

UNITED STATES SENATE  
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Jennifer Leigh Thurston  
Jennifer Leigh Calderwood (formerly)

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

United States District Judge for the Eastern District of California

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 Courthouse  
510 19th Street, Suite 200  
Bakersfield, California 93301

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

1967; Bakersfield, California

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

2016 – 2018, Duke University; LL.M., 2018

1993 – 1997, California Pacific School of Law; J.D., 1997

1985 – 1989, California State University, Bakersfield; B.S., 1989

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.

2009 – present

United States District Court for the Eastern District of California

United States Courthouse  
510 19th Street, Suite 200  
Bakersfield, California 93301  
Chief United States Magistrate Judge (2020 – present)  
United States Magistrate Judge (2009 – present)

1997 – 2009  
Office of the County Counsel  
1115 Truxtun Avenue, Fourth Floor  
Bakersfield, California 93301  
Deputy County Counsel (1997 – 2009)  
Small Claims Advisor (1995 – 1997)

1997  
Kern County District Attorney  
1215 Truxtun Avenue, Fourth Floor  
Bakersfield, California 93301  
Law Clerk

1996 – 1997  
Rain for Rent  
3404 State Road  
Bakersfield, California 93308  
Marketing Consultant

1995  
Santa Barbara Business College  
5300 California Avenue  
Bakersfield, California 93309  
Teacher

1991 – 1995  
Gibson Environmental  
3300 Truxtun Avenue, Suite 200  
Bakersfield, California 93301  
Marketing Coordinator

1989 – 1991  
Pacific Gas & Electric Company  
1918 H Street  
Bakersfield, California 93301  
Account Representative

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

selective service.

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

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

Hall of Fame, South High School (2018)

Resolution No. 1415 Commending and Honoring, California Senate Majority Leader Dean Florez (2009)

Resolution Honoring and Commending, Kern County Board of Supervisors (2009)

Service Award, Kern County Bar Association (2009)

Certificate of Appreciation, California Board of Legal Specialization, State Bar of California (2009)

Certificate of Service, County of Kern (2008)

Certificate of Service, Kern County Superior Court (2007)

Certified Appellate Specialist by the California Board of Legal Specialization of the California State Bar (2005)

Certificate of Commendation, Constitutional Rights Foundation (2004)

Certificate of Excellence, Kern County Bar Association and Kern County Superintendent of Schools (2004)

West Publishing Award for Academic Achievement (1997)

Kern County Women Lawyers scholarship recipient (1997)

Cooperative Education Student of the Year (1989)

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 (approximately 1997 – 2000, 2012 – 2015)

Federal Magistrate Judge Association

Editorial Board, Member (approximately 2013 – present)

Ninth Circuit Director (2020 – present)

Judicial Conference of the United States, Committee on the Judicial Branch (2018 – present)

Kern County Bar Association (1997 – present)

Editorial Board, Member (approximately 2007 – 2016)

Judicial Application Evaluation Committee, Member (2007 – 2009)

Employment Committee, Member (2008 – 2009)

Judicial Liaison Committee, Member (2009)

Vice President (2009)

Treasurer (2008)

Finance Committee, Chairperson (2008)

Bylaws Committee, Member (2008)

Board of Directors, Member (2004 – 2006, 2007 – 2009)

MCLE Committee, Chairperson (2004 – 2006)

State of California Bar Association, Board of Legal Specialization (2005 – 2009)

Appellate Law Advisory Commission, Commissioner (2005 – 2009)

United States Court of Appeals for the Ninth Circuit (2003 – present)

Magistrate Judge Education Committee, Member (2010 – 2013)

Technology Subcommittee to the Magistrate Judge Executive Board, Member (2013 – present)

Magistrate Judge Executive Committee, Member (2018 – 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.

California, 1997

There have been no lapses in membership. My California membership has been inactive since 2009 following my appointment as a United States Magistrate Judge.

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

United States Court of Appeals for the Ninth Circuit, 2003

United States District Court for the Eastern District of California, 1997

There have been no lapses in membership.

11. **Memberships:**

- a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

American Cancer Society Cattle Baron's Ball (2005)

Board Member (2005)

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

To the best of my knowledge, the organization listed above does not currently discriminate nor did it formerly discriminate on the basis of race, sex, religion, or national origin, either through formal membership requirements or the practical implementation of membership policies.

12. **Published Writings and Public Statements:**

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

I have conducted thorough searches of my own records and publicly available databases. Below are the works I have authored.

*The One Who Could*, Judicature L.J., Vol. 104, No. 1 (Spring 2020). Copy supplied.

*Black Robes, White Judges: The Lack of Diversity on the Magistrate Judge Bench*, 82 L. & Contemp. Probs. 63 (2019). Copy supplied.

*A Primer on CBD Oil*, Mag. Judges Exec. Bd. Newsl. (Fall 2019). Copy supplied.

*Life Learning*, Bull. (June 2018). Copy supplied.

*Cinematic Legalese, The Whole Truth*, Res Ipsa Loquitur (May 2018) (reprinted in multiple outlets). Copy supplied.

*Cinematic Legalese, Murder on the Orient Express*, Res Ipsa Loquitur (Apr. 2018). Copy supplied.

*Cinematic Legalese, Waking Ned Divine*, Res Ipsa Loquitur (Mar. 2018). Copy supplied.

