shoreview Building  
9999 Northeast 2nd Avenue  
Miami Shores, Florida 33138  
(305) 751-1851

7. *Mendez v. State*, Case No. 10-23960-CIV-WMH, 2011 WL 1348406 (S.D. Fla. Apr. 8, 2011)

I served as sole counsel in this matter and drafted all motions on behalf of my two clients – Miami-Dade County and the Miami-Dade County Corrections and Rehabilitation Department. Plaintiff filed his two-count complaint in state court, alleging a state-law negligence claim and a 42 U.S.C. § 1983 claim against all defendants. Plaintiff alleged that Miami-Dade County and the Miami-Dade County Department of Corrections had failed to protect him from prison violence and failed to monitor the inmate population despite his repeated requests for protection from Department of Corrections staff. I removed the case to federal court due to the § 1983 claim, and proceeded to file a motion to dismiss asserting both sovereign and qualified immunity, which was granted by Judge Hoeveler.

In his order granting defendants' motion to dismiss, Judge Hoeveler provided valuable analysis and legal precedent for Miami-Dade County throughout his discussion of the discretionary vs. operational function divide under Florida law. The Court held that a prison official has likely acted in an "operational capacity" by ignoring a prisoner's request for individualized protection from specific danger, and therefore sovereign immunity may not attach in such circumstances. At the same time, Judge Hoeveler

emphasized that Miami-Dade County's policy determinations about how to house, segregate, and monitor inmates, as well as deal with inherent prison risks, are planning-level decisions, and therefore discretionary functions protected by sovereign immunity. Ultimately, the Court found that plaintiff failed to show his injuries were caused by state action undertaken in operational capacity, and therefore sovereign immunity applied. Moreover, Judge Hoeveler found that plaintiff's allegations were too conclusory in nature to overcome qualified immunity.

Dates of Representation: 2010 – 2011

Judges/Courts: The Honorable William Hoeveler, United States District Court for the Southern District of Florida

Counsel for Plaintiff:

Mark A. Dienstag, Esq.  
Law Offices of Mark A. Dienstag LLC  
9100 South Dadeland Boulevard, Suite 1500  
Miami, Florida 33156  
(305) 562-7140

8. *La Bruno v. Miami-Dade Cty.*, Case No. 10-22554-CIV-PCH, 2011 WL 1102806 (S.D. Fla. Mar. 23, 2011)

I served as associate counsel for numerous defendants in this matter, frequently meeting with clients, speaking with experts, and assisting in the overall investigation of the case. I also drafted a number of motions, including a key motion to dismiss on behalf of all individual defendants. In addition, I served as lead negotiator during mediation conducted by Joe Unger, Circuit Mediator with the Kinnard Mediation Center, while the matter was on appeal before the United States Court of Appeals for the Eleventh Circuit, which resulted in a resolution.

Plaintiff, pursuant to 42 U.S.C. § 1983, alleged that Miami-Dade County and the Public Health Trust, as well as all individual defendants, were deliberately indifferent to his medical needs while the plaintiff was incarcerated at the Miami-Dade County Pre-Trial Detention Center and the Miami-Dade County Training and Treatment Center. Specifically, plaintiff, who is HIV-positive, alleged that as a result of his failing to receive antiretroviral treatment for seven months, his HIV developed into AIDS, thereby causing a number of significant health issues. The Court denied the motion to dismiss filed on behalf of Miami-Dade County and the Public Health Trust, as well as the motion to dismiss filed on behalf of all individual defendants asserting qualified immunity, the latter of which was appealed. Despite the Court's denial of the foregoing motions, as well as the extremely complex nature of plaintiff's allegations, I was instrumental in negotiating a favorable settlement on behalf of all defendants given the potential exposure faced by Miami-Dade County and the Public Health Trust. Moreover, although the motion to dismiss on behalf of all individual defendants was denied, the Court's order

provides significant analysis regarding claims for deliberate indifference, and is one of the few federal cases addressing the administration of treatment to HIV-positive prisoners.

Dates of Representation: 2010 – 2011

Judges/Courts: The Honorable Paul C. Huck, United States District Court for the Southern District of Florida

Counsel for Plaintiff:

Joel Kaplan, Esq.  
Matthew Kaplan, Esq.  
Kaplan & Freedman, P.A.  
9410 Southwest 77th Avenue  
Miami, Florida 33156  
(305) 274-7533

Co-Counsel for Defendants:

Marlon Moffet, Assistant County Attorney  
Miami-Dade County Attorney's Office  
111 Northwest 1st Street, Suite 2810  
Miami, Florida 33128  
(305) 375-5151

9. *Castrillon v. Miami-Dade Cty.*, Case No. 09-76820 CA 01 (24) (Fla. 11th Cir. Ct.)

