

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Amy Joan St. Eve

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

United States Court of Appeals Judge for the Seventh Circuit

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

United States District Court
219 South Dearborn Street, #1260
Chicago, Illinois 60604

Residence: Glencoe, Illinois

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

1965; Belleville, Illinois

5. **Education**: List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

1987 – 1990: Cornell Law School; J.D. (1990)

1983 – 1987: Cornell University, College of Arts & Sciences; B.A. (1987)

Summer 1985: Oxford University, Oriel College; no degree

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.

2002 – present
United States Courthouse
219 South Dearborn Street, #1260
Chicago, Illinois 60604
United States District Court Judge

2000 – present
Northwestern Pritzker School of Law
375 East Chicago Avenue
Chicago, Illinois 60611
Adjunct Professor

2001 – 2002
Abbott Laboratories
Department 0324, Building AP6D
100 Abbott Park Road
Abbott Park, Illinois 60064
Senior Counsel, Litigation

1996 – 2001
United States Attorney's Office
219 South Dearborn Street, 5th Floor
Chicago, Illinois 60604
Assistant United States Attorney

1994 – 1996
Office of the Independent Counsel
10825 Financial Centre Parkway, Suite 134
Little Rock, Arkansas 72211
Associate Independent Counsel

1990 – 1994
Davis Polk & Wardwell
450 Lexington Avenue
New York, New York 14850
Associate (1990 – 1993)

1300 I Street, N.W.
Washington, D.C. 20005
Associate (1993 – 1994)

1990
Cornell Law School
Myron Taylor Hall
Ithaca, New York 14850

Tutor

Summer 1989
Kirkland & Ellis
655 15th Street, N.W.
Washington, D.C. 20005
Summer Associate

Summer 1988
Armstrong, Teasdale, Schlafly, David & Dicus
7700 Forsyth Boulevard, Suite 1800
St. Louis, Missouri 63105
Summer Associate

Summer 1987
Matt R. St. Eve, D.M.D.
5700 West Main Street
Belleville, Illinois 62223
Receptionist

Other Affiliations

2016 – present
Cornell University Arts & Sciences Advisory Council
Cornell University
Ithaca, New York 14853
Member

2012 – present
Cornell Law School Dean's Advisory Council
Cornell Law School
Myron Taylor Hall
Ithaca, New York 14853
Chair (2015 – present)
Member (2012 – present)

2013 – present
Loyola Academy
1100 Laramie Avenue
Wilmette, Illinois 60091
Board of Directors

2012 – present
Posse Foundation Chicago
111 West Jackson Boulevard #1100
Chicago, Illinois 60604
Board of Directors

2008 – present
Glencoe Public Safety Commission
675 Village Court
Glencoe, Illinois 60022
Member (2008 – present)

Chair (2012 – present)

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 never served in the military. I was not required to register for selective service.

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

Women's Bar Association of Illinois – Mary Heftel Hooton Award (2015)

Belleville Township High School West – Wall of Fame Award (2004)

Crain's Chicago Business – Top Forty Under Forty Award (2002)

Health and Human Services Office of Inspector General Award for Integrity (2000 and 2001)

Cook County Crime Prevention Excellence in Law Enforcement Award (approx. 1999)

Cornell Law School Order of the Coif (1990)

Degree from Cornell Law School conferred *magna cum laude* (1990)

Cornell Law School – Boardman Third Year Law Prize (1990)

Selected for Cornell Law Review (1988)

West Publishing Company – Hornbook Award (1988)

Degree from Cornell University conferred *cum laude* with Honors in History and Academic Distinction in all subjects (1987)

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

American Bar Association (intermittent membership 1991 – present)

Chair, White Collar Crime's Subcommittee on Ethics (2014 – 2017)

American Bar Foundation, Fellow (2014 – present)

Chicago Bar Association (2007 – present)
Board of Managers (2014 – 2016)

Chicago Inn of Court (2006 – present)

Federal Bar Association (2006 – present)

Federal Judges Association, Seventh Circuit Representative (2007 – 2013)

Federal Judicial Center District Judge Education Advisory Committee (2016 – present)

Richard Linn American Inn of Court (2007 – present)

United States Court of Appeals for the Seventh Circuit
Judicial Council (2015 – present)
Pattern Criminal Jury Instructions Committee, Illinois Co-Chair (2011 – present)

United States District Court for the Northern District of Illinois
Court Reporter Committee, Chair (2014 – present)
Patent Local Rules Committee (2009 – present)
Technology Committee (2005 – present)
Executive Committee (2013 – 2016)

United States Judicial Conference
Advisory Committee on Rules of Practice and Procedure (2013 – present)
Advisory Committee on Criminal Rules
Liaison Member (2013 – present)
Task Force on Protecting Cooperators (2016 – present)
Committee on Court Administration and Case Management (2006 – 2013)

Women's Bar Association of Illinois (2005 – 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.

District of Columbia (1994)
Illinois (2001)
New York (1991)

In 1994 I discontinued practicing law as a member of the DC Bar. Periodically after 1994 I was considered suspended from the DC Bar for failure to pay dues. At no time after 1994 have I sought to practice law as a member of the DC Bar. There have otherwise been no lapses in my bar memberships.

- b. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse

in membership. Give the same information for administrative bodies that require

special admission to practice.

United States District Court for the District of Columbia (1994)
United States District Court for the Eastern District of Arkansas (1994)
United States District Court for the Eastern District of New York (1991)
United States District Court for the Southern District of New York (1991)

I have not sought to renew any of my court admissions since leaving the respective districts.

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.

Cornell Law School Dean's Advisory Council (2012 – present)
Chair (2015 – present)

Loyola Academy, Board of Directors (2013 – present)

Posse Foundation Chicago, Board of Directors (2012 – present)

The Chicago Network (2014 – present)

Cornell College of Arts and Sciences' Advisory Council (2014 – present)

Museum of Science and Industry's Youth Science Engagement Advisory Committee (2007 – 2010)

Glencoe Public Schools Parent-Teacher Organization (2003 – 2016)

Union League Club of Chicago (2008 – present)

Skokie Country Club (2005 – present)

The Women's Club of Evanston (2001)

- 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.

It is my understanding that the Chicago Network's membership is limited to women. At the time I was a member of the Women's Club of Evanston its membership was limited to women. I am also aware that, many years before I became a member, the Union League Club of Chicago may have excluded individuals from membership based on sex. I understand that this practice ceased in 1987. Finally, it is my understanding that the Skokie Country Club previously did not extend full membership to women and may have, through the implementation of its policies, excluded certain races and members of certain religious groups. These policies are no longer in place and have not been at any time during my affiliation. To my knowledge, none of the other organizations listed in response to 11a discriminate or formerly discriminated on the basis of race, sex, religion, or national origin either through formal membership requirements or the practical implementation of membership policies.

12. Published Writings and Public Statements:

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

With Gretchen Scavo, *What Juries Really Think: Practical Guidance for Trial Lawyers*, 105 Cornell L. Rev. (forthcoming March 2018). Copy supplied.

With Hon. Charles Burns and Michael Zuckerman, *More From the #Jury Box: The Latest on Juries and Social Media*, 12 Duke L. & Tech. Rev. 64 (2014). Copy supplied.

With Michael Zuckerman, *The Forgotten Pleading*, 7 Fed. Cts. L. Rev. 152 (2012). Copy supplied.

With Michael Zuckerman, *Ensuring A Fair Trial in the Age of Social Media*, 11 Duke L. & Tech. Rev. 1 (2012). Copy supplied.

With Bryce Pilz, *The Fault Allocation Provisions of the Private Securities Litigation Reform Act of 1995 – A Roadmap for Litigants and Courts*, 3 N.Y.U. J.L. & Bus. 187 (2006). Copy supplied.

Federal Employment Litigation (The Rutter Group Practice Guide), chs. 6, 9 & 11 (2017 ed.). Copy supplied.

- b. Supply four (4) copies of any reports, memoranda or policy statements you

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

Annual Reports of the Glencoe Public Safety Commission, 2008 – 2016. Copies supplied.

Comm. on Pattern Jury Instructions, *Proposed Revisions to Seventh Circuit Criminal Jury Instructions Regarding 18 U.S.C. § 924(c) Offenses* (2017). Copy available at: http://www.ca7.uscourts.gov/pattern-jury-instructions/924c_Crim_JIC_posting_materials.pdf.

Comm. on Pattern Jury Instructions, *Proposed Revisions to Seventh Circuit Criminal Jury Instructions* (2016). Copy available at: http://www.ca7.uscourts.gov/pattern-jury-instructions/2016_proposed_changes_to_CrimCivil_Jury_Instructions.pdf.

Comm. on Pattern Jury Instructions, *Pattern Criminal Jury Instructions of the Seventh Circuit* (2012 ed.). Copy available at: http://www.ca7.uscourts.gov/pattern-jury-instructions/7th_criminal_jury_instr.pdf.

Reports of the Committee on Rules of Practice and Procedure to the United States Judicial Conference during my tenure (2013 – present) are available at: <http://www.uscourts.gov/rules-policies/records-and-archives-rules-committees/committee-reports>.

Reports of the Advisory Committee on Criminal Rules to the United States Judicial Conference during my tenure (2013 – present) are available at: <http://www.uscourts.gov/rules-policies/records-and-archives-rules-committees/committee-reports>.

N.D. Ill. Court Reporter Comm., *Court Reporter Management Plan* (2015). Copy available at: http://www.ilnd.uscourts.gov/_assets/_documents/Court%20Reporter%20Plan.pdf

- 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.

Agendas, Packets, and Minutes for meetings of the Glencoe Public Safety Commission from May, 2012 through December 4, 2017 are available at: https://www.villageofglencoe.org/government/committees_and_commissions/pub

lic_safety_commission.php.

Agenda books for the Committee on Rules of Practice and Procedure of the United States Judicial Conference during my tenure (2013 – present) are available at:

<http://www.uscourts.gov/rules-policies/records-and-archives-rules-committees/agenda-books>.

Agenda books for the Advisory Committee on Criminal Rules of the United States Judicial Conference during my tenure (2013 – present) are available at:

<http://www.uscourts.gov/rules-policies/records-and-archives-rules-committees/agenda-books>.

On May 23, 2002, I testified before the United States Senate Committee on the Judiciary at my confirmation hearing to be a United States District Judge for the Northern District of Illinois. My testimony is available at:

<https://www.congress.gov/107/chrsg/shrg86939/CHRG-107shrg86939.htm>.

Local Patent Rules for the Northern District of Illinois. A copy is available at:

http://www.ilnd.uscourts.gov/_assets/_documents/_rules/localpatentrules-preamble.pdf.

d. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you, including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

January 30, 2018: Panelist, Federal Bar Association Lunch, Federal Courthouse, 219 South Dearborn Street, Chicago, Illinois. I spoke about the Northern District of Illinois' mandatory initial discovery pilot program. I have no notes, transcript, or recording. The address of the Federal Bar Association, Chicago Chapter is Post Office Box 1200, Chicago, Illinois 60690.

January 11, 2018: Panelist, "Increasing Early Opportunities for Young Lawyers and Lawyers of Gender and Racial/Ethnic Diversity in IP Litigation," Richard Linn Inn of Court meeting, Chicago, Illinois. I have no notes, transcript, or recording. The address of the American Inns of Court is 225 Reinekers Lane, Suite 770, Alexandria, Virginia 22314.

November 30, 2017: Panelist, "Current Issues in the Trial of Complex Matters," Complex Issues Seminar, Northwestern Pritzker School of Law, Chicago, Illinois.

I have no notes, transcript, or recording. The address of Northwestern Pritzker School of Law is 375 East Chicago Avenue, Chicago, Illinois 60611.

November 7, 2017: Panelist, "The Impact of Judicial Decisions on Domestic Policy," Women of Wisdom Lecture Series, Loyola Academy, Wilmette, Illinois. I spoke on a panel about being a district court judge, my confirmation process, the role of precedent, and the general types of cases district court judges address. I have no notes, transcript, or recording. The address of Loyola Academy is 1100 Laramie Avenue, Wilmette, Illinois 60091.

October 31, 2017: Panelist, United States Judicial Panel on Multidistrict Litigation's ("MDL") Transferee Judges' Conference, Palm Beach, Florida. Notes supplied.

October 16, 2017: Panelist, "The Use of Experts in Anti-Trust Cases," Antitrust Judicial Law and Economics Institute, University of Chicago, Chicago, Illinois, sponsored by the Antitrust Section of the American Bar Association, the University of Chicago, the University of California, Berkeley, and the Federal Judicial Center. Notes supplied.