*The Times They Are A-Changin'*, Judicature L.J., Vol. 101, No. 4 (Winter 2017). Copy supplied.

*Cinematic Legalese, On a Clear Day You Can See Forever*, Res Ipsa Loquitur (Dec. 2017). Copy supplied.

*Cinematic Legalese, Barefoot in the Park*, Res Ipsa Loquitur (Nov. 2017). Copy supplied.

*Cinematic Legalese, Bridget Jones' Baby*, Res Ipsa Loquitur (Oct. 2017). Copy supplied.

*Cinematic Legalese, Sudden Fear*, Res Ipsa Loquitur (Apr. 2017). Copy supplied.

*Cinematic Legalese, Red Corner*, Res Ipsa Loquitur (Jan. 2017). Copy supplied.

*Cinematic Legalese, Veronica Mars*, Res Ipsa Loquitur (Dec. 2016). Copy supplied.

*Cinematic Legalese, The American President*, Res Ipsa Loquitur (Oct. 2016). Copy supplied.

*Cinematic Legalese, Music Box*, Res Ipsa Loquitur (Sept. 2016). Copy supplied.

*Cinematic Legalese, Evidence of Blood*, Res Ipsa Loquitur (July 2016). Copy supplied.

*Cinematic Legalese, And Then There Were None*, Res Ipsa Loquitur (June 2016) (reprinted in multiple outlets). Copy supplied.

*Cinematic Legalese, A Good Year*, Res Ipsa Loquitur (May 2016). Copy supplied.

*Cinematic Legalese, Her Alibi*, Res Ipsa Loquitur (Apr. 2016). Copy supplied.

*Cinematic Legalese, In Her Defense*, Res Ipsa Loquitur (Mar. 2016). Copy supplied.

*Cinematic Legalese, The Reader*, Res Ipsa Loquitur (Feb. 2016). Copy supplied.

*Cinematic Legalese, The Face of an Angel*, Res Ipsa Loquitur (Jan. 2016). Copy supplied.

*Cinematic Legalese, A Most Violent Year*, Res Ipsa Loquitur (Dec. 2015). Copy supplied.

*Cinematic Legalese, Impact*, Res Ipsa Loquitur (Nov. 2015). Copy supplied.

*Cinematic Legalese, Fracture*, Res Ipsa Loquitur (Oct. 2015) (reprinted in multiple outlets). Copy supplied.

*Cooks of the Valley*, Res Ipsa Loquitur (Sept. 2015). Published copy unavailable, but draft copy supplied.

*Cinematic Legalese, The Shawshank Redemption*, Res Ipsa Loquitur (Sept. 2015). Copy supplied.

*Cinematic Legalese, The Shaggy DA*, Res Ipsa Loquitur (July 2015). Copy supplied.

*Cinematic Legalese, Woman In Gold*, Res Ipsa Loquitur (June 2015). Copy supplied.

*Cinematic Legalese, Veer-Zaara*, Res Ipsa Loquitur (May 2015). Copy supplied.

*Cinematic Legalese, The Winslow Boy*, Res Ipsa Loquitur (Apr. 2015). Copy supplied.

*Making a Federal Case Out of It Part I*, Res Ipsa Loquitur (Apr. 2015). Copy supplied

*Making a Federal Case Out of It Part II*, Res Ipsa Loquitur (Mar. 2015). Copy supplied.

*Cinematic Legalese, The Groom Wore Spurs*, Res Ipsa Loquitur (Mar. 2015) (reprinted in multiple outlets). Copy supplied.

*Cinematic Legalese, Fried Green Tomatoes*, Res Ipsa Loquitur (Feb. 2015). Copy supplied.

*Cinematic Legalese, The Caine Mutiny*, Res Ipsa Loquitur (Jan. 2015). Copy supplied.

*Cinematic Legalese, Family Man*, Res Ipsa Loquitur (Dec. 2014). Copy supplied.

*Cinematic Legalese, Send Me No Flowers*, Res Ipsa Loquitur (Nov. 2014). Copy supplied.

*Cinematic Legalese, Hook*, Res Ipsa Loquitur (Oct. 2014). Copy supplied.

*Oral Argument*, Res Ipsa Loquitur (Sept. 2014). Draft copy supplied.

*Cinematic Legalese, Collateral*, Res Ipsa Loquitur (Sept. 2014). Copy supplied.

*Cinematic Legalese, Night Falls*, Res Ipsa Loquitur (July 2014). Copy supplied.

*Cinematic Legalese, Amistad*, Res Ipsa Loquitur (June 2014). Copy supplied.

*Cinematic Legalese, Jagged Edge*, Res Ipsa Loquitur (Apr. 2014). Copy supplied.

*Meet MJ Mitch Dembin*, The Bulletin (approximately 2014). Copy supplied.

*Hail to the Chief*, Res Ipsa Loquitur (Feb. 2014). Copy supplied

*Cinematic Legalese, Talk of the Town*, Res Ipsa Loquitur (Feb. 2014). Copy supplied.

*Cinematic Legalese, Midnight in the Garden of Good and Evil*, Res Ipsa Loquitur (Jan. 2014). Copy supplied.

*Cinematic Legalese, Enemy of the State*, Res Ipsa Loquitur (Dec. 2013). Copy supplied.