I served as sole counsel in this matter on behalf of Miami-Dade County; filed motions, conducted depositions, and developed litigation strategy, coordinating with counsel for co-defendants City of Miami Beach and the Florida Department of Transportation.

This case involved a personal injury claim by plaintiff, who alleged to have fallen and injured himself while riding his bike on a sidewalk that was under construction near Miami-Beach. Plaintiff claimed that the portion of the sidewalk was not properly cordoned off by yellow tape or marked by cones, and also alleged that the area was poorly lit due to malfunctioning streetlights. After conducting a thorough investigation of the construction performed in the area, as well as taking several depositions and meeting with numerous Miami-Dade County officials and departments, I discovered that Miami-Dade County had contracted a third party to perform work in the subject area. After a thorough review of the County's contract with the third party, I uncovered an applicable indemnification provision, and proceeded to successfully tender the defense of Miami-Dade County to the third party contractor and its liability insurance carrier. This resulted in the County being indemnified from plaintiff's claims, thereby preventing potential high damage exposure for my client.

Dates of Representation: 2009 – 2010

Judges/Courts: The Honorable Jose Rodriguez, Eleventh Judicial Circuit of Florida

Counsel for Plaintiff:

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Jontiff & Jontiff  
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(305) 674-1099

Counsel for Co-Defendants:

Robert Young Twombly, Jr., Esq.  
White & Twombly, P.A.  
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(786) 502-2038

Emomotimi Brisibe, Assistant City Attorney  
Office of the Miami Beach City Attorney  
1700 Convention Center Drive  
Miami Beach, Florida 33139  
(305) 673-7000

10. *Mazzotta v. Garcia*, Case No. 09-79988 CA 01 (22) (Fla. 11th Cir. Ct.)

I represented the defendant, the Miami-Dade County Property Appraiser, and served as sole counsel in this matter before the trial court. I conducted discovery, and drafted and argued the motion to dismiss on behalf of the Property Appraiser, which was granted. Plaintiff filed suit in an attempt to contest the Property Appraiser's denial of agricultural classification to her property. I was able to obtain a dismissal with prejudice for lack of subject matter jurisdiction given plaintiff's failure to comply with the jurisdictional prerequisites set forth under section 194.171 of the Florida Statutes. I was also able to successfully argue that plaintiff's failure to comply with the statutory requirements of section 193.461(3)(a) constituted a one-year waiver of the privilege of receiving agricultural classification. This case assisted efforts by my client to challenge untimely requests for agricultural classification, thereby assisting in preserving and protecting assessments, as well as property valuations and the County tax rolls.

Dates of Representation: 2009 – 2011

Judges/Courts: The Honorable Ellen Sue Venzer, Eleventh Judicial Circuit of Florida

Counsel for Plaintiff:

Forrest Sygman, Esq.  
Forrest Sygman P.A.  
7300 N. Kendall Drive, Suite 450  
Miami, Florida 33156  
(305) 661-8955

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.)

Florida Supreme Court Committee on Standard Jury Instructions in Criminal Cases, 2016 – Present: Along with my fellow appointed Committee members, I am responsible for proposing recommendations to the Florida Supreme Court regarding changes to the standard jury instructions in criminal cases in response to legislative enactments, judicial decisions, or other events that impact the presentation of cases to juries. The Committee is also charged with reviewing the existing standard instructions for errors and omissions, as well as recommending amendments and revisions as may prove beneficial to the administration of justice.

Florida Judicial Education, 2013 – Present: During my nearly six years as a member of Florida's judiciary, I have dedicated myself to judicial education and served as faculty at the Florida New Judges' College, the Florida Conference of Circuit Judges, and the Florida Conference of County Judges. I have taught classes to my colleagues regarding numerous criminal and civil topics, such as sentencing, case management, landlord-tenant law, criminal jury instructions, and attorneys' fees. Moreover, I have extensively assisted in planning and developing curriculum and course offerings for my fellow judges as a member of the Conference Education Committee during my time as a County and Circuit Judge. In 2017, I was also invited to serve as faculty at the Florida College of Advanced Judicial Studies. As a judicial faculty member, my teaching abilities and the quality of my classes are also routinely graded and critiqued by my colleagues, who have consistently given me high marks.

Florida Judicial Conference Leadership, 2013 – Present: Since taking the bench, I have been repeatedly elected by my judicial colleagues to serve in leadership positions within the Florida Conference of Circuit Judges and the Florida Conference of County Judges. During my time as a County Court Judge, I was elected Eleventh Circuit Representative and subsequently elected Third District Vice President. My responsibilities included the promotion of County Conference goals as a member of the Conference Executive Committee, including the improvement of practice and procedure in county courts statewide, and the betterment of the Florida judicial system. Upon my elevation to the Circuit Court bench, I was elected by my peers to serve a two-year term as the Third

District Representative, during which time I was responsible for representing the interests of Circuit Court Judges in the Third District of Florida, as well as promoting Circuit Conference goals designed to assist circuit judges in more effectively and efficiently meeting their constitutional and statutory duties and responsibilities.