October 13, 2017: Participant, Vanderbilt University Law Review Symposium: The Future of Discovery, Nashville, Tennessee. Notes supplied.

September 11, 2017: Webinar Speaker, "Game Changer: The New Mandatory Initial Discovery Pilot Project in the Northern District of Illinois," Federal Bar Association Chicago Chapter, Chicago, Illinois. Notes supplied.

August 10, 2017: Panelist, Association for Education in Journalism and Mass Communication Conference, Chicago, Illinois. Notes supplied.

July 20, 2017: Speaker, "Emerging Issues in Securities Class Actions Conference" sponsored by Duke Law Center for Judicial Studies, New York, New York. Notes supplied.

May 22, 2017: Speaker, Northern District of Illinois Pilot Program Workshop, Chicago, Illinois. PowerPoint supplied.

April 27, 2017: Speaker, "More Women Leading in the Courtroom," 2017 Women's Power Summit on Law & Leadership, the Center for Women in Law, the University of Texas School of Law, Austin, Texas. I have no notes, transcript, or recording. The address for the Center for Women in Law is the University of Texas School of Law, 727 East Dean Keeton Street, Austin, Texas 78705.

April 11, 2017: Moot Court Judge, Marquette Moot Court Competition, Marquette University Law School, Milwaukee, Wisconsin. Video available at

<https://law-media.marquette.edu/Mediasite/Play/c83bd3b4487341049b84553e90a656a31d>.

March 9, 2017: Panelist, "The Challenge of Judging in the 21st Century, Through the Eyes of Judges," ABA 31st Annual National Institute on White Collar Crime, Miami Beach, Florida. Notes supplied.

December 15, 2016: Speaker, Managing Settlement in Complex Litigation Workshop, Conference on Complex Issues in MDLs, Federal Judicial Center Education Division, Emory University Law School, Atlanta, Georgia. I have no notes, transcript, or recording. The address of the Federal Judicial Center is Thurgood Marshall Federal Judiciary Building, One Columbus Circle, NE, Washington, D.C. 20002.

December 2, 2016: Panelist, "Federal Pilot Projects," 2016 Lawyers for Civil Justice Membership Meeting, New York, New York. PowerPoint supplied.

November 17, 2016: Panelist, "Interplay Among Courts, the Parties, Counsel, and Media in High Stakes Litigation," Complex Litigation Conference, Northwestern Pritzker School of Law, Chicago, Illinois. I have no notes, transcript, or recording. The address of Northwestern Pritzker School of Law is 375 East Chicago Avenue, Chicago, Illinois 60611.

June 13, 2016: Speaker, Lake County Bar Association, Lake County, Illinois. I spoke about my experiences in handling high profile trials. I have no notes, transcript, or recording. The address of the Lake County Bar Association is 300-A Grand Avenue, Waukegan, Illinois 60085.

April 21, 2016: Panelist, "Benefits of Female Trial Counsel: Views from the Box," Women Lawyers in the Courtroom Symposium sponsored by the Chicago Bar Association, Chicago, Illinois. I have no notes, transcript, or recording. The address of the Chicago Bar Association is 321 South Plymouth Court, Chicago, Illinois 60604.

April 12, 2016: Moderator, "Effect of the Recent Civil Rules Amendments on Patent Cases and the Heightened Importance of Active Case Management," Federal Judicial Center – USPTO Patent Law Seminar for Judges, United States Patent and Trademark Office, Alexandria, Virginia. Notes supplied.

March 4, 2016: Panelist, "Sentencing in White Collar Cases," ABA 31st Annual National Institute on White Collar Crime, San Diego, California. I have no notes, transcript, or recording. The address of the American Bar Association Criminal Justice Section is 1050 Connecticut Avenue, N.W., Suite 400, Washington, D.C. 20036.

February 10, 2016: Speaker, Women's Bar Association of Illinois Dinner, Chicago, Illinois. I spoke on juggling career and children. I have no notes, transcripts, or recording. The address of the Women's Bar Association of Illinois is 321 South Plymouth Court, Chicago, Illinois 60604.

December 7, 2015: Speaker, ABA Rules Amendment Roadshow, Chicago, Illinois. Notes supplied.

November 3, 2015: Speaker, Presentation on New Federal Civil Rules, Jones Day, Chicago, Illinois. PowerPoint supplied.

October 14, 2015: Webinar Participant, Seventh Circuit Pilot Program on Electronic Discovery, Chicago, Illinois. PowerPoint supplied.

October 9, 2015: Panelist, Symposium on Hearsay Reform, John Marshall Law School, Chicago, Illinois. A transcript of this symposium appears at 84 Fordham L. Rev. 1323 (2016). Copy supplied.

September 22, 2015: Panelist, "Teens and the Law," Loyola Academy, Wilmette, Illinois. Notes supplied.

September 8, 2015: Panelist, "How to Admit and Exclude Evidence (of All Kinds) in Federal Court," Federal Bar Association, Chicago, Illinois. Notes supplied.

August 24, 2015: Faculty, "Managing Complex Litigation Workshop" sponsored by the Federal Judicial Center Education Division, Denver, Colorado. Notes supplied.

May 5, 2015: Speaker, Presentation on New Civil Rules, Seventh Circuit Bar Association Annual Meeting, Milwaukee, Wisconsin. PowerPoint supplied.

April 14, 2015: Speaker, "What Jurors Really Think," Cornell University Law School, New York, New York. PowerPoint supplied.

March 6, 2015: Panelist, "Hot Topics and Emerging Trends in Insider Trading Law," ABA 29th Annual National Institute on White Collar Crime, New Orleans, Louisiana. Notes supplied.

March 3, 2015: Recipient of the Mary Heftel Hooten Award, Women's Bar Association of Illinois' Judicial Reception, Chicago, Illinois. Speech supplied.

February 27, 2015: Speaker, Central School, Glencoe, Illinois. I spoke to the seventh grade class about the United States Constitution. PowerPoint supplied.

February 20, 2015: Panelist, "Teens and the Law," Central School, Glencoe, Illinois. I spoke to the eighth grade class about making good choices when going into high school and the potential legal implications of certain decisions. I have no notes, transcripts, or recording. The address of Central School is 620 Greenwood Avenue, Glencoe, Illinois 60022.

November 13, 2014: Speaker, "Implementing Discovery Proportionality Standard Conference," Duke Law Center for Judicial Studies, Arlington, Virginia. I have no notes, transcripts, or recording. The address of Duke Law Center for Judicial Studies is 210 Science Drive, Box 90362, Durham, North Carolina 27708.

May 12, 2014: Panelist "Criminal – When, Why and How Not to Cooperate with the Government," Seventh Circuit Bar Association Annual Meeting, Chicago, Illinois. I have no notes, transcripts, or recording. The address of the Seventh Circuit Bar Association is 53 West Jackson Boulevard, Suite 1050, Chicago, Illinois 60604.

March 14, 2014: Speaker, Cornell Law School's Women's Group, Cornell University Law School, Ithaca, New York. Notes supplied. Press Report supplied.

March 7, 2014: Speaker, ABA 28th Annual National Institute on White Collar Crime, Miami Beach, Florida. I spoke on social media and ethical issues. I have no notes, transcript, or recording. The address of the American Bar Association Criminal Justice Section is 1050 Connecticut Avenue, N.W., Suite 400, Washington, D.C. 20036.

February 2014: Speaker, Central School, Glencoe, Illinois. I spoke to the seventh grade class about the United States Constitution. PowerPoint previously supplied for February 27, 2015 event.

November 25, 2013: Speaker, Swearing in of U.S. Attorney Zach Fardon, Chicago, Illinois. Notes attached.

November 7-10, 2013: Moot Court Judge, Cornell School of Law Moot Court, Ithaca, New York. I have no notes, transcript, or recording. The address of Cornell Law School is Myron Taylor Hall, Ithaca, New York 14853.

October 25, 2013: Panelist, "Understanding the Evolution of an SEC Defendant Speaker," ABA Eighth Annual National Institute on Securities Fraud, New

Orleans, Louisiana. I have no notes, transcript, or recording. The address of the American Bar Association is 321 North Clark Street, Chicago, Illinois 60654.

April 26, 2013: Panelist, "Cameras Are in the Courts, Now What? Ethical Issues for Lawyers," ABA Litigation Section Annual Conference, Chicago, Illinois. I have no notes, transcript, or recording. The address of the American Bar Association is 321 North Clark Street, Chicago, Illinois 60654.

January 25, 2013: Panelist, "Teens and the Law," Central School, Glencoe, Illinois. I spoke to the eighth grade class about making good choices when going into high school and the potential legal implications of certain decisions. I have no notes, transcripts, or recording. The address of Central School is 620 Greenwood Avenue, Glencoe, Illinois 60022.

December 14, 2012: Speaker, "Social Media, Ethics and You," 2012 Joint Meeting Program of the Illinois State Bar Association and Women's Bar Association of Illinois, Chicago, Illinois. PowerPoint supplied.

September 24-25, 2012: Speaker, "The Federal Circuit Comes to Michigan," Federal Circuit Bar Association Bench & Bar, Ann Arbor, Michigan. I spoke about patent law. I have no notes, transcripts, or recording. The address of the Federal Circuit Bar Association is 1620 I Street, N.W., Suite 801, Washington, D.C. 20006.

September 21, 2012: Panelist, "The Role of Judges: Caseflow Management in Civil Justice Reform," Institute for the Advancement of the American Legal System's Third Civil Justice Reform Summit. I have no notes, transcripts, or recording. The address of the Institute for the Advancement of the American Legal System is 2060 South Gaylord Way, Denver, Colorado 80208.

May 23, 2012: Speaker, "Seventh Circuit Pattern Civil Jury Instructions," Federal Bar Association, Chicago, Illinois. I have no notes, transcripts, or recording. The address of the Federal Bar Association, Chicago Chapter is Post Office Box 1200, Chicago, Illinois 60690.

May 4, 2012: Panelist, Law Women's Caucus Luncheon, University of Chicago Law School, Chicago, Illinois. I spoke concerning balancing careers and family. I have no notes, transcripts, or recording. The address of the University of Chicago Law School is 1111 East 60th Street, Chicago, Illinois 60637. Press report supplied.

February 2012: Speaker, Central School, Glencoe, Illinois. I spoke to the seventh grade class about the United States Constitution. PowerPoint previously supplied for February 27, 2015 event.

January 30, 2012: Panelist, "Teens and the Law," Central School, Glencoe, Illinois. I spoke to the eighth grade class about making good choices when going into high school and the potential legal implications of certain decisions. I have no notes, transcripts, or recording. The address of Central School is 620 Greenwood Avenue, Glencoe, Illinois 60022.

June 15, 2011: Speaker, Federal Bar Association's Criminal Law Seminar, Chicago, Illinois. I have no notes, transcripts, or recording. The address of the Federal Bar Association, Chicago Chapter is Post Office Box 1200, Chicago, Illinois 60690.

May 2011: Panelist, "Teens and the Law," Glencoe Park District, Glencoe, Illinois. Notes attached.

February 2011: Speaker, Central School, Glencoe, Illinois. I spoke to the seventh grade class about the United States Constitution. PowerPoint previously supplied for February 27, 2015 event.

May 4, 2010: Speaker, Seventh Circuit Bar Association Annual Meeting, Chicago, Illinois. I spoke about the change in honest services law. I have no notes, transcripts, or recording. The address of the Seventh Circuit Bar Association is 53 West Jackson Boulevard, Suite 1050, Chicago, Illinois 60604.

October 16, 2009: Panelist, "Sentencing: We've Got Nothing but Time," ABA Fourth Annual National Institute on Securities Fraud, Washington, D.C. I have no notes, transcripts, or recording. The address of the American Bar Association is 321 North Clark Street, Chicago, Illinois 60654.

August 2, 2009: Panelist, "Hot Topics and Recent Developments in Public Corruption Investigations and Government Ethics" ABA 2009 Annual Meeting, Chicago, Illinois. The address of the American Bar Association is 321 North Clark Street, Chicago, Illinois 60654.

April 3-5, 2009: Moot Court Judge, Cornell School of Law Moot Court, Ithaca, New York. I have no notes, transcript, or recording. The address of Cornell Law School is Myron Taylor Hall, Ithaca, New York 14853.

March 4-6, 2009: Speaker, ABA 23rd Annual National Institute on White Collar Crime, San Francisco, California. I spoke regarding white collar crime issues. I have no notes, transcript, or recording. The address of the American Bar

Association Criminal Justice Section is 1050 Connecticut Avenue, N.W., Suite 400, Washington, D.C. 20036.