*Cinematic Legalese, JFK*, Res Ipsa Loquitur (Nov. 2013). Copy supplied.

*Cinematic Legalese, Shining Through*, Res Ipsa Loquitur (Oct. 2013). Copy supplied.

*Cinematic Legalese, My Favorite Wife*, Res Ipsa Loquitur (Sept. 2013) (reprinted in multiple outlets). Copy supplied.

*Constitution Day*, Res Ipsa Loquitur (Sept. 2013). Copy supplied.

*Cinematic Legalese, Murder*, Res Ipsa Loquitur (July 2013). Copy supplied.

*Cinematic Legalese, Nuts*, Res Ipsa Loquitur (June 2013). Draft copy supplied.

*Cinematic Legalese, The Ox Bow Incident*, Res Ipsa Loquitur (May 2013). Copy supplied.



*Cinematic Legalese, Bee Movie*, Res Ipsa Loquitur (Apr. 2013). Copy supplied.

*Cinematic Legalese, Laws of Attraction*, Res Ipsa Loquitur (Feb. 2013). Copy supplied.

*Cinematic Legalese, Trouble With The Curve*, Res Ipsa Loquitur (Feb. 2013). Copy supplied.

*Cinematic Legalese, It Could Happen To You*, Res Ipsa Loquitur (Jan. 2013). Copy supplied.

*Cinematic Legalese, Holiday Affair*, Res Ipsa Loquitur (Dec. 2012). Copy supplied.

*Cinematic Legalese, A Dry White Season*, Res Ipsa Loquitur (Oct. 2012). Copy supplied.

*Two Weeks Notice*, Res Ipsa Loquitur (Sept. 2012). Copy supplied.

*The Wrong Man is the Wrong Movie*, Res Ipsa Loquitur (July 2012). Copy supplied.

*Judgment at Nuremberg*, Res Ipsa Loquitur (June 2012) (reprinted in multiple outlets). Copy supplied.

*Singing Pigs*, Res Ipsa Loquitur (May 2012). Draft copy supplied.

*Break into a New Genre of Legal Films, RIL Reviews Breaker Morant*, Res Ipsa Loquitur (May 2012) (reprinted in multiple outlets). Copy supplied.

*KCBA Hosts Chief Justice*, Res Ipsa Loquitur (May 2012). Copy supplied.

*Pro Bono Representation*, Res Ipsa Loquitur (Apr. 2012). Copy supplied.

*Cinematic Legalese, Compulsion*, Res Ipsa Loquitur (Mar. 2012) (reprinted in multiple outlets). Copy supplied.

*Cinematic Legalese, Witness This!*, Res Ipsa Loquitur (Feb. 2012). Copy supplied.

*As Fate Would Have It, This Movie is Worth the Rental Fee*, Res Ipsa Loquitur (Jan. 2012). Copy supplied.

*Remember to Watch Remember the Night*, Res Ipsa Loquitur (Dec. 2011). Copy supplied.

*Tremendous Change Ahead for the Eastern District*, Res Ipsa Loquitur (Nov. 2011). Copy supplied.

*Cinematic Legalese, Very Few Good Things: RIL Reviews All Good Things*, Res Ipsa Loquitur (Nov. 2011). Draft copy supplied.

*Cinematic Legalese, The First Monday in October: The First Monday in October is a Supreme Delight*, Res Ipsa Loquitur (Oct. 2011). Copy supplied.

*Cinematic Legalese, The Paper Chase: Chasing Your Tail: RIL Reviews The Paper Chase*, Res Ipsa Loquitur (Sept. 2011). Copy supplied.

Letter to the Editor, Bakersfield Californian (July 28, 2011). Copy supplied.

*Cinematic Legalese, Intolerable Cruelty: Intolerable Cruelty is Tolerably Funny*, Res Ipsa Loquitur (July 2011) (reprinted in multiple outlets). Copy supplied.

*Cinematic Legalese, Lincoln Lawyer*, Res Ipsa Loquitur (June 2011). Copy supplied.

*Cinematic Legalese, A Brother's Keeper: RIL Reviews Conviction*, Res Ipsa Loquitur (May 2011). Copy supplied.

*Cinematic Legalese, RIL at the Movies: "Star Chamber" Has Star Power*, Res Ipsa Loquitur (Apr. 2011). Copy supplied.

*Cinematic Legalese, RIL at the Movies: A Good Ribbing: RIL Reviews "Adam's Rib"*, Res Ipsa Loquitur (Mar. 2011). Copy supplied.

*Cinematic Legalese, RIL at the Movies: Gere's Fear*, Res Ipsa Loquitur (Feb. 2011). Copy supplied.

*Lady Justice Times Three*, Res Ipsa Loquitur (Feb. 2011). Copy supplied.

*Cinematic Legalese, RIL at the Movies: Redford is Classic in "Legal Eagles"*, Res Ipsa Loquitur (Jan. 2011). Copy supplied.

*Cinematic Legalese, RIL at the Movies: Miracles Really Do Happen*, Res Ipsa Loquitur (Dec. 2010). Copy supplied.

*It's No Lie, Liar, Liar Entertains*, Res Ipsa Loquitur (Nov. 2010) (reprinted in multiple outlets). Copy supplied.