Florida Bar Civil Procedure Rules Committee, 2014 – Present: Appointed to consecutive terms on the Florida Bar Civil Procedure Rules Committee (“CPRC”) by Presidents of the Florida Bar, I currently serve as chair of the CPRC after having served as vice-chair. The CPRC is responsible for analyzing proposals concerning new rules of civil procedure, as well as changes to existing rules. Moreover, as chair, I am personally responsible for overseeing all committee activities, including the submitting of rule proposals and comments to the Florida Supreme Court, and have prepared extensive subcommittee reports examining potential rule changes.

Eleventh Judicial Circuit Fairness & Diversity Committee, 2015 – Present: Comprised of four circuit court judges appointed by the Chief Judge of the Eleventh Judicial Circuit, the Fairness & Diversity Committee is responsible for handling overall planning and oversight of fairness and diversity training for all judges and court staff in the Eleventh Judicial Circuit. The Commission’s mission is to help advance efforts to eliminate biases from Florida court operations based on race, gender, ethnicity, age, disability, financial status, or any characteristic that is without legal relevance. To that end, I routinely assist in planning and developing diversity initiatives and seminars, as well as continuing legal and judicial education events within the Miami-Dade County legal community. Additionally, I am currently part of a Florida Supreme Court working group dedicated to developing, publishing, and distributing educational material on implicit bias, as well as preparing educational and training activities for the courts and local communities designed to build awareness regarding implicit bias.

Eleventh Judicial Circuit/National Center for State Courts Civil Justice Initiative Pilot Project, 2018 – Present: I am currently one of four circuit court judges participating in a national pilot program designed to reduce cost and delay in civil justice through active team case management. In that role, I am responsible for helping promote the just, prompt, and inexpensive resolution of cases, as well as developing effective strategies for docket management to increase transparency and accountability.

Dade Legal Aid – Put Something Back Pro Bono Project, 2016 – Present: Appointed Court Liaison by the Chief Judge of the Eleventh Judicial Circuit to the Dade Legal Aid Put Something Back Pro Bono Project, the official pro bono program of the Eleventh Judicial Circuit. As Court Liaison, I assist Dade Legal Aid by increasing awareness of pro bono opportunities through “Put Something Back,” and encourage lawyers to take on cases in areas of need, such as evictions, foreclosures, domestic violence, and bankruptcy. I also routinely lecture at pro bono seminars and events to educate lawyers about the unmet civil legal needs facing vulnerable children, teens, families, the disabled, the elderly, veterans, and nonprofits that have nowhere else to turn for legal assistance.

Justice Teaching Program, 2013 – Present: As a volunteer teacher with the Justice

Teaching Program, I routinely teach civics and law-related classes at elementary, middle, and high schools in Miami-Dade County. The Justice Teaching program aims to benefit students by promoting an understanding of Florida's justice system and our laws, developing critical thinking abilities and problem-solving skills, and encouraging effective interaction with our courts within the constitutional structure. Lessons I have taught include "The First Amendment" at Kensington Park Elementary School, "The Invaders – A Constitutional Rights Activity" at North Miami Middle School, and "Judicial Decision-Making and the Constitution" at Booker T. Washington High School.

Governmental Affairs, Miami-Dade County Attorney's Office, 2009 – 2012: During my tenure as an Assistant County Attorney, I worked closely with the Miami-Dade Board of County Commissioners and their staff, the Mayor's Office, and various County departments to research, draft, review, and approve for legal sufficiency numerous ordinances and resolutions initiated by Commissioners and County departments.

Taxation & Finance Special Assessments and Financing Vehicles, Miami-Dade County Attorney's Office, 2009–2012: During my tenure as an Assistant County Attorney in the Tax & Finance section, I assisted the Property Appraiser in all aspects of imposition and collection of local taxes, as well as special assessments and license fees. Moreover, I assisted in the overseeing and processing arrangements for ongoing complex capital project bond issues and other financing vehicles.

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

I have not taught any courses.

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

I am vested in the Florida Retirement System (FRS) Pension Plan, a defined benefit plan that provides unreduced retirement benefits based upon my age or years of service.

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).

See attached Financial Disclosure Report.