October 1, 2008: Speaker, ABA Third Annual National Institute on Securities Fraud, Arlington, Virginia. I spoke regarding securities fraud issues. I have no notes, transcripts, or recording. The address of the American Bar Association is 321 North Clark Street, Chicago, Illinois 60654.

September 4, 2008: Speaker, Meeting with the Justices of the Supreme Court of Canada, Toronto, Canada. Notes supplied.

February 2-4, 2007: Moot Court Judge, Pepperdine Law School Moot Court, Malibu, California. I have no notes, transcripts, or recording. The address of Pepperdine Law School is 24255 Pacific Coast Highway, Malibu, California 90263.

May 22, 2006: Speaker, Seventh Circuit Bar Association Annual Meeting, Chicago, Illinois. I spoke regarding hot topics in civil law and procedure. I have no notes, transcripts, or recording. The address of the Seventh Circuit Bar Association is 53 West Jackson Boulevard, Suite 1050, Chicago, Illinois 60604.

February 9, 2006: Speaker, Speaker, Investiture of Hon. Virginia Kendall, United States District Court for the Northern District of Illinois, Chicago, Illinois. Notes attached.

November 14, 2005: Speaker, South Elementary School second grade class. I spoke to the class about community responsibility. I have no notes, transcripts, or recording. The address of South Elementary School is 266 Linden Avenue, Glencoe, Illinois 60022.

March 5, 2005: Speaker, ABA 19th Annual National Institute on White Collar Crime, Las Vegas, Nevada. I spoke regarding ethics issues. I have no notes, transcript, or recording. The address of the American Bar Association Criminal Justice Section is 1050 Connecticut Avenue, N.W., Suite 400, Washington, D.C. 20036.

November 18, 2004: Speaker, South Elementary School second grade class. I spoke to the class about reading. I have no notes, transcripts, or recording. The address of South Elementary School is 266 Linden Avenue, Glencoe, Illinois 60022.

June 10, 2004: Panelist, "Sentencing Issues and Post Release Supervision of the Online Offender," International Online Child Sexual Victimization Symposium

sponsored by the Federal Bureau of Investigation, Landsdowne, Virginia. I have no notes, transcripts, or recording. The address of the FBI is 935 Pennsylvania Avenue, N.W., Washington, D.C. 20535.

March 27, 2004: Award Recipient, Belleville High School West Wall of Fame Award. I spoke when accepting the award. I have no notes, transcript, or recording. The address of Belleville High School West is 4063 Frank Scott Parkway W, Belleville, Illinois 62223.

March 10, 2004: Speaker, Investiture of Hon. Mark Filip, United States District Court for the Northern District of Illinois. I have no notes, transcript, or recording. Press report supplied. The address of the United States District Court for the Northern District of Illinois is 219 South Dearborn Street, Chicago, Illinois 60604.

March 5, 2004: Panelist, "Ethical Issues in the Representation of Corporate Officers and Directors," ABA 18th Annual National Institute on White Collar Crime, Miami Beach, Florida. Notes supplied.

Outside of wholly personal speeches or talks I may have given – for example, toasts, eulogies, and religious instruction or commentary – the above represents my best recollection of all speeches or talks I have delivered since high school.

- 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.

Cornell Law Celebrates Allan Tessler's Birthday, Cornell Law School Spotlight, Oct. 27, 2016. Copy supplied.

Gavin Broady, *A Rising Star in the Windy City: Judge Amy St. Eve*, Law360, June 3, 2014. Copy supplied.

Linda Brandt Meyers, *Hon. Amy J. St. Eve '90*, Cornell Law School Spotlight. Specific publication date in 2013 uncertain. Copy supplied.

L. Jay Jackson, *Cameras Come to Illinois Courts*, 100 Ill. B.J. 592 (2012). Copy supplied.

Irv Leavitt, *Village Board: No Coffee Sales at Commercial-Free Depot*, Glencoe News (Ill.), April 25, 2011. Copy supplied.

Cynthia Billhartz Gregorian, *Rezko Judge Is a Big Punch in Small Package; Judicial Standout Is Headed for the U.S. Supreme Court, Her Colleagues and*

Others Speculate, St. Louis Post-Dispatch, Aug. 10, 2008, at A1. Copy supplied.

Matthew Dolan, *U.S. Attorney Pick's Style Is Low Key, Yet Aggressive – Rosenstein Called Ethical, Smart, Able by Colleagues*, Balt. Sun, June 15, 2005, at 1A. Copy supplied.

Will Buss, *11 Members Inducted Into West Wall of Fame*, Belleville News-Democrat (Ill.), March 28, 2004, at 1B. Copy supplied.

James Ylisela, *Law in the Fast Lane*, Chi. Trib. Mag., July 20, 2003, at 20. Copy supplied.

Steven R. Strehler, *Crain's 40 Under 40: Amy St. Eve*, Crain's Chi. Bus., Nov. 4, 2002. Copy supplied.

Jamie Riley, *Belleville Native Becomes U.S. Judge; Amy St. Eve Is One of Youngest To Hold Such a Job; She Was "Safe Road" Prosecutor*, St. Louis Post-Dispatch, Sept. 30, 2002. Copy supplied.

Mike Fitzgerald, *St. Eve Ready To Don Robe – Belleville Native To Be Federal Judge*, Belleville News-Democrat (Ill.), Aug. 3, 2002, at 3B. Copy supplied (quotations reprinted on multiple occasions).

Scott Wuerz, *Senate Confirms St. Eve for Judgeship in Chicago – Belleville Native Was Whitewater Prosecutor*, Belleville News-Democrat (Ill.), Aug. 2, 2002, at 1A. Copy supplied.

Joel Reese, *Most Likely To Succeed? High School Valedictorians Do Well in Life by Following the Rules, But Conformity Has a Downside, Too*, Daily Herald (Arlington, Ill.), May 30, 2002. Copy supplied.

Fitzgerald Names St. Eve New Judge, Pantagraph (Bloomington, Ill.), Jan. 22, 2002. Copy supplied (reprinted in multiple outlets).

Kevin McDermott, *Lawyer With Roots in Belleville May Take Seat on Federal Bench; She Took Part in Inquiries into Whitewater, Drivers License Fraud*, St. Louis Post-Dispatch, Jan. 22, 2002, at B1. Copy supplied.

David van den Berg, *Ex-Belleville Resident May Get U.S. Post – Senator Recommends St. Eve as Judge*, Belleville News-Democrat (Ill.), Jan. 21, 2002, at 1A. Copy supplied.

Lucio Guerrero, *Clinton Prober Backed for Judgeship*, Chi. Sun-Times, Jan. 21, 2002, at 14. Copy supplied.

Janan Hanna, *Fitzgerald Makes Pick for U.S. Judge; Corporate Lawyer Was*

Prosecutor, Chi. Trib., Jan. 21, 2002, at 1. Copy supplied.

Mark Robinson, *U.S. Cracks Down on Health Care Fraud – Latest Round of Prosecutions in Chicago*, Belleville News-Democrat (Ill.), June 11, 2001, at 3B. Copy supplied (reprinted in multiple outlets).

Lieberman Cites Unity, Strength of Faith in God, Beacon News (Aurora, Ill.), Aug. 29, 2000, at C4. Copy supplied (reprinted in multiple outlets).

Ambulance Company's Owner Guilty of Bilking Medicare of More Than \$500,000, Health Care Fraud Rep., Oct. 6, 1999. Copy supplied.

Noreen S. Ahmed-Ullah, *Ex-Oak Brook Man Accused of Cheating IRS of \$1 Million*, Daily Herald (Arlington, Ill.), May 30, 1998, at D1. Copy supplied.

Jury Reaches Verdict in Whitewater Trial, Reuters, May 28, 1996. Copy supplied.

In connection with Operation "Safe Road," the press published articles attributing certain statements to me. To the best of my recollection, I did not make any statements regarding Operation "Safe Road." I believe that the statements instead were drawn from court filings and in-court proceedings. I have compiled these articles in an appendix to this Questionnaire.

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

I was appointed a United States District Court Judge for the Northern District of Illinois in 2002. I was nominated by President George W. Bush and confirmed by the United States Senate. I received my commission on August 2, 2002. As a District Court judge, I hear criminal and civil cases with federal jurisdiction.

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

During my 15 years as a District Court judge, I have presided over a total of 123 trials – 49 criminal trials and 74 civil trials. All of the trials have gone to verdict or judgment except for one mistrial in a criminal jury trial.

- i. Of these, approximately what percent were:

jury trials:	85%
bench trials:	15% [total 100%]
civil proceedings:	60%
criminal proceedings:	40% [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. *United States v. Mandell*, 12-cr-842 (N.D. Ill.).

This criminal case involved a scheme to kidnap, torture, and kill a victim who had a real estate business. Defendant Mandell and his co-defendant (whose case was ultimately dismissed after taking his own life while in custody) were charged with conspiracy to commit kidnapping; conspiracy to commit extortion; possession of a firearm in furtherance of a crime of violence; possession of a firearm as a felon; obstruction of justice; and murder-for-hire.

During a two-week jury trial, the government proved that Mandell and his co-defendant had developed a plan to kidnap and extort the target who owned a significant number of rental properties. They intended to pose as law enforcement officers, arrest their victim, and take the victim to a location they referred to as “Club Med.” Once they brought the victim to “Club Med,” they planned to cover his face with a ski mask, forcibly restrain him with handcuffs in a wheelchair, torture him in various ways they described in detail, make him sign over his real estate holdings and reveal the location of money hidden in his home, and then ultimately kill and dismember him.

The government introduced video and audio recordings from a Title III wiretap at “Club Med,” which captured Mandell discussing the various aspects of his torture scheme, including that he wanted a big “double sink” that he could use to “drain the victim’s blood” after he tortured and killed them. The government also introduced the items they recovered during the execution of a search warrant at “Club Med,” including the large sink Mandell had installed, a Ruger .22 caliber semi-automatic pistol which was loaded with 8 rounds of ammunition, rubber gloves, new utility gloves, one bag of Chlorox disposable gloves, one bag of Chlorox Premium Choice gloves, plastic goggles, a knife on top of a butcher block, a meat cleaver, and a 55 gallon garbage container. The jury convicted Mandell on six counts and acquitted him on two. I sentenced him to life in prison plus five years. The Seventh Circuit affirmed. 833 F.3d 816 (7th Cir. 2016), *cert. denied*, 137 S. Ct. 1120 (2017).

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Case Citations
2014 WL 6886859 (N.D. Ill. Dec. 8, 2014)
2014 WL 5560807 (N.D. Ill. Nov. 3, 2014)
2014 WL 464226 (N.D. Ill. Feb. 3, 2014)
2014 WL 287520 (N.D. Ill. Jan. 27, 2014)
2014 WL 258751 (N.D. Ill. Jan. 23, 2014)
2013 WL 6254151 (N.D. Ill. Dec. 2, 2013)

2. *United States v. Hollnagel*, 10-cr-195 (N.D. Ill.).

This was a fraud trial that proceeded against two individual defendants (Brian Hollnagel and Craig Papayanis) and a company (BCI Aircraft Leasing). The indictment charged the defendants with six counts of wire fraud and two counts of obstruction of justice arising from loans and investments the defendants had obtained in conjunction with BCI's business of buying, selling, and leasing commercial airplanes. The charges involved schemes to defraud a company, investors, financial institutions, and others.

The jury trial lasted seven weeks, with the government calling twenty-two witnesses. After two weeks of jury deliberations, the jury found defendant Hollnagel guilty of seven counts and defendant BCI guilty of six counts. The jury could not reach a unanimous verdict as to defendant Papayanis and one count against defendant Hollnagel. The government elected not to retry these counts.

I sentenced Mr. Hollnagel to 20 months in prison and imposed a \$100,000 fine and restitution of over \$1 million. I placed the corporation on probation for four years and imposed a fine of over \$200,000. Although the defendants initially appealed the case, they ultimately dismissed their appeal.

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Case Citations

2013 WL 5348317 (N.D. Ill. Sept. 24, 2013)
955 F. Supp. 2d 830 (N.D. Ill. 2013)
2011 WL 4375891 (N.D. Ill. Sept. 20, 2011)
2011 WL 3898033 (N.D. Ill. Sept. 6, 2011)
2011 WL 3664885 (N.D. Ill. Aug. 19, 2011)
2011 WL 3471081 (N.D. Ill. Aug. 5, 2011)

3. *Goldberg v. 401 North Wabash Venture LLC*, 09-cv-6455 (N.D. Ill.).