*Cinematic Legalese, RIL at the Movies: Is There Ever "A Time to Kill"?*, Res Ipsa Loquitur (Oct. 2010). Copy supplied.

*Cinematic Legalese, RIL at the Movies: "Have No Doubt, This Movie Stinks:"*  
*RIL Reviews "Beyond a Reasonable Doubt"*, Res Ipsa Loquitur (Sept. 2010).  
Copy supplied.

*Cinematic Legalese, RIL at the Movies: "It is Always Dangerous to Presume:"*  
*RIL Reviews "Presumed Innocent"*, Res Ipsa Loquitur (July 2010). Copy  
supplied.

*Cinematic Legalese, RIL at the Movies: The City of Brotherly Love? RIL Reviews*  
*"Philadelphia"*, Res Ipsa Loquitur (June 2010). Copy supplied.

*Cinematic Legalese, RIL at the Movies: When it Rains, it Pours: "The*  
*Rainmaker" on Review*, Res Ipsa Loquitur (May 2010). Copy supplied.

*Cinematic Legalese, RIL at the Movies: Double Jeopardy, Starring Ashley Judd*  
*"Good (if Predictable) Fun"*, Res Ipsa Loquitur (Apr. 2010). Copy supplied.

*Cinematic Legalese, RIL at the Movies*, Res Ipsa Loquitur (Mar. 2010). Copy  
supplied.

*From Capitol Hill to the Capital of Kern One Lawyer ... Dazzles*, Res Ipsa  
Loquitur (Jan. 2010). Copy supplied.

*Local Attorneys Appeal for Help from the 5th DCA*, Res Ipsa Loquitur (Dec.  
2009). Copy supplied.

*Fifth District Circuit Riding to Bakersfield*, Res Ipsa Loquitur (Sept. 2009). Copy  
supplied.

*He'll Leave You Smiling*, Res Ipsa Loquitur (July 2009). Copy supplied.

*Taking the East Kern Bench: Bryan Stainfield*, Res Ipsa Loquitur (June 2009).  
Copy supplied.

*What I Wanted to Be When I Grew Up*, Res Ipsa Loquitur (Mar. 2009). Copy  
supplied.

*What I Wanted to Be When I Grew Up*, Res Ipsa Loquitur (Feb. 2009). Copy  
supplied.

*Law Library and CEB Offer MCLE*, Res Ipsa Loquitur (Jan. 2009). Copy  
supplied.

*Court Appoints ADR Coordinator*, Res Ipsa Loquitur (Dec. 2008). Copy supplied.

*If You Can't Beat 'em, Join 'em*, Res Ipsa Loquitur (Sept. 2008). Copy supplied.

*Boys Fulfill Mother's Wish*, Res Ipsa Loquitur (May 2008). Copy supplied.

*"Bob's Your Uncle" in Retirement Plans*, Res Ipsa Loquitur (Apr. 2008). Copy supplied.

*New Commissioner Flying High*, Res Ipsa Loquitur (Feb. 2008). Copy supplied.

*From the Scrapbook . . .* Res Ipsa Loquitur (Feb. 2008). Copy supplied.

*Judge Jelletich Serves (Literally) His Community*, Res Ipsa Loquitur (Dec. 2007). Copy supplied.

*A Conversation with Sharon Majors-Lewis*, Res Ipsa Loquitur (Nov. 2007). Copy supplied.

*McNutt Starts a New Adventure*, Res Ipsa Loquitur (Oct. 2007). Copy supplied.

*The Reluctant Lawyer*, Res Ipsa Loquitur (Sept. 2007). Copy supplied.

*Cooks of the Valley Cook Up Fun*, Res Ipsa Loquitur (July 2007). Copy supplied.

*Wanting to be a Judge is Only the First Step*, Res Ipsa Loquitur (July 2007). Copy supplied.

*Judge Chapin Gives the Low Down on MSJs/MSAs*, Res Ipsa Loquitur (May 2007). Copy supplied.

*Turner Tells State of the Courts*, Res Ipsa Loquitur (Apr. 2007). 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.

None.

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

None.

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

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

May 4, 2021: Panelist, Kern County Bar Association, Bakersfield, California (virtual). I was part of a panel discussion related to Women's History Month about challenges for women in the legal field. I have no notes, transcript, or recording. The address for the Kern County Bar Association is 1112 Truxtun Avenue, Bakersfield, California 93301.

November 18, 2020: Speaker, "Night to Honor Service," Federal Bar Association, Sacramento Chapter, Sacramento, CA (virtual). Notes supplied.

November 11, 2020: Panelist, "Justice and Journalism" Program, American University, Washington, District of Columbia (virtual). I was part of a two-judge panel at a journalism class at American University as part of the "Justice and Journalism" program. The program seeks to introduce journalism students to the judiciary. I have no notes, transcript, or recording. The address for American University is 4400 Massachusetts Avenue, Northwest, Washington, DC 20016

November 2020: Panelist, "Operation Protect and Defend," Kennedy Learning Center, Sacramento, California. I was part of a panel of speakers who moderated a discussion with a high school class about the importance of civic participation. I have no notes, transcript, or recording. The address for the Kennedy Learning Center is 501 I Street, Sacramento, California 95814.

October 19, 2020: Guest Lecturer, Judicial Power/The Constitution California State University, Bakersfield, (virtual). Bakersfield, California. PowerPoint supplied.