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

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

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

To identify parties which present an actual or potential conflict-of-interest, and to address any conflict were it to arise, I would consult with the Code of Conduct for United States Judges, 28 U.S.C. § 455, Canon 3 of the Code of Conduct for United States Judges, and any other relevant rules, statutory provisions, practices, and procedures of the District Court, the Eleventh Circuit, the Administrative Office of the United States Courts, and the Judicial Conference. I will consistently employ the appearance of impartiality standard, noting that even the appearance of bias may necessitate recusal. Moreover, I will carefully review all of the circumstances mandating disqualification as set forth under § 455(b) to address any areas of concern.

If confirmed, one possible source of potential conflicts-of-interest during my initial service as a District Court Judge would be my spouse. I will automatically recuse myself from any case in which my wife is counsel of record. Moreover, I will continue to employ my spousal policy designed to ensure full disclosure, and allow lawyers to either request that I be disqualified or waive disqualification in all cases handled by the law firm of Cole, Scott & Kissane, P.A., where my wife is a non-equity partner. In the event a party elects to request disqualification, I will automatically grant such a request. Aside from my spouse, I am unaware of any individuals, whether relatives or otherwise, who would be likely to present a conflict of interest.

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

If confirmed, I will carefully review and address any real or potential conflicts by referencing 28 U.S.C. § 455, Canon 3 of the Code of Conduct for United States

Judges, and any other applicable policies and procedures of the United States Courts and other relevant canons and statutory provisions. I will review, on a case-by-case basis, the existence of a potential conflict of interest arising from any personal or former client relationships or financial interests, and will apply generally applicable principles and rules concerning ethics and conflicts of interest in conducting such an inquiry and assessing whether recusal is warranted.

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.

Although I am no longer permitted to perform pro bono legal work as a member of the judiciary, I continue to regularly engage in community service by teaching elementary, middle, and high school students about Florida's justice system as a volunteer teacher with the Justice Teaching program. Moreover, I have served as the appointed Court Liaison to the Dade Legal Aid – Put Something Back Pro Bono Project since 2016, and routinely lecture at pro bono seminars and events to educate lawyers about the unmet civil legal needs facing vulnerable children, teens, families, the disabled, the elderly, veterans, and nonprofits that have nowhere else to turn for legal assistance. I devote substantial amounts of my free time towards "Put Something Back" in an effort to encourage lawyers to take on pro bono cases and serve the less fortunate in our community.

Prior to my initial appointment to the Miami-Dade County Court, I served as Chair of the Dade County Bar Association's Schools Committee from 2011 up until my departure to the bench in May 2012. As Chair of the School's Committee, I coordinated volunteer efforts and developed legal education programming for elementary and secondary students designed to promote civil competence and responsibility. For example, in December 2011, I recruited thirty lawyers to serve as judges in the "We The People" Competition, a national contest for high school students regarding the United States Constitution. The competition is organized at the local level every year by the Miami-Dade County School Board with the assistance of the Dade County Bar Association's Schools Committee. As Chair of the Schools Committee, I also worked with the Miami-Dade School Board and the Florida Law Related Education Association to promote understanding of the judicial system by organizing special events, such as mock trial and essay competitions.

While working as an associate for White & Case LLP, I also handled a pro bono immigration law case with fellow associates throughout the spring of 2007. I assisted a political refugee from the Democratic Republic of Congo, who had received death threats from local militias for publishing news articles detailing their human rights abuses in applying for and securing asylum in the United States.

26. **Selection Process:**

- a. Please describe your experience in the entire judicial selection process, from

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

On October 12, 2017, I submitted an application to the Florida Federal Judicial Nominating Commission established by Senator Bill Nelson and Senator Marco Rubio for the position of United States District Judge for the Southern District of Florida. On October 27, 2017, I was notified by the Southern District Conference of the Florida Federal Judicial Nominating Commission that I had been selected to be interviewed for the position of United States District Judge for the Southern District of Florida.

On November 29, 2017, I was interviewed by the Southern District Conference of the Florida Federal Judicial Nominating Commission in Miami, Florida, and was advised later that evening that I was one of ten finalists for the position of United States District Judge for the Southern District of Florida.

On December 7, 2017, I met with Senator Rubio, as well as his counsel and chief of staff, in Washington, DC. On January 8, 2018, I met with Senator Nelson in Orlando, Florida. During my interview with Senator Rubio and my interview with Senator Nelson, I was informed that all ten finalists selected by the Southern District Conference of the Florida Federal Judicial Nominating Commission would be submitted to the White House Counsel's Office.

On February 9, 2018, I interviewed with officials from the White House Counsel's Office and the Office of Legal Policy at the Department of Justice in Washington, DC. On February 12, 2018, I was informed by Senator Nelson, Senator Rubio, and officials from the White House Counsel's Office that the President had decided to nominate me for the position of United States District Judge for the Southern District of Florida pending completion of a background check.

Since February 13, 2018, I have been in contact with attorneys from the White House Counsel's Office and the Office of Legal Policy at the Department of Justice.

- 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.