This case involved a lawsuit brought by a purchaser of two condominiums in the Trump International Hotel and Tower in Chicago (“Trump Tower”) against Trump Tower and its developer 401 N. Wabash Venture LLC. The lawsuit alleged that the defendants had breached their contract and violated the Illinois Condominium Act, the Illinois Consumer Fraud and Deceptive Practices Act, the Federal Interstate Land Sales Full Disclosure Act, and the Illinois Securities Law. The gravamen of the complaint was that after the plaintiff purchased the units (as investment properties) the defendants altered the terms of the purchase to eliminate the plaintiff’s interest in revenue generating facilities at the hotel (proceeds from the sale and rental of ballrooms, conference rooms, valet parking, laundry facilities, associated food and beverage contracts).

Prior to trial, I dismissed the claims of unfair practice under the Illinois Consumer Fraud and Deceptive Practices Act. During the trial, President Trump testified. After trial, a jury returned a verdict for the defendant on the fraud and Land Act claims, and I rendered judgment for the defendants on the breach of contract and Condominium Act claims. The Seventh Circuit affirmed. 755 F.3d 456 (7th Cir. 2014).

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Case Citations

2013 WL 5376556 (N.D. Ill. Sept. 25, 2013)
2013 WL 4506004 (N.D. Ill. Aug. 23, 2013)
2013 WL 2403603 (N.D. Ill. May 31, 2013)
2013 WL 1816162 (N.D. Ill. Apr. 29, 2013)
2013 WL 1624989 (N.D. Ill. Apr. 15, 2013)
2013 WL 1499043 (N.D. Ill. Apr. 11, 2013)
2013 WL 941964 (N.D. Ill. Mar. 11, 2013)
2013 WL 212912 (N.D. Ill. Jan. 18, 2013)
904 F. Supp. 2d 820 (N.D. Ill. 2012)
2012 WL 3686644 (N.D. Ill. Aug. 24, 2012)
2013 WL 4506071 (N.D. Ill. Aug. 23, 2013)
2010 WL 1655089 (N.D. Ill. Apr. 22, 2010)

4. *LG Elecs. v. Whirlpool Corp.*, 08-cv-242 (N.D. Ill.).

LG Electronics sued Whirlpool in connection with Whirlpool's advertising of its steam dryers. LG sued Whirlpool for false advertising under the federal Lanham Act; violations of the Illinois Consumer Fraud and Deceptive Practices Act; and violations of the Illinois Uniform Deceptive Trade Practices Act. This complicated civil case involved an extensive amount of disputes over expert witnesses and the scope of expert witness testimony in Lanham Act cases. After an approximate three week jury trial, the jury found for Whirlpool on the Lanham Act and the Illinois Consumer Fraud and Deceptive Business Practices Act claims, and found for LG on its Illinois Uniform Deceptive Trade Practices Act claim. I subsequently denied LG's request for injunctive relief under the Illinois Uniform Deceptive Trade Practices Act because of the lack of evidence regarding likelihood of harm. The parties did not appeal.

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Case Citations

2011 WL 5008425 (N.D. Ill. Oct. 20, 2011)
809 F. Supp. 2d 857 (N.D. Ill. 2011)
790 F. Supp. 2d 708 (N.D. Ill. 2011)
2010 WL 3829644 (N.D. Ill. Sept. 27, 2010)
2010 WL 3781264 (N.D. Ill. Sept. 22, 2010)
2010 WL 3714992 (N.D. Ill. Sept. 14, 2010)
2010 WL 3766811 (N.D. Ill. Sept. 13, 2010)
2010 WL 9506787 (N.D. Ill. Sept. 7, 2010)
2010 WL 3613814 (N.D. Ill. Sept. 3, 2010)
2010 WL 3521785 (N.D. Ill. Sept. 1, 2010)
2010 WL 3397358 (N.D. Ill. Aug. 24, 2010)
2010 WL 2921633 (N.D. Ill. July 22, 2010)
597 F.3d 858 (7th Cir. 2010)
2009 WL 5579006 (N.D. Ill. Nov. 23, 2009)
661 F. Supp. 2d 958 (N.D. Ill. Oct. 13, 2009)

2009 WL 3113246 (N.D. Ill. Sept. 28, 2009)
2009 WL 3294800 (N.D. Ill. Aug. 24, 2009)
2009 WL 3294802 (N.D. Ill. June 22, 2009)

5. *Obrycka v. City of Chicago*, 07-cv-2372 (N.D. Ill.).

This was a civil rights case against the City of Chicago involving a female bartender (Karolina Obrycka) whom an off-duty Chicago Police officer beat up. The beating was captured on videotape, and the videotape was highly publicized in Chicago. Ms. Obrycka subsequently sued the officer and the City of Chicago for violations of her civil rights. After extensive pretrial procedures, the following constitutional claims went to the jury: (1) that the City of Chicago had an official policy, also known as a widespread custom or practice, that was the moving force behind defendant Abbate's conduct in the bar when he physically beat Obrycka in violation of her Fourteenth Amendment substantive due process right to bodily integrity; and (2) that after the physical assault in the bar, defendant Abbate and others entered into a conspiracy to violate Obrycka's constitutional right to freedom of speech as guaranteed by the First Amendment. After an approximately two and a half week jury trial, the jury returned a verdict in favor of Obrycka on both of her claims and awarded her \$850,000 in compensatory damages. The defendants settled with the plaintiff after trial and did not appeal.

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Case Citations

2013 WL 1749803 (N.D. Ill. Apr. 23, 2013)
913 F. Supp. 2d 598 (N.D. Ill. 2012)
2012 WL 4092653 (N.D. Ill. Sept. 17, 2012)
2012 WL 4060293 (N.D. Ill. Sept. 14, 2012)
2012 WL 3903673 (N.D. Ill. Sept. 7, 2012)
2012 WL 601810 (N.D. Ill. Feb. 23, 2012)
2011 WL 2633783 (N.D. Ill. July 5, 2011)

2011 WL 2600554 (N.D. Ill. June 29, 2011)
2011 WL 2456539 (N.D. Ill. June 16, 2011)
792 F. Supp. 2d 1013 (N.D. Ill. 2011)

6. *Gonzalez v. City of Elgin*, 06-cv-5321 (N.D. Ill.).

Six plaintiffs brought this civil rights case against the City of Elgin. The plaintiffs alleged that various City of Elgin police officers violated their civil rights in connection with their arrest in Elgin. Specifically, the plaintiffs claimed that the officers falsely arrested them, used excessive force, and failed to intervene against the use of excessive force in violation of the Fourth Amendment. The plaintiffs also brought a malicious prosecution claim. After a two-week jury trial, the jury returned a verdict in favor of two of the six plaintiffs and awarded a total of \$53,500 in damages. The jury returned a verdict in favor of the police officers against the other four plaintiffs.

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Case Citations

2010 WL 4636638 (N.D. Ill. Nov. 8, 2010)
2010 WL 3306917 (N.D. Ill. Aug. 19, 2010)
2010 WL 3271272 (N.D. Ill. Aug. 16, 2010)
2010 WL 3004759 (N.D. Ill. July 29, 2010)
2010 WL 2926234 (N.D. Ill. July 23, 2010)

7. *BP Amoco Chem. Co. v. Flint Hills Res., LLC*, 05-cv-5661 (N.D. Ill.).

This was a breach of contract and fraud case involving the sale of a chemical plant between two sophisticated business entities – BP Chemical and Flint Hills Resources. Flint Hills purchased a chemical plant in Joliet, Illinois, from BP Chemical pursuant to a written contract. BP Chemical filed a declaratory judgment action against Flint Hills, seeking a declaration that BP Chemical did not breach the PSA or defraud Flint Hills. Subsequently, Flint Hills filed counterclaims against BP Chemical, alleging breach of contract and fraud over

various problems at the chemical plant, including issues with the sewer lines, underground piping, tanks, and water wells. The case involved extensive pretrial issues, including complicated expert and evidentiary issues raised in 12 separate *Daubert* motions challenging the admissibility of the testimony of 17 experts.

After a nine week jury trial, the jury found that BP had breached the contract and awarded Flint Hills \$41,688,648. The parties ultimately settled the case and did not proceed with an appeal.

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Case Citations

697 F. Supp. 2d 1001 (N.D. Ill. 2010)
615 F. Supp. 2d 765 (N.D. Ill. 2009)
2009 WL 1033373 (N.D. Ill. Apr. 17, 2009)
600 F. Supp. 2d 976 (N.D. Ill. 2009)

8. *United States v. Levine*, 05-cr-691 (N.D. Ill.).

This criminal case charged the defendant real estate developer Tony Rezko and three co-defendants with public corruption charges. Three defendants pled guilty and Mr. Rezko proceeded to trial. The crux of the case was Mr. Rezko's scheme to defraud the people of the State of Illinois through his influence with then-Governor Rod Blagojevich's administration and with co-defendant Stuart Levine. Co-schemer Levine was a member of 1) the Illinois Board of Trustees of the Teacher's Retirement System of the State of Illinois, a public pension plan that provided benefits for teachers employed by the Illinois public schools, and 2) the Illinois Health Facilities Planning Board, an Illinois State board that reviewed applications submitted by hospitals that wanted to build new facilities in Illinois. Specifically, the indictment charged that Rezko committed the following offenses: 1) mail or wire fraud, including the deprivation of the intangible right to honest services; 2) attempted extortion; 3) aiding and abetting Stuart Levine's bribery concerning a federally funded program; and 4) money laundering.

The trial began on March 3, 2008, and lasted over three months. During the course of the trial, over 30 witnesses testified, and I admitted over 200 exhibits into evidence. The government also admitted evidence that implicated then-Governor Blagojevich before any charges had been brought against the Governor. After two weeks of deliberations, the jury convicted Rezko on sixteen counts, and acquitted him on eight counts. They convicted him on twelve counts of mail or wire fraud, two counts of aiding and abetting bribery, and two counts of money laundering. After his conviction, I sentenced Rezko to 10 years in prison.

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Case Citations

776 F. Supp. 2d 651 (N.D. Ill. 2011)

2008 WL 4890232 (N.D. Ill. Nov. 12, 2008)

2007 WL 2904014 (N.D. Ill. Oct. 2, 2007)

9. *United States v. Black*, 05-cr-727 (N.D. Ill.),

This criminal case was a complicated fraud case involving a high profile figure that attracted a significant amount of attention from national and international media. The indictment charged five individual defendants and one corporate defendant with various counts of mail and wire fraud, honest services fraud, money laundering, racketeering, criminal tax violations, and obstruction of justice. Four of the individual defendants proceeded to trial. The case involved

significant and extensive pretrial proceedings. The trial started on March 14, 2007, and lasted approximately four months. Because of Conrad Black's international reputation, a significant amount of media came to court and covered the case. In addition to my courtroom, typically two overflow courtrooms were filled with media and spectators every day for the duration of the trial.

After two weeks of jury deliberations, on July 13, 2007, the jury convicted each of the defendants on several counts and acquitted each of the defendants on multiple counts, including all of the tax fraud charges and the RICO charges. The Seventh Circuit affirmed the convictions and sentences. 530 F.3d 596 (7th Cir. 2008). The Supreme Court, however, held that the honest services jury instructions were erroneous because the honest services statute only criminalizes schemes to defraud that involve bribes or kickbacks. 561 U.S. 465 (2010).

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Case Citations

2007 WL 3254452 (N.D. Ill. Nov. 5, 2007), *aff'd*, 530 F.3d 596 (7th Cir. 2008),
vacated and remanded Black v. U.S., 561 U.S. 465 (2010)
526 F. Supp. 2d 870 (N.D. Ill. 2009)
2007 WL 3254452 (N.D. Ill. Nov. 5, 2007)
483 F. Supp. 2d 618 (N.D. Ill. 2007)
2007 WL 433534 (N.D. Ill. Feb. 7, 2007)
2006 WL 3797717 (N.D. Ill. Dec. 21, 2006)

10. *United States v. Salah*, 03-cr-978 (N.D. Ill.).

The defendants in this criminal case were charged with a racketeering conspiracy, terrorism, and obstruction of justice. The case was one of the first terrorism cases to proceed to trial in this District and involved numerous novel issues, including issues pertaining to the handling of classified information at trial. The case involved extensive pretrial proceedings. The trial lasted three months and the jury deliberated for approximately three weeks. On February 1, 2007, the jury acquitted both defendants of the racketeering conspiracy and found both of them guilty of obstruction. The jury also found defendant Ashqar guilty of disobeying and resisting a lawful order of a court by refusing to testify before a grand jury pursuant to a Compulsion Order. I sentenced Salah to 21 months in prison and Ashqar to 135 months in prison. Ashqar was the only defendant who appealed. The Seventh Circuit affirmed, *United States v. Ashqar*, 582 F.3d 819 (7th Cir. 2009), *cert. denied*, *Ashqar v. United States*, 559 U.S. 974 (2010). Mousa Mohammed Abu Marzook is still a fugitive in the case.