February 5, 2020: Host, Open Doors to the Federal Courts Program, United States District Court, Eastern District of California, Bakersfield, California. In this annual program, I host by "presiding" over a mock trial and introducing guest speakers. I have no notes, transcript, or recording. The address for the United States District Court, Eastern District of California, is 501 I Street, Sacramento, California 95814.

December 2019: Panelist, "Operation Protect and Defend," Kennedy Learning Center, Sacramento, California. I was part of a panel of speakers who moderated a discussion with a high school class about the importance of civic participation. I have no notes, transcript, or recording. The address for the Kennedy Learning Center is 501 I Street, Sacramento, California 95814.

September 30, 2019: Guest Lecturer, Judicial Power/The Constitution, California State University, Bakersfield, Bakersfield, California. PowerPoint supplied.

October 2018: Honoree, South High School Hall of Fame Dinner. Along with several others, I was inducted into my high school's "Hall of Fame." I made brief comments thanking the awards committee for the honor and recalling the value of the education I received. I have no notes, transcript, or recording. The address of South High School is 1101 Planz Road, Bakersfield, California 93304.

February 7, 2018: Host, Open Doors to the Federal Courts Program, United States District Court, Eastern District of California, Bakersfield, California. In this annual program, I host the program by "presiding" over a mock trial and introducing guest speakers. I have no notes, transcript, or recording. The address for the United States District Court, Eastern District of California, is 501 I Street, Sacramento, California 95814.

February 8, 2017: Host Open Doors to the Federal Courts Program, United States District Court, Eastern District of California, Bakersfield, California. In this annual program, I host by "presiding" over a mock trial and introducing guest speakers. I have no notes, transcript, or recording. The address for the United States District Court, Eastern District of California, is 501 I Street, Sacramento, CA 95814.

February 10, 2016: Host, Open Doors to the Federal Courts Program, United States District Court, Eastern District of California, Bakersfield, California. In this annual program, I host by "presiding" over a mock trial and introducing guest speakers. I have no notes, transcript, or recording. The address for the United States District Court, Eastern District of California, is 501 I Street, Sacramento, California 95814.

March 4, 2015: Host, Open Doors to the Federal Courts Program, United States District Court, Eastern District of California, Bakersfield, California. In this annual program, I host the program by "presiding" over a mock trial and introducing guest speakers. I have no notes, transcript, or recording. The address for the United States District Court, Eastern District of California, is 501 I Street, Sacramento, California 95814.

February 19, 2014: Host, Open Doors to the Federal Courts Program, United States District Court, Eastern District of California, Bakersfield, California. In this

annual program, I host by “presiding” over a mock trial and introducing guest speakers. I have no notes, transcript, or recording. The address for the United States District Court, Eastern District of California, is 501 I Street, Sacramento, California 95814.

January 2014: Speaker, Kern County Bar Association Installation Dinner, Bakersfield, California. I introduced the incoming President of the Kern County Bar Association at her installation event. I have no notes, transcript, or recording. The address of the Kern County Bar Association is 1112 Truxtun Avenue, Bakersfield, California 93301.

April 2013: Speaker, Kern County Bar Association Bench & Bar Award Dinner, Bakersfield, California. I introduced the recipient of the award. I have no notes, transcript, or recording. The address of the Kern County Bar Association is 1112 Truxtun Avenue, Bakersfield, California 93301.

February 20, 2013: Host, Open Doors to the Federal Courts Program, United States District Court, Eastern District of California, Bakersfield, CA. In this annual program, I host the program by “presiding” over a mock trial and introducing guest speakers. I have no notes, transcript, or recording. The address for the United States District Court, Eastern District of California, is 501 I Street, Sacramento, California 95814.

April 25, 2012: Speaker, “Rule 180 Training” class, held at the Robert E. Coyle Federal Courthouse, Fresno, California. I and another magistrate judge spoke to officers of various federal law enforcement agencies during a segment of a one-day training offered by the United States Attorney’s Office preparing them to present petty offenses to the court. I have no notes, transcript, or recording. The address for the United States Attorney’s Office for the Eastern District of California is 2500 Tulare Street, Fresno, California 93721.

March 7, 2012: Host, Open Doors to the Federal Courts Program, United States District Court, Eastern District of California, Bakersfield, CA. In this annual program, I host by “presiding” over a mock trial and introducing guest speakers. I have no notes, transcript, or recording. The address for the United States District Court, Eastern District of California, is 501 I Street, Sacramento, CA 95814.

January 26, 2012: Speaker, Downtown Rotary Club of Bakersfield, California, Bakersfield, California. PowerPoint supplied.

March 9, 2011: Host, Open Doors to the Federal Courts Program, United States District Court, Eastern District of California, Bakersfield, CA. In this annual program, I host by “presiding” over a mock trial and introducing guest speakers. I have no notes, transcript, or recording. The address for the United States District Court, Eastern District of California, is 501 I Street, Sacramento, CA 95814.

March 17, 2010: Host, Open Doors to the Federal Courts Program, United States District Court, Eastern District of California, Bakersfield, CA. In this annual program, I host by “presiding” over a mock trial and introducing guest speakers. I have no notes, transcript, or recording. The address for the United States District Court, Eastern District of California, is 501 I Street, Sacramento, CA 95814.

2011 (date unknown): Guest Lecturer, Criminal Justice, California State University, Bakersfield, Bakersfield, California. PowerPoint supplied.

2010 (date unknown): Guest Lecturer, Criminal Justice, California State University, Bakersfield, Bakersfield, California. I spoke to a criminal justice class about the role of the federal court. I have no notes, transcript, or recording. The address for California State University, Bakersfield is 9001 Stockdale Highway, Bakersfield, California 93309.

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

I have searched my files and other electronic databases to identify all items responsive to this question. I have located the publications listed below.

Malcolm Maclachlan, *Formal and Fast*, S.F. Daily J. (Mar. 11, 2021). Copy supplied.

In approximately 2014 or 2015, I gave an interview with a local television station about the need for additional judicial resources in the Eastern District of California. I do not recall specifically when or where the interview occurred, and I am unable to obtain a recording.

Michelle Burns, *The Use of Mediation to Settle Prisoner Grievances in Federal Court*, 14 Pepp. Disp. Resol. L.J. 153 (2014). Copy supplied.

*Californian Radio July 10, 2012*, Bakersfield Californian (July 10, 2012). I am unable to obtain a recording.

*Bakersfield Courthouse Nearing Completion*, KUZZ News (July 10, 2012). I am unable to obtain a recording.

*Workers Begin to Move as New Courthouse is Set to Open*, KGET TV 17 (July 9, 2012). I am unable to obtain a recording.

Diane Hardisty, *Artist Strives to Capture Importance of Area Water*, Bakersfield Californian (July 8, 2012). Copy supplied.



Diane Hardisty, *Federal Courthouse; Built to Last (and Last)*, Bakersfield Californian (July 7, 2012). Copy supplied.

*How Does Jury Duty Work for Federal Courthouse?*, KGET.com (July 2, 2012). I am unable to obtain a recording.

Anna Burleson, *Opening Date Set for New Courthouse*, Bakersfield Californian (June 15, 2012). Copy supplied.

*First Look Inside New Bakersfield Federal Courthouse*, KGET.com (Apr. 10, 2012). I am unable to obtain a recording.

Inga Barks, *The Arthur E. Wallace Federal Courthouse Has the Best Ring to it*, Bakersfield Californian (Feb. 17, 2012). Copy supplied.

Robert Price, *So Did We Ever Decide on a Name?*, Bakersfield Californian (Jan. 21, 2012). Copy supplied.

*When Will Federal Courthouse Be Finished?*, KGET.com (Mar. 14, 2012). I am unable to obtain a recording.

Pat Alston, *Making Her Mark*, S.F. Daily J. (May 12, 2011). Copy supplied.

Jeff Goodman, *Construction Jobs Touted at Courthouse*, Bakersfield Californian (July 12, 2010). Copy supplied.

Steven Mayer, *New Magistrate Judge Selected*, Bakersfield Californian (Sept. 10, 2009). Copy supplied.

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

I was appointed as a United States Magistrate Judge in the Eastern District of California in December 2009 and reappointed in December 2017. I was appointed to my current position as the Chief Magistrate Judge for the Eastern District of California in October 2020. As a Magistrate Judge, I hear and decide social security appeals, habeas corpus petitions, cases involving petty offenses and misdemeanors, and civil rights and other civil cases with consent. Additionally, I handle initial hearings for felony cases, and all pretrial and discovery in civil rights and other civil cases.

Periodically, I sat as a judge pro tem in the Kern County Superior Court, hearing traffic matters from 2007 through 2009.

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

In the nearly 12 years I have been on the bench, I have issued judgment hundreds of times. I have presided over at least 30 jury trials and 400 bench trials.

i. Of these cases, approximately what percent were:

jury trials:	5%
bench trials:	95%

ii. Of these cases, approximately what percent were:

civil proceedings:	75%
criminal proceedings:	25%

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

See attached list of opinions.

c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature of the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (4) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

1. *Vincent v. City of Cal. City*, No. 1:18-CV-0549-JLT, 2019 WL 3547496 (E.D. Cal. Aug. 5, 2019), *aff'd*, 816 F. App'x 176 (9th Cir. 2020)

The plaintiff alleged that he suffered a retaliatory and discriminatory termination. In considering the defendant's motion for summary, I determined that the plaintiff failed to demonstrate that he engaged in protected conduct, which could give rise to a claim of retaliation. Likewise, there was no evidence that the plaintiff's termination was related to discrimination. Instead, the evidence demonstrated he was fired for lawful reasons, and I therefore granted summary judgment to the defendant. The Ninth Circuit affirmed my judgment on appeal.

Counsel for Plaintiff:

Ronald Paul Ackerman  
Oshea Orchid  
Public Employees Legal, LLP  
3415 South Sepulveda Boulevard, Suite 660  
Los Angeles, CA 90034  
(310) 649-5300

Counsel for Defendant:

Thomas O'Connell

Best & Krieger LLP  
3750 University Avenue, Suite 400  
Riverside, CA 92501  
(951) 686-1450

2. *ProBuilders Specialty Ins. Co., RRG v. Yarbrough Plastering, Inc.*, No. 1:15-CV-01811-JLT, 2016 WL 5661726 (E.D. Cal. Sept. 29, 2016), *aff'd*, 739 F. App'x 395 (9th Cir. 2018)

The defendant was sued by its insurance company, which claimed that the defendant owed three deductibles after the insurance company settled three lawsuits involving construction defect claims raised by 636 homeowners. I granted summary judgment to the defendant and concluded that only one deductible was owed. The Ninth Circuit affirmed the judgment on appeal.