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Case Citations

2006 WL 3327989 (N.D. Ill. Nov. 16, 2006)
435 F. Supp. 2d 778 (N.D. Ill. 2006)
435 F. Supp. 2d 708 (N.D. Ill. 2006)
426 F. Supp. 2d 820 (N.D. Ill. 2006)
2006 WL 250008 (N.D. Ill. Jan. 31, 2006)
2005 WL 3095543 (N.D. Ill. Nov. 17, 2005)
2005 WL 2013734 (N.D. Ill. Aug. 22, 2005)

- 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. *Viamedia, Inc. v. Comcast Corp.*, 218 F. Supp. 3d 674 (N.D. Ill. 2016).

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2. *U.S. Commodity Futures Trading Comm'n v. Oystacher*, No. 15-cv-9196, 2016 WL 3693429 (N.D. Ill. July 12, 2016).

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3. *In re AT&T Mobility Wireless Data Servs. Sales Tax Litig.*, 789 F. Supp. 2d 935 (N.D. Ill. 2011).

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4. *Indag GmbH & Co. Betriebs KG v. IMA S.p.A, IMA N. Am., Inc.*, 150 F. Supp. 3d 946 (N.D. Ill. 2015).

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5. *United States v. Lang*, 78 F. Supp. 3d 830 (N.D. Ill. 2015).

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6. *Obrycka v. City of Chicago*, 913 F. Supp. 2d 598 (N.D. Ill. 2012).

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7. *United States v. Black*, No. 05-cr-727, 2007 WL 3254452 (N.D. Ill. Nov. 5, 2007), *aff'd*, 530 F.3d 596 (7th Cir. 2008), *vacated & remanded*, *Black v. United States*, 561 U.S. 465 (2010).

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8. *United States v. Salah*, 462 F. Supp. 2d 915 (N.D. Ill. 2006).

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William Moffitt (deceased)

9. *United States v. Marzook*, 435 F. Supp. 2d 708 (N.D. Ill. 2006).

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10. *Johnson v. Tellabs, Inc.*, 303 F. Supp. 2d 941 (N.D. Ill. 2004), *aff'd in part, rev'd in part and remanded sub nom. Makor Issues & Rights, Ltd. v. Tellabs, Inc.*, 437 F.3d 588 (7th Cir. 2006), *as modified on denial of reh'g* (July 10, 2006), *vacated and remanded*, 551 U.S. 308 (2007), and *rev'd and remanded sub nom. Makor Issue & Rights, Ltd. v. Tellabs Inc.*, 513 F.3d 702 (7th Cir. 2008).

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

A list of cases for which I have records where certiorari was denied is provided at Appendix 13.e.

Below is a list of cases where certiorari was granted:

Hernandez v. United States, 567 U.S. 948 (2012)

Black v. United States, 561 U.S. 465 (2010).

Smith v. United States, 552 U.S. 1091 (2008).

Tellabs, Inc. v. Makor Issues & Rights, Ltd., 551 U.S. 308 (2008).

Cruz v. Blue Cross and Blue Shield of Ill., 548 U.S. 901 (2006).

In *Ali v. Achim*, 551 U.S. 1188 (2007), the Court granted certiorari but later dismissed the certiorari at the petitioner's request. 552 U.S. 1085 (2007).

- 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.

Seventh Circuit Reversals:

United States v. Harrington, 834 F.3d 733 (7th Cir. 2016).

The Seventh Circuit vacated defendant's sentence and remanded for resentencing requiring a further explanation as to why I only granted a 14% substantial assistance sentencing reduction of defendant's 212 month prison term, instead of the 25% reduction that the government requested pursuant to Federal Rule of Criminal Procedure 35(b).

Torres-Chavez v. United States, 828 F.3d 582 (7th Cir. 2016) (per curiam).

The Seventh Circuit vacated my dismissal of petitioner's motion brought pursuant to 28 U.S.C. § 2255 and remanded this action for an evidentiary hearing concerning trial counsel's alleged ineffective assistance of counsel in violation of the Sixth Amendment.

Yahnke v. Kane Cty., 823 F.3d 1066 (7th Cir. 2016).

The Seventh Circuit affirmed in part, vacated in part, and remanded in part. In particular, the Seventh Circuit concluded that plaintiff had set forth a triable issue of fact at summary judgment in relation to his First Amendment employment claim.

Reid v. Illinois, 808 F.3d 1103 (7th Cir. 2015).

The Seventh Circuit reversed my ruling that Illinois' collateral estoppel doctrine precluded plaintiff's claims under the Americans with Disabilities Act, and the Rehabilitation Act, 29 U.S.C. § 794, based on plaintiff's personal injury lawsuit pending in the Circuit Court of Cook County, Illinois. In doing so, the Seventh Circuit concluded that although the threshold requirements of collateral estoppel had been met, under Illinois law, collateral estoppel cannot be applied "unless it is clear that no unfairness results to the party being estopped."

Smith v. Dart, 803 F.3d 304 (7th Cir. 2015).

The Seventh Circuit affirmed in part my 28 U.S.C. § 1915A dismissal of a Cook County Jail pretrial detainee's wage related claims, but reversed in part my Federal Rule of Civil Procedure 12(b)(6) motion to dismiss pro se plaintiff's conditions of confinement claim. Specifically, the Seventh Circuit reversed the decision with respect to pro se plaintiff's inadequate food and contaminated water claims because I did not consider two letters he had submitted in response to defendant's motion to dismiss.

Schane v. Int'l Bhd. of Teamsters, 760 F.3d 585 (7th Cir. 2014).

The Seventh Circuit reversed my conclusion that the trustee's interpretation of a union pension plan was neither arbitrary nor capricious in this lawsuit based on the Employee Retirement Income Security Act.

United States v. Rogers, 528 F. App'x 641 (7th Cir. 2013).

The Seventh Circuit reversed the defendant's sentence in relation to the revocation of defendant's second supervised release because it resulted in a sentence in excess of the statutory maximum.

Petrovic v. Enter. Leasing Co. of Chicago, LLC, 513 F. App'x 609 (7th Cir. 2013).

The Seventh Circuit vacated and remanded my decision that pro se plaintiff had failed to sufficiently allege his reverse discrimination claim. The Seventh Circuit affirmed the remainder of my ruling.

West Bend Mut. Ins. Co. v. Belmont State Corp., 712 F.3d 1030 (7th Cir. 2013).

The Seventh Circuit reversed my order awarding defendant attorney's fees pursuant to 735 ILCS 5/2-1402(f)(1) because I did not make a finding that the plaintiff had purposely evaded the citation to discover assets as required under the statute. The Seventh Circuit affirmed the remainder of my ruling in this lawsuit involving a judgment creditor seeking to enforce a judgment against a bank where an individual judgment debtor had an account.

United States v. Vidal, 705 F.3d 742 (7th Cir. 2013).

The Seventh Circuit vacated defendant's sentence and remanded for resentencing based on defendant's arguments that his psychiatric issues warranted a below-guidelines sentence.

Todd v. Kohl's Dep't Store, 490 F. App'x 824 (7th Cir. 2013).

The Seventh Circuit vacated my Rule 12(c) judgment in which I concluded that claim preclusion barred plaintiff's discrimination and retaliation claims brought

under the Age Discrimination and Employment Act based on plaintiff's earlier lawsuit and 2010 settlement agreement.

Stelmokas v. Kodzius, 460 F. App'x 600 (7th Cir. 2012).

The Seventh Circuit reversed my affirmance of the bankruptcy court's award of attorney's fees in relation to the plaintiff's adversary action under 11 U.S.C. § 523(d).

United States v. Knox, 496 F. App'x 649 (7th Cir. 2012).

The Seventh Circuit remanded for resentencing on the term of supervised release due to a change in the mandatory minimum for supervised release under the Fair Sentencing Act.

United States v. Hernandez, 479 F. App'x 735 (7th Cir. 2012).

The Seventh Circuit vacated the defendant's sentence and remanded for resentencing in light of *Dorsey v. United States*, 567 U.S. 260 (2012).

Cobige v. City of Chicago, 651 F.3d 780 (7th Cir. 2011).

The Seventh Circuit vacated in part and remanded for a new trial on damages in this Fourth Amendment and wrongful death lawsuit that went to trial. Specifically, the Seventh Circuit concluded that I should not have excluded evidence of the decedent's police record, time in prison, and drug addiction under Federal Rule of Evidence 404(b).

Shaffer v. Am. Med. Ass'n, 662 F.3d 439 (7th Cir. 2011).

The Seventh Circuit reversed my summary judgment ruling, concluding that there was a genuine issue of material fact as to whether plaintiff's exercise of his right to take Family and Medical Leave Act leave was the motivating factor in the defendant's termination of plaintiff's employment.

United States v. Knox, 412 F. App'x 867 (7th Cir. 2011).

The Seventh Circuit vacated the amended judgment based on the Seventh Circuit's limited remand in light of *Kimbrough v. United States*, 552 U.S. 85 (2007). More specifically, the Seventh Circuit concluded that I did not have jurisdiction to resentence defendant without following the procedure set forth in *United States v. Taylor*, 520 F.3d 746 (7th Cir. 2008). The Seventh Circuit remanded for resentencing.

Coleman v. Hardy, 628 F.3d 314 (7th Cir. 2010).

The Seventh Circuit remanded this habeas case brought pursuant to 28 U.S.C. § 2254(d) for an evidentiary hearing in relation to petitioner's ineffective assistance of counsel claims.

United States v. Black, 625 F.3d 386 (7th Cir. 2010).

The United States Supreme Court granted certiorari, *see Black v. United States*, 556 U.S. 1234 (2009), and then vacated and remanded the Seventh Circuit's decision in relation to the honest services component of 18 U.S.C. § 1346. *See Black v. United States*, 561 U.S. 465 (2010). On remand, the Seventh Circuit concluded that the defendants were entitled to a new trial on two of the fraud counts. The Seventh Circuit therefore reversed in part and remanded for trial and resentencing.

Fairley v. Andrews, 578 F.3d 518 (7th Cir. 2009).

The Seventh Circuit reversed my dismissal of a First Amendment claim brought by Cook County Sheriff's Deputies based on other Sheriff's Deputies threatening the plaintiffs to deter them from testifying in a former detainee's civil rights lawsuit because the claim fell outside of *Garcetti v. Ceballos*, 547 U.S. 410 (2006).

United States v. Knox, 573 F.3d 441 (7th Cir. 2009).

The Seventh Circuit vacated the defendants' sentences and remanded for resentencing in light of *Kimbrough v. United States*, 552 U.S. 85 (2007).

Federal Ins. Co. v. Arthur Andersen, LLP, 522 F.3d 740 (7th Cir. 2008).

The Seventh Circuit affirmed in part and reversed in part after a jury trial in this declaratory judgment action involving insurance coverage for Arthur Andersen retirees. Specifically, the Seventh Circuit concluded that the jury's finding regarding the insurer's alleged undue delay conflicted with Illinois law.

United States v. Adefumi, 279 F. App'x 401 (7th Cir. 2008).

The Seventh Circuit vacated the defendant's sentence and remanded for resentencing in light of *Kimbrough v. United States*, 552 U.S. 85 (2007).

United States v. Smith, 276 F. App'x 497 (7th Cir. 2008).

The Seventh Circuit vacated the defendant's sentence and remanded for resentencing in light of *Kimbrough v. United States*, 552 U.S. 85 (2007).

Makor Issues & Rights, Ltd. v. Tellabs, 513 F.3d 702 (7th Cir. 2008).

The United States Supreme Court granted the petition for writ of certiorari in this matter, *see Tellabs, Inc. v. Makor Issues*, 546 U.S. 1105 (2007), and then vacated the Seventh Circuit's 2006 opinion. *See Tellabs, Inc. v. Makor Issues*, 551 U.S. 308 (2007). On remand, the Seventh Circuit considered my Rule 12(b)(6) dismissal in this securities fraud class action in relation to the standard of pleading facts giving rise to a "strong" inference of scienter as required under the Private Securities Litigation Reform Act of 1995 ("PSLRA"). In doing so, the Seventh Circuit adhered to its prior decision and remanded the case, as discussed immediately below.

Makor Issues & Rights, Ltd. v. Tellabs, 437 F.3d 588 (7th Cir. 2006).

The Seventh Circuit reversed in part my Rule 12(b)(6) ruling that plaintiffs failed to meet the PSLRA pleading threshold. In particular, the Seventh Circuit concluded that I erred in applying the PSLRA's safe harbor protection to defendant under 15 U.S.C. § 78u-5(c)(1)(A). The Seventh Circuit also concluded that plaintiffs had sufficiently alleged that defendants acted with scienter.