Counsel for Plaintiff:

David B. Ezra  
Berger Kahn  
One Park Plaza, Suite 340  
Irvine, CA 92614  
(949) 474-1880

Counsel for Defendant:

William L. Alexander  
Alexander & Associates, PLC  
1925 G Street  
Bakersfield, CA 93301  
(661) 316-7888

3. *Luna v. Cty. of Kern*, No. 1:16-cv-00568-DAD-JLT (E.D. Cal. Mar. 30, 2018)

This case challenged the 2011 redistricting plan for Kern County, claiming it violated the Voting Rights Act. The plaintiffs alleged that the plan denied Latino voters an equal opportunity to elect candidates of their choice. Despite the fact that Latinos made up a politically cohesive majority in the northern part of the county, the plan divided this population into two districts. Consequently, even though Latino voters made up 51 percent of the population, until this litigation, only one supervisorial district included a majority of Latino voters.

After the district court determined that the redistricting plan disenfranchised voters, I conducted a settlement conference in which I facilitated a redrawing of the redistricting plan to create a second predominately Latino voting district. This forced a sitting Board Member to run for reelection in a special election in a district, which had a Latino-voter majority. I also facilitated agreement of the payment of attorneys' fees to the plaintiffs. The district court adopted the settlement, entered judgment, and ordered the terms of the settlement into effect.

Counsel for Plaintiffs:

Denise Hulett  
Tanya Pellegrini  
Thomas Saenz  
Mexican American Legal Defense and Educational Fund  
182 Second Street, Second Floor  
San Francisco, CA 94105  
(916) 642-6352

Counsel for Defendant:

Mark Nations  
Solo Practitioner  
6326 North Talcrest Place  
Boise, ID 83713  
(661) 220-0605

Christopher Skinnell  
Marguerite Leoni  
Nielsen Merksamer Parrinello Gross & Leoni LLP  
2350 Kerner Boulevard, Suite 250  
San Rafael, CA 94901  
(415) 389-6800

4. *Cornejo v. Ocwen Loan Servicing, LLC*, No. 1:15-CV-00993-JLT, (E.D. Cal. July 10, 2017)

The plaintiffs claimed that the defendants improperly foreclosed on their home after they fell behind on their mortgage payments. The defendants claimed the plaintiffs failed to submit their loan modification application in a timely fashion, causing the foreclosure sale. The jury found in favor of the plaintiffs and awarded them \$300,000 in damages. I granted the defendants' motion for a new trial because I concluded that the verdict was contrary to the weight of the evidence. Before the new trial began, the parties settled the case.

Counsel for Plaintiff:

Edward Angwin  
Angwin Law Firm  
827 Moraga Drive  
Los Angeles, CA 90049  
(310) 471-2707

Giandominic Vitiello  
Katchko, Vitiello & Karikomi PC  
11500 West Olympic Boulevard, Suite 400  
Los Angeles, CA 90064

(310) 943-9587

John Heenan  
Bishop Heenan & Davies  
1631 Zimmerman Trail  
Billings, MT 59102  
(406) 839-9091

Counsel for Defendants:

Sanford P. Shatz  
Brian Andrew Paino  
McGlinchey Stafford PLLC  
18201 Von Karman Avenue, Suite 350  
Irvine, CA 92612  
(949) 381-5811

5. *Brown v. Wimberly*, No. 1:14-CV-01812-JLT, 2016 WL 7324704 (E.D. Cal. Dec. 15, 2016)

The plaintiff alleged he was fired from a parks and recreation department after he complained that one of the board members allowed the public property to be used by a group for a discounted rate. The plaintiff claimed that this constituted a conflict of interest for the board member due to his close connection to the group. I denied the defendant's motion for summary judgment, and I presided over the trial. The jury found that the plaintiff had lawfully exercised his First Amendment rights, but that his damages were not caused by the defendant's action.

Counsel for Plaintiff:

Randy Rumph  
Law Office of Randy Rumph  
218 H Street  
Bakersfield, CA 93304  
(661) 322-4600

Counsel for Defendants:

Ritchie Zimmer  
Clifford & Brown  
1430 Truxtun Avenue, Suite 900  
Bakersfield, CA 93301  
(661) 322-6023

T. Mark Smith  
Zimmer & Melton LLP  
11601 Bolthouse Drive, Suite 100  
Bakersfield, CA 93311  
(661) 463-6700

6. *Nehara v. Cal.*, No. 1:10-CV-00491 JLT, 2013 WL 3968173 (E.D. Cal. July 31, 2013), *aff'd*, 650 F. App'x 495 (9th Cir. 2016)

The plaintiff was a nurse who worked at a state prison. The plaintiff claimed he was fired wrongfully after being attacked and injured by an inmate, asserting that the termination was retaliation for his complaints about the lack of security provided for medical staff. The State claimed the plaintiff was terminated because he slept on the job. I presided over the trial, after which the jury found in the plaintiff's favor. After the judgment was entered, the State filed a post-trial motion, based upon newly discovered evidence, demonstrating that during discovery the plaintiff had deliberately lied and misled the defense about significant issues. I granted the post-trial motion and ordered a new trial. Before the new trial, the plaintiff dismissed his case and appealed the grant of a new trial. The Ninth Circuit affirmed my decision.