United States v. McMahan, 495 F.3d 410 (7th Cir. 2007).

The Seventh Circuit vacated the defendant's sentence and remanded for resentencing in relation to drug quantities in light of *United States v. Booker*, 543 U.S. 220 (2005).

Kafo v. United States, 467 F.3d 1063 (7th Cir. 2006).

The Seventh Circuit vacated the judgment in this matter so that petitioner could amend his § 2255 motion by submitting it under oath or attaching an affidavit.

Shapo v. Engle, 463 F.3d 641 (7th Cir. 2006).

The Seventh Circuit reversed my dismissal of this action with prejudice because I retained jurisdiction in relation to the parties' settlement agreement. The Seventh Circuit remanded for clarification based on jurisdictional issues.

Davis v. Carter, 452 F.3d 686 (7th Cir. 2006).

The Seventh Circuit affirmed in part, reversed in part, and remanded this lawsuit, concluding that the plaintiff did not waive her claim under *Monell v. Dep't of Soc. Servs. of New York*, 436 U.S. 658 (1978), and that there were factual disputes about plaintiff's *Monell* claim.

Schwartz v. Prudential Ins. Co. of Am., 450 F.3d 697 (7th Cir. 2006).

The Seventh Circuit concluded that I applied the wrong standard of review when determining the defendant's decision to deny benefits in this ERISA matter.

United States v. Garcia, 439 F.3d 363 (7th Cir. 2006).

The Seventh Circuit vacated the defendant's sentence and remanded for resentencing in light of *United States v. Booker*, 543 U.S. 220 (2005).

In re Payne, 431 F.3d 1055 (7th Cir. 2005).

The Seventh Circuit reversed my affirmance of the Bankruptcy Court's discharge decision in relation to federal income tax liability under 11 U.S.C. § 523(a)(1)(B)(i).

Riley v. Blagojevich, 425 F.3d 357 (7th Cir. 2005).

The Seventh Circuit reversed my denial of defendants' Rule 12(c) motion for judgment on the pleadings based on qualified immunity concluding that plaintiff fell within the policymaking exception in this political affiliation case.

Brengettcy v. Horton, 423 F.3d 674 (7th Cir. 2005).

The Seventh Circuit reversed my summary judgment ruling in this civil rights lawsuit brought by a former pretrial detainee against Cook County correctional officers in relation to exhaustion under the Prison Litigation Reform Act, *Heck v. Humphrey*, 512 U.S. 477 (1994), and collateral estoppel.

Transpersonnel, Inc. v. Roadway Express, Inc., 422 F.3d 456 (7th Cir. 2005).

The Seventh Circuit reversed my summary judgment ruling in this declaratory judgment action in which I concluded that defendant was an "employer" under the Multiemployer Pension Plan Amendment Act.

Dalton v. Battaglia, 402 F.3d 729 (7th Cir. 2005).

The Seventh Circuit remanded this case brought pursuant to 28 U.S.C. § 2254(d) for an evidentiary hearing to determine whether the petitioner's guilty plea was knowing and voluntary in relation to his due process claim.

Blue Cross & Blue Shield of Ill. v. Cruz, 396 F.3d 793 (7th Cir. 2005).

The Seventh Circuit concluded that the Federal Employees Health Benefits Act preempted state law, and thus reversed my Rule 12(b)(1) dismissal of this action for lack of subject matter jurisdiction. Thereafter, the United States Supreme Court granted certiorari, *see Cruz v. Blue Cross & Blue Shield of Ill.*, 546 U.S. 932 (2005), and then vacated the Seventh Circuit's judgment and remanded to the

Seventh Circuit in light of *Empire Healthchoice Assurance v. McVeigh*, 547 U.S. 677 (2006). See *Cruz v. Blue Cross & Blue Shield of Ill.*, 548 U.S. 901 (2006).

Schimmer v. Jaguar Cars, Inc., 384 F.3d 402 (7th Cir. 2004).

The Seventh Circuit concluded that the plaintiff's claims did not satisfy the minimum amount in controversy for a Magnuson-Moss Act case, and reversed my decision with instructions to dismiss for lack of subject matter jurisdiction.

Xechem, Inc. v. Bristol Myers Squibb Co., 372 F.3d 899 (7th Cir. 2004).

The Seventh Circuit reversed my Rule 12(b)(6) ruling that the plaintiff had failed to sufficiently allege an anti-trust claim that accrued within the four year statute of limitations.

Federal Circuit Reversals:

Medicines Co. v. Mylan, 853 F.3d 1296 (Fed. Cir. 2017).

The Federal Circuit reversed, in part, my bench trial ruling that the competitor's Abbreviated New Drug Application product infringed the '727 patent-in-suit as a matter of law. In doing so, the Federal Circuit concluded that I erred by declining to interpret the claims of the '727 patent to require "efficient mixing" as part of the batches limitation. The Federal Circuit affirmed my summary judgment ruling of non-infringement with respect to the '343 patent at issue in this lawsuit.

Sonix Tech. Co., Ltd. v. Pubs. Int'l, Ltd., 844 F.3d 1370 (Fed. Cir. 2017).

The Federal Circuit reversed my summary judgment ruling that the patent-in-suit's claim term "visually negligible" was subjective, that the claim language did not provide guidance on its meaning, and that the written description did not provide a person of ordinary skill in the art with a meaning that is reasonably certain and defines objective boundaries as to the scope of "visually negligible" as used in the '845 Patent. The Federal Circuit specifically concluded that the claim term "visually negligible" was not purely subjective because "the question of whether something is 'visually negligible' or whether it interferes with a user's perception...involves what can be seen by the normal human eye."

Black & Decker, Inc. v. Robert Bosch Tool Corp., 260 F. App'x 284 (Fed. Cir. 2008).

The Federal Circuit reversed the jury's infringement verdict based on my construction of the term "power conversion circuit." Specifically, the Federal Circuit concluded that I erred by construing "power conversion circuit" without sufficiently considering the factors beyond those three words and the dependent

claims. The Federal Circuit affirmed the jury's verdict of non-obviousness and my bench trial decision denying defendant's claim of inequitable conduct.

Cannon Rubber, Ltd. v. First Years, Inc., 163 F. App'x 870 (Fed. Cir. 2005).

The Federal Circuit vacated my summary judgment ruling because I erred in the construction of the claim limitation "a deformable diaphragm disposed in the body" in relation to the patent-in-suit. In particular, the Federal Circuit concluded that I improperly added the limitation "entirely" in interpreting this claim limitation. In doing so, the Federal Circuit looked to the plain meaning of the claim limitation and then explained why deviation from the plain meaning was not warranted.

- 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.

All opinions I have issued are available in the court records maintained by the Clerk of the Court for the Northern District of Illinois or (for those cases where I have sat by designation) the Clerk of the Court for Seventh Circuit Court of Appeals, the Clerk of the Court for Ninth Circuit Court of Appeals, or the Clerk of the Court for Federal Circuit Court of Appeals. These opinions are generally available through PACER.

Some of my opinions are available through electronic databases including Westlaw and LEXIS. A search of Westlaw conducted February 12, 2018 lists 1,566 opinions, 223 (approximately 14%) of which are reported. A search of LEXIS conducted February 12, 2018 lists 1,860 opinions, 255 (approximately 13%) of which are reported.

- 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.

U.S. Commodity Futures Trading Comm'n v. Oystacher, 203 F. Supp. 3d 934 (N.D. Ill. 2016).

Smith v. Burge, 222 F. Supp. 3d 669 (N.D. Ill. 2016).

United States v. Lang, 78 F. Supp. 3d 830 (N.D. Ill. 2015).

United States v. Conrad, 578 F. Supp. 2d 1016 (N.D. Ill. 2008), *aff'd*, 673 F.3d 728 (7th Cir. 2012).

Obrycka v. City of Chicago, No. 07-cv-2372, 2012 WL 601810 (N.D. Ill. Feb. 23, 2012).

United States v. Black, 483 F. Supp. 2d 618 (N.D. Ill. 2007).

United States v. Marzook, 435 F. Supp. 2d 778 (N.D. Ill. 2006).

- 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 sat by designation on the Seventh Circuit, the Ninth Circuit, and the Federal Circuit Courts of Appeals. A list of citations to all cases where I sat by designation but did not author the court's opinion is provided at Appendix 13.i.

The following is a list of opinions which I authored:

United States v. Mohamed, 759 F.3d 798 (7th Cir. 2014).

The Court held that the Indiana Cigarette Tax Act required the government to prove that the defendant possessed the cigarettes at issue for the purpose of selling, using, consuming, handling, or distributing them within Indiana. The Court found that the government had not submitted sufficient evidence to prove this element.

Groves v. United States, 755 F.3d 588 (7th Cir. 2014), *cert. denied*, 135 S. Ct. 501 (2014).

In this 28 U.S.C. § 2255 action, the Court held that trial counsel was not ineffective for failing to object to the characterization of a prior burglary as a crime of violence and for not pursuing a plea agreement where the defendant informed both the trial court and counsel that he did not intend to plead guilty.

Kvapil v. Chippewa Cty., 752 F.3d 708 (7th Cir. 2014).

The Court held that a seasonal employee of the Chippewa County's Highway Department did not have a protected property interest in his seasonal employment, especially where he signed an acknowledgement that he was an at-will employee. Accordingly, he was not entitled to notice or an opportunity for a hearing before being terminated for an improper driving incident, violations of the County's personnel ordinances, and violations of the Highway Department's work rules.

Cung Hnin v. TOA (USA), LLC, 751 F.3d 499 (7th Cir. 2014).

The Court affirmed the district court's grant of summary judgment against Hnin who claimed TOA fired him and discriminated against him based on his national origin. The panel affirmed the lower court's decision where Hnin failed to present evidence that TOA treated comparators similarly, and failed to present evidence that his employer had retaliated against him for voicing his concerns about the promotion of Chin (an ethnicity from the country of Myanmar) associates, especially because the employer promoted two Chin associates to team leadership positions.

Kovacs v. United States, 614 F.3d 666 (7th Cir. 2010).

The Court held that under the applicable two-year statute of limitations, part of the claimant's administrative claim against the IRS was time-barred and part of it was timely.

United States v. Linzy, 604 F.3d 319 (7th Cir. 2010), *cert. denied*, 562 U.S. 919 (2010).

The Court affirmed the district court's restrictions on defense counsel's cross-examination of a witness regarding the nature of an active arrest warrant (*i.e.* first degree murder) where counsel thoroughly cross-examined the witness regarding his motivation to lie, including questions about a prior conviction for possession of a controlled substance, his use and sale of drugs, his guilty plea in the case, his use of an alias, and the warrant for his arrest concerning a "serious felony offense back in Chicago."

United States v. Jackson, 598 F.3d 340 (7th Cir. 2010), *cert. denied*, 562 U.S. 990 (2010).

The Court affirmed the denial of a suppression motion where the officers had obtained consent from a third person with apparent authority to consent to the search. In addition, the panel affirmed that the defense of "innocent possession" does not exist.

In re Ray, 597 F.3d 871 (7th Cir. 2010).

The Court concluded that the appellant lacked standing to appeal the bankruptcy court's dismissal where the appellant failed to enter an appearance or object to the dismissal before the bankruptcy court.

Team Enters., LLC v. Western Inv. Real Estate Trust, 647 F.3d 901 (9th Cir. 2011). The Court affirmed summary judgment in favor of the manufacturer of equipment used in dry cleaning in a case asserting trespass and nuisance claims under California law and for contribution under the Comprehensive Environmental Response, Compensation, and Liability Act (“CERCLA”). I wrote a separate concurrence to explain my view that CERCLA, by its plain language, should not apply to the case.

Imation Corp. v. Koninklijke Philips Elecs. N.V., 586 F.3d 980 (Fed. Cir. 2009).

The Court construed a patent cross-license agreement between sophisticated parties and held that the plain language of the license agreement permitted subsidiaries acquired after the execution of the agreement to fall within the terms of the licensing agreement.

Ningbo Dafa Chem. Fiber Co., Ltd. v. United States, 580 F.3d 1247 (Fed. Cir. 2009).

The Court affirmed the United States Department of Commerce’s imposition of an antidumping duty on Ningbo for dumping recycled polyester staple fiber into the United States because it was supported by substantial evidence.

Arrieta v. Dep’t of Homeland Sec., 337 F. App’x 873 (Fed. Cir. 2009).

The Court affirmed the arbitrator’s final decision affirming the Department of Homeland Security’s removal of Arrieta as a Deportation Officer where substantial evidence supported the decision.

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.

I personally review every new case that is assigned to me. I determine whether I have a conflict of interest when I review the case. The general reason I have a conflict in a particular case is because I own stock in one of the companies. My courtroom deputy also has a list of the stocks my husband and I own so she can screen for conflicts. In addition, we have a computer conflict check at the court for owned stocks.

Even if I do not have a conflict in a particular case, but I think there might be an appearance of impropriety, I will raise it with the lawyers on the record and give them the opportunity to object to my presiding over the case.

A list of cases where I recused *sua sponte* is supplied at Appendix 14.

Defendant Mandell (12-cr-842) asked me to recuse myself in his habeas petition. He filed a pro se motion and asked for recusal because he claimed I ignored his prior arguments in his criminal case. Because he did not provide any valid basis to recuse, I denied the motion.

Other than Defendant Mandell's motion, I do not recall a party requesting I recuse from a case.

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

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

In 2008 I was appointed by the Village of Glencoe, Illinois to serve as a member of the Glencoe Public Safety Commission. In 2012 I was appointed by the Village to serve as Chairperson of the Commission.

- 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.

None.

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 have never served as a law clerk to a judge.

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

I have never been a sole practitioner.

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

1990 – 1994
Davis Polk & Wardwell
450 Lexington Avenue
New York, New York 14850
Associate (1990 – 1993)

1300 I Street, N.W.
Washington, D.C. 20005
Associate (1993 – 1994)

1994 – 1996
Office of the Independent Counsel
10825 Financial Centre Parkway, Suite 134
Little Rock, Arkansas 72211
Associate Independent Counsel

1996 – 2001
United States Attorney's Office
219 South Dearborn Street, 5th Floor
Chicago, Illinois 60604
Assistant United States Attorney

2001 – 2002
Abbott Laboratories
Department 0324, Building AP6D
100 Abbott Park Road
Abbott Park, Illinois 60064
Senior Counsel, Litigation

2000 – present
Northwestern Pritzker School of Law
375 East Chicago Avenue
Chicago, Illinois 60611
Adjunct Professor

- 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 in alternative dispute resolution proceedings.

b. Describe:

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

The character of my law practice has changed throughout my career. From October 1990 through September 1994 when I was employed at Davis Polk & Wardwell, I was a defense attorney. I primarily represented large corporations and their officers and directors. My practice included complex civil cases and white collar criminal defense. From October 1994 through May 2001, I was a federal prosecutor at the Independent Counsel's Office in Little Rock and the United States Attorney's Office in Chicago. Throughout this time period, I practiced federal criminal law. From May 2001 through July 2002, I was an in-house counsel at Abbott Laboratories. During that time period, I worked on a variety of complex litigation matters, including class action disputes, government investigations, and patent litigation.

From August 2002 through the present, I have served as a United States District Court Judge in the Northern District of Illinois. During this time period, I have handled thousands of cases. I have presided over civil and criminal cases, including over 120 trials.

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

While at Davis Polk & Wardwell, I typically represented large corporations and their officers and directors. I also did pro bono work, including the representation of an individual in her employment discrimination lawsuit.

While a prosecutor at the Independent Counsel's Office and the United States Attorney's Office, I represented the United States.

While in-house at Abbott Laboratories, I represented Abbott Laboratories.

- 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.
- i. Indicate the percentage of your practice in:
 - 1. federal courts: 100%
 - 2. state courts of record: 0%
 - 3. other courts: 0%
 - 4. administrative agencies: 0%
 - ii. Indicate the percentage of your practice in:
 - 1. civil proceedings: 30%
 - 2. criminal proceedings: 70%
- d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

I have tried twelve cases to verdict in federal court. I was co-counsel on each of these cases and lead counsel in many of them.

- i. What percentage of these trials were:
 - 1. jury: 92%
 - 2. non-jury: 8%
- 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 never practiced before the Supreme Court of the United States.

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

- a. the date of representation;
- b. the name of the court and the name of the judge or judges before whom the case

was litigated; and

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

1. *United States v. Mastrodomenico*, 98-cr-623 (N.D. Ill.).

As part of "Operation Safe Road," the United States brought charges against the defendants under the RICO Act, as well as under the Hobbs Act, for their role in accepting cash bribe payments in exchange for passing unqualified commercial drivers' license applicants on their written driving exams at the Melrose Park Secretary of State facility. All of the defendants pled guilty.

I conducted extensive grand jury work, interviewed numerous witnesses, drafted search warrants and arrest warrants, and submitted wiretap reports to the Chief Judge. I also assisted in drafting the indictment. Additionally, I drafted and negotiated plea agreements with the defendants' attorneys, and conducted extensive debriefings of the cooperating defendants. I represented the United States in court when the defendants pled guilty and at sentencing.

Presiding Judge: Hon. Suzanne Conlon

Dates of Representation: 1998 – 2000

Co-Counsel

Patrick Collins

[formerly with the U.S. Attorney's Office for the Northern District of Illinois]

King & Spalding

444 West Lake Street, Suite 1650

Chicago, Illinois 60606

(312) 764-6901

Counsel for Defendant Mastrodomenico

Jeffrey Steinback

53 West Jackson Boulevard

Chicago, Illinois 60604

(312) 341-1242

Counsel for Defendant Fajdich

Richard Jalovec

Richard S. Jalovec & Associates, Ltd.

1021 West Adams Street, Suite 102

Chicago, Illinois 60607

(312) 829-2300

Counsel for Defendant Volpe

Patrick Tuite
(Retired)

Counsel for Defendant Dobrosavljevič

Hon. Stephen J. Connolly
[formerly with Connolly, Eckl & Williams, P.C.]
Circuit Court of Cook County
10220 South 76th Avenue, Room 102
Bridgeview, Illinois 60455
(708) 974-6542

Counsel for Defendant Kruzyzak

Marco Raimondi
Marco Raimondi Attorney at Law
53 West Jackson Boulevard
Chicago, Illinois 60604
(312) 663-3739

2. *United States v. Seibel*, 99-cr-78 (N.D. Ill.).

This Operation Safe Road prosecution for RICO and extortion charges involved the acceptance of cash bribe payments by numerous Illinois Secretary of State employees who worked at the McCook facility. In exchange, the employees fraudulently passed commercial drivers' license applicants on their written and road exams. All of the defendants pled guilty.

I drafted search warrants and arrest warrants, coordinated a task force of federal and state law enforcement agents, conducted extensive grand jury work, reviewed numerous documents, debriefed the cooperating defendants, interviewed witnesses, and drafted the indictment. Further, I drafted and negotiated plea agreements and represented the United States at court proceedings, including the initial appearances, arraignment of the defendants, plea hearings, and sentencing hearings.

Presiding Judge: Hon. Joan Gottschall

Dates of Representation: 1999 – 2000

Co-Counsel

Patrick Collins
[formerly with the U.S. Attorney's Office for the Northern District of Illinois]
King & Spalding
444 West Lake Street, Suite 1650
Chicago, Illinois 60606
(312) 764-6901

Counsel for Defendant Seibel

Hon. Michael Mason
[formerly Assistant Federal Defender for the Northern District of Illinois]
219 South Dearborn Street, Room 2270
Chicago, Illinois 60604
(312) 435-5610

Counsel for Defendant Velasco

Hon. Gregory R. Ginex
[formerly with Pileggi, Ginex & Fecarotta]
Circuit Court of Cook County
Maywood Courthouse
1500 Maybrook Drive
Maywood, Illinois 60153
(708) 865-6060

Counsel for Defendant Mendoza

Michael Petro
53 West Jackson Boulevard #630
Chicago, Illinois 60604
(312) 913-1111

Counsel for Defendant O'Connor

Barry D. Sheppard
Sheppard Law Firm PC
180 North LaSalle Street, Suite 2510
Chicago, Illinois 60601
(312) 443-1233

Counsel for Defendant Diaz

James Marcus
James I. Marcus LLC
555 Skokie Boulevard
Northbrook, Illinois, 60062

Counsel for Defendant Calderon

Marc Kadish
Mayer Brown LLP
71 South Wacker Drive
Chicago, Illinois 60606
(312) 701-8747

3. *United States v. Golumb*, 99-cr-871 (N.D. Ill.).

This Operation Safe Road case involved seven employees who worked at the Chicago West Secretary of State facility who fraudulently passed applicants on

the road portion of their drivers' tests. The applicants paid cash bribes to ensure that they passed.

I drafted the indictment charging the defendants with extortion. In addition, I drafted search warrants, reviewed extensive documents subpoenaed on behalf of the grand jury, and drafted arrest warrants for the defendants. I also interviewed witnesses and conducted grand jury work. After we charged the defendants, I extensively interviewed those who cooperated with the government. I handled the court appearances involving the seven defendants. Furthermore, I drafted plea agreements for each of the defendants, negotiated the pleas with the defense attorneys, and conducted an extensive sentencing hearing regarding Kenneth Golumb.

Presiding Judge: Hon. James B. Zagel

Dates of Representation: 2000

Co-Counsel

Zachary Fardon

[formerly with the U.S. Attorney's Office for the Northern District of Illinois]

King & Spalding

444 West Lake Street, Suite 1650

Chicago, Illinois 60606

(312) 764-6960

Counsel for Defendant Golumb

William Huyck (deceased)

Counsel for Conti

Joseph Michael Urgo

Joseph M. Urgo, Attorney At Law

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Chicago, Illinois 60707

(773) 622-4800

Counsel for Defendant Bartucci-Miller

Robert Callahan

[formerly with the Law Offices of Michael Kien]

53 West Jackson Boulevard, Suite 1442

Chicago, Illinois 60604

(312) 322-9000

Counsel for Defendant Martinez

Kevin Bolger

Kevin P. Bolger & Associates

20 North Upper Wacker Drive, #3710

Chicago, Illinois 60606
(312) 899-8100

Counsel for Defendant Huszar

Elliot Samuels
333 West Wacker Drive, Suite 2000
Chicago, Illinois 60606
(312) 357-0590

Counsel for Defendant Jordan

George B. Collins (deceased)

Counsel for Defendant Goris

Honorable Marc William Martin
[formerly with Marc W. Martin, Ltd.]
Circuit Court of Cook County
Rolling Meadows Courthouse
2121 Euclid, Room 100
Rolling Meadows, Illinois 60008
(847) 8180-2287

Counsel for Defendant Sherovski

Michael D. Ettinger
Ettinger and Besbekos, P.C.
12413 South Harlem Avenue, Suite 203
Palos Hills, Illinois 60453
(708) 923-0368

4. *United States v. Demirjian, 97-cr-789 (N.D. Ill.).*

This was a narcotics case involving a Colombian drug organization that transported millions of dollars' worth of cocaine into the Chicago area. Hugo Catano, who was a fugitive, was the leader of the ring. As part of the case, the Drug Enforcement Agency and the Federal Bureau of Investigation seized over one hundred kilograms of cocaine. Mr. Demirjian worked with the Colombians in distributing the cocaine in the Chicago area.

My role in this case consisted of conducting the grand jury investigation, drafting search warrants, interviewing cooperating witnesses, and drafting the indictment. In addition, I prepared for trial (including drafting the pre-trial motions and jury instructions, and preparing the fact and expert witnesses) and tried the case. I also cross-examined Mr. Demirjian during trial. The jury found Mr. Demirjian guilty on all counts. I also conducted the post-trial hearing and sentencing hearing. Judge Zagel sentenced Mr. Demirjian to life in prison in February 2001.

Presiding Judge: Hon. James B. Zagel

Dates of Representation: 1997 – 2001

Counsel for Defendant Demirjian

Michael Krejci
Michael D. Krejci & Associates, LLC
1770 Park Street, Suite 205
Naperville, Illinois, 60563
(630) 388-0600

John Beal
John M. Beal, Attorney at Law
53 West Jackson Boulevard, Suite 1615
Chicago, Illinois 60604
(312) 408-2766

5. *United States v. Chiappetta*, 99-cr-847 (N.D. Ill.)

I was the lead trial attorney on this approximate two-week case against Ms. Chiappetta. The evidence presented at trial demonstrated that Ms. Chiappetta engaged in a scheme to defraud numerous investors out of over \$1.5 million. Ms. Chiappetta represented to these investors that she was a successful businesswoman looking for investors in her ventures. Once they “invested” their money with her, Ms. Chiappetta spent it on personal items such as luxury vehicles and summer vacations. I prosecuted Ms. Chiappetta for mail fraud and wire fraud.

My role in the case included assisting in the investigation with the Federal Bureau of Investigation, drafting the indictment, drafting and responding to pre-trial and post-trial motions, drafting jury instructions, interviewing and preparing witnesses to testify at trial, and trying the case. As part of this case, I traced the money Ms. Chiappetta received from her victims to her personal expenditures and presented an accountant at trial to testify regarding the expenditures. The jury convicted Ms. Chiappetta on all counts.

Judge Hart’s opinion denying defendant’s motion for judgment of acquittal notwithstanding the verdict of the jury is reported at 2000 U.S. Dist. LEXIS 12436 (N.D. Ill. Aug. 23, 2000).

Presiding Judge: Hon. William Hart

Dates of Representation: 1999 – 2000

Co-Counsel

Jacqueline Stern
U.S. Attorney’s Office for the Northern District of Illinois

219 South Dearborn Street, Suite 500
Chicago, Illinois 60604
(312) 353-5300

Counsel for Defendant Chiappetta

Robert S. Bailey
Current contact information unavailable

6. *United States v. Blum*, 97-cr-120 (N.D. Ill.).

This case was part of a telemarketing fraud initiative that I worked on at the United States Attorney's office. I prosecuted Ronald James Blum for preying on senior citizens in the Northern District of Illinois and elsewhere, and committing telemarketing fraud. Mr. Blum participated in a scheme to defraud senior citizens by telling them that they had won large cash prizes, but that they had to send a certain amount of money to Canada to cover the taxes on their winnings. Many victims sent significant amounts of money to Mr. Blum. Of course, the senior citizens never received any prizes.

I coordinated the investigation with the Royal Canadian Mounted Police in Canada. I conducted an extensive grand jury investigation and reviewed numerous documents. After drafting the indictment, I drafted and filed extradition papers with Canada supporting the extradition of Mr. Blum. Canada subsequently extradited him to Chicago, and he pled guilty to telemarketing fraud. I negotiated the plea agreement with Mr. Blum's attorney, and appeared in court on behalf of the United States at the plea hearing and the sentencing hearing.

Presiding Judge: Hon. William Hart

Dates of Representation: 1997 – 1998

Counsel for Defendant Blum

Andrea Gambino
53 West Jackson Boulevard, Suite 1332
Chicago, Illinois 60604
(312) 322-0014

7. *United States v. Pergler*, 98-cr-469 (N.D. Ill.).

This was a health care fraud case. The evidence presented at trial proved that Mr. Pergler and others defrauded Medicare by billing for a product that they never provided to the Medicare beneficiaries. Mr. Pergler and his co-schemers defrauded Medicare out of over seven million dollars in less than two weeks.

I investigated the case, reviewed thousands of documents, drafted the indictment, responded to motions, argued motions, filed motions, and tried the case before a

jury. I also drafted seizure warrants so the government could seize some of Mr. Pergler's assets in anticipation of forfeiture. In addition, I negotiated plea agreements with two of Mr. Pergler's co-schemers – John Zarate and William Weiss. The jury found Mr. Pergler guilty on all counts.

Judge Leinenweber's opinion on the defendant's motion to dismiss the indictment is reported at 1998 U.S. Dist. LEXIS 19626 (N.D. Ill. Dec. 1, 1998).

Presiding Judge: Hon. Harry Leinenweber

Dates of Representation: 1998 – 1999

Counsel for Defendant Pergler

Hervé Gouraige
[formerly with Latham & Watkins]
Sills Cummis & Gross
One Riverfront Plaza
Newark, New Jersey 07102
(973) 643-5989

Counsel for Defendant Zarate

James A. Graham
Law Office of James A. Graham
53 West Jackson Boulevard, Suite 703
Chicago, Illinois 60604
(312) 922-3777

Counsel for Non-Party William Weiss

James R. Ferguson
Mayer Brown LLP
71 South Wacker Drive
Chicago, Illinois 60606
(312) 701-7282

8. *United States v. Freitag*, 99-cr-218 (N.D. Ill.).

I tried this health care fraud case against Ms. Freitag, and the jury found Ms. Freitag guilty on all counts. The evidence at trial proved that Ms. Freitag fraudulently billed Medicare for ambulance transports.

In addition to putting on at least half of the witnesses in the case, I cross-examined the defendant's medical expert. I also drafted jury instructions, motions in limine, and voir dire questions.

Presiding Judge: Hon. Rebecca Pallmeyer

Dates of Representation: 1999 – 2000

Co-Counsel

Brian Havey

U.S. Attorney's Office for the Northern District of Illinois

219 South Dearborn Street, Suite 500

Chicago, Illinois 60604

(312) 353-5300

Counsel for Defendant Freitag

Michael D. Ettinger

Ettinger and Besbekos, P.C.

12413 South Harlem Avenue, Suite 203

Palos Hills, Illinois 60453

(708) 923-0368

9. *United States v. McDougal*, 95-cr-175 (E.D. Ark.).

This case was one of the Whitewater criminal trials involving bank fraud and government fraud charges against Jim McDougal, Susan McDougal, and then-Governor Jim Guy Tucker.

I participated in this case from the investigation through the appeal. I interviewed witnesses, drafted the indictment, and presented the evidence to the grand jury. I also drafted, responded to, and argued pre-trial motions. Furthermore, I second-chaired the trial against these defendants, and put over half of the witnesses on the stand during the trial. After the jury found all of the defendants guilty, I assisted in the preparation of the post-trial motion responses and the appeal.

The following opinions were published in this case: *United States v. McDougal*, 906 F. Supp. 494 (E.D. Ark. 1995) (denying motion to dismiss); *United States v. McDougal*, 934 F. Supp. 296 (E.D. Ark. 1996) (denying defendant James McDougal's motion to compel personal appearance of President William Jefferson Clinton at trial); *United States v. McDougal*, 940 F. Supp. 224 (E.D. Ark. 1996) (granting, in part, President Clinton's motion for a protective order).

Presiding Judge: Hon. George B. Howard, Jr. (deceased)

Dates of Representation: 1995 – 1996

Co-Counsel

Ray Jahn (retired)

Counsel for Defendant Tucker

George Collins (deceased)

Counsel for Defendant J. McDougal
Sam Heuer (deceased)

Counsel for Defendant S. McDougal
Bobby McDaniel
McDaniel Law Firm
400 South Main Street
Jonesboro, Arkansas 72401
(870) 336-4747

10. *United States v. Hubbell*, 94-cr-241 (E.D. Ark.)

This was one of the Whitewater cases involving Mr. Hubbell's fraudulent billing and expense practices while at the Rose Law Firm in Little Rock, Arkansas. Mr. Hubbell pled guilty to the charges.

I worked on this case when I started at the office in 1994, although the majority of the work had already been completed.

Presiding Judge: Hon. George B. Howard, Jr. (deceased)

Dates of Representation: 1994

Co-Counsel
Hickman Ewing
[formerly with the U. S. Department of Justice, Office of the Independent Counsel]
1500 Cobblestone Cove
Germantown, Tennessee 38138
(901) 755-2597

Counsel for Defendant Hubbell
John Nields, Jr.
[Formerly with Howrey & Simon]
Covington & Burling LLP
One CityCenter
850 Tenth Street, N.W.
Washington, D.C. 20001
(202) 662-5058

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.)

SOAR Program: I serve as the district court judge managing the Northern District of Illinois' Sentencing Options that Achieve Results Court (the SOAR Program). The SOAR program began in 2016 and is an alternative to incarceration program that aims to address the participating defendants' underlying addiction, untreated mental health problems, and/or lack of education. The SOAR program involves intense supervision and biweekly court sessions.

When I was federal prosecutor, I pursued numerous significant legal activities. The most significant ones were co-prosecuting Operation Safe Road and serving as the Health Care Fraud coordinator for the Northern District of Illinois.

Operation Safe Road: I co-prosecuted the Operation Safe Road cases with Assistant United States Attorney Patrick Collins. This initiative targeted the systemic public corruption at the Illinois Secretary of State's office. We uncovered a "license for bribes" scandal whereby State employees accepted cash bribe payments in exchange for passing applicants on their commercial drivers' license exams and drivers' license exams. Some of the bribe payments went into the campaign coffers of former Secretary of State George Ryan. As a result of the corrupt activities of the Secretary of State employees, hundreds of unqualified drivers were given licenses to drive on the roads of Illinois. Many of these drivers were licensed to drive trucks, including vehicles carrying hazardous materials. This work was significant because of both the corruption it uncovered in Illinois and the removal of unqualified drivers from the roads of Illinois.

I worked on the Operation Safe Road cases on a daily basis. I worked with, and coordinated, the task force of agents from the Federal Bureau of Investigation, Postal Inspection Service, Department of Transportation Office of Inspector General, Internal Revenue Service, and Illinois State Police. In addition, I drafted search warrants, affidavits, prosecution memoranda, indictments, legal memoranda, and plea agreements. I also repeatedly appeared in federal court on these cases. Moreover, I assisted in the decision-making process regarding the direction of the investigation. At the time I left the office in May 2001, we had indicted 41 people and convicted 37 people as part of this initiative. In addition, we had submitted over a thousand names of license holders to the Secretary of State's office for retesting because we had evidence that they fraudulently obtained their licenses.

Health Care Fraud: From February 1999 through April 2001, I served as the criminal health care fraud coordinator at the United States Attorney's office in Chicago. In this role, I coordinated the prosecution of health care fraud cases throughout the Northern District of Illinois. In addition, I personally prosecuted many defendants who committed health care fraud and coordinated a task force of federal and state agents targeting such cases. The role enabled me to guide other attorneys regarding health care fraud prosecutions, coordinate the cases among numerous federal agencies, and prosecute individuals defrauding the government.

As the health care fraud coordinator, I screened new health care fraud cases from the federal agents and determined if they were viable for prosecution. The cases were then assigned to Assistant United States Attorneys for prosecution, and I monitored them. In addition, I provided advice to the attorneys in the office on prosecuting health care fraud cases. The health care fraud cases involved individuals and companies who defrauded Medicare, Medicaid, and private insurance companies. These cases involved significant monetary losses to the federal government and private companies. I used the federal forfeiture statutes to recover money whenever possible. Moreover, these cases punished the individuals who defrauded Medicare and Medicaid beneficiaries out of the health services they needed.

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 taught Trial Advocacy as an Adjunct Professor at Northwestern Pritzker School of Law since 2000. I have taught the course every fall semester since 2000, with the exception of 2002. The course teaches law students the basics of trial advocacy, including direct and cross examinations of witnesses, admitting exhibits into evidence, impeaching witnesses, opening statements, and closing arguments. During the course of the semester, the students have both a bench trial and a jury trial. I am one of many adjunct professors who teach the class on a weekly basis. Professor Steve Lubet runs the class, created the syllabus and materials, and organizes the adjunct professors.

Copies of Professor Lubet's syllabus for the course is supplied.

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

None.

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

I plan to continue teaching trial advocacy if I am fortunate enough to be confirmed. When my children are all in college, I will likely teach another law school class as well.

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).

Please see my attached financial disclosure report.

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

Please see attached my financial 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.

I will continue to recuse myself from all cases where I own stock in one of the parties to the case.

My husband is a physician at Northwestern Hospital in Chicago. If Northwestern Hospital or one of his colleagues is a party to a case before me, I will recuse myself from the case.

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

In addition to recusing myself as set forth above, I will continue to carefully review and address any real or potential conflicts by reference to 28 U.S.C. § 455, Canon 3 of the Code of Conduct for United States Judges, and any other laws, rules, and practices governing such circumstances. Moreover, I will seek counsel as necessary from the judge from the Seventh Circuit who sits on the Judicial Conference's ethics committee.

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.

I have spent most of my legal career devoted to public service which has precluded me from engaging in pro bono legal work. I have given back to the legal community in many ways, including through participation and organization of CLE programs.

26. **Selection Process**:

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

I received a call from the White House Counsel's Office on June 22, 2017, asking me if I was interested in interviewing for the Seventh Circuit Court of Appeals. The White House Counsel's Office interviewed me on June 27, 2017.

On December 4, 2017, I received a call from Senator Durbin's staff informing me that Senators Durbin and Duckworth would like to schedule a call with me the next day. On December 5, 2017, Senators Durbin and Duckworth called me to inform me that I was one of two candidates the White House was going to nominate for the Seventh Circuit Court of Appeals, pending a background check.

On December 6, 2017, the White House Counsel's Office called me to inform me that the President was going to nominate me for the Seventh Circuit Court of Appeals, pending a background check. They sent me the FBI background check paperwork the same day. In addition, the Department of Justice Office of Legal Policy sent me the necessary paperwork to complete. On December 9, 2017, the Department of Justice contacted me to ask for a list of professional references.

On February 15, 2018, the President submitted my nomination to the Senate.

I have communicated regularly with the Office of Legal Policy in the preparation of my answers to this questionnaire and the completion of other related materials.

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

No.