Counsel for Plaintiff:

Michael Dale Anderson  
Anderson & Associates  
140 South Lake Avenue, Suite 372  
Pasadena, CA 91101  
(626) 449-8131

Nicholas Hnatiuk  
CalTrans  
100 South Main Street, Suite 1300  
Los Angeles, CA 90012  
(213) 687-6000

Counsel for Defendants:

Andrea R. Austin  
Noreen Skelly  
State of California Office of the Attorney General  
1300 I Street, Room 125  
P.O. Box 944255  
Sacramento, CA 95814  
(916) 445-4751

7. *C & C Props., Inc. v. Shell Co.*, No. 1:14-CV-01889-JAM, 2015 WL 5604384 (E.D. Cal. Sept. 23, 2015), *report and recommendation adopted sub nom. C & C Props., Inc. v. Shell Pipeline Co.*, No. 1:14-CV-01889-JAM-JLT, 2015 WL 13847505 (E.D. Cal. Dec. 3, 2015)

The plaintiff claimed that after it purchased undeveloped land, it discovered that two oil companies had underground natural gas pipelines lain across the property in a way that precluded commercial development. The oil companies refused to

move their pipelines when the plaintiff demanded it. After an extensive evidentiary hearing, I recommended that the district judge grant the plaintiff's motion for a preliminary injunction. The district judge adopted my findings and recommendations in full and granted the preliminary injunction.

Counsel for Plaintiff:

Thomas Vogele  
Timothy Kowal  
Thomas Vogele & Associates APC  
129 West Wilson Street, Suite 200  
Costa Mesa, CA 92627  
(714) 641-1232

Counsel for Defendants:

Kevin Day  
Alvaradosmith, APC  
One MacArthur Place, Suite 200  
Santa Ana, CA 92707  
(714) 852-6800

8. *Imperium Ins. Co. v. Unigard Ins. Co.*, 16 F. Supp. 3d 1104 (E.D. Cal. 2014)

An employee operating a forklift was impaled on a gate left open by a truck driver, who had arrived earlier to pick up a load. Thereafter, the trucking company's insurers disputed whether their policies imposed a duty to defend and/or indemnify the company in the subsequent lawsuit. The plaintiff provided an insurance policy for injuries "resulting" from the use of the insured's vehicles. The defendant provided a general liability policy, which applied to bodily injuries, except those caused by using a vehicle for loading or unloading. After considering the parties' cross motions for summary judgment, I determined that the truck driver's action in opening the gate did not "result" from the operation of the vehicle. I also concluded that the injury did not "result" from the use of a vehicle for loading or unloading. These determinations meant that the plaintiff had a duty to defend and indemnify, and the defendant did not.

Counsel for Plaintiff:

Kevin P. McNamara  
Traub Lieberman Straus & Shrewsbury LLP  
626 Wilshire Boulevard, Suite 800  
Los Angeles, CA 90017  
(213) 624-4500

Counsel for Defendant:

Marguerite L. Brown  
Brown, Brown & Klass  
28118 Agoura Road, Suite 103

Agoura Hills, CA 91301  
(818) 597-9590

9. *Goold v. Hilton Worldwide Inc. LLC*, No. 1:13-CV-00438 JLT, 2014 WL 2465831 (E.D. Cal. June 2, 2014)

The plaintiff alleged he was retaliated against and fired after he complained about sexual harassment inflicted on a coworker by his employer's human resources director. After I denied the defendants' motion for summary judgment, I presided over the jury trial. Following a six-day trial, the jury was unable to come to a unanimous verdict, and I declared a mistrial. Before the new trial began, the parties settled the case.

Counsel for Plaintiff:

Randy Rumph  
Law Office of Randy Rumph  
218 H Street  
Bakersfield, CA 93304  
(661) 322-4600

Counsel for Defendant:

Henry L. Sanchez  
Jackson Lewis LLP  
725 South Figueroa Street, Suite 2500  
Los Angeles, CA 90017  
(213) 689-0404

10. *Carpenter v. Forest Meadows Owners Ass'n*, No. 1:09-CV-01918-JLT, (E.D. Cal. Aug. 11, 2011).

I was assigned this matter just before trial. I resolved the motions in limine and presided over the trial. The plaintiff claimed that her employer fired her based upon her ongoing participation in the Air Force Reserves, but the jury determined that, though the plaintiff had suffered discrimination, it was not the cause of her damages. The jury found that the plaintiff would have been terminated for lawful reasons unrelated to the discrimination. Consequently, the jury found for the defense.

Counsel for Plaintiff:

Lawrance Bohm  
Bohm Law Group  
4600 Northgate Boulevard, Suite 210  
Sacramento, CA 95834  
(916) 927-5574

Erika Gaspar



Law Office of Erika M. Gaspar  
2121 Natomas Crossing Drive, Suite 200-399  
Sacramento, CA 95834  
(916) 749-0278

Counsel for Defendants:

Jennifer McGeorge  
Ford Harrison, LLP  
350 South Grand Avenue, Suite 2300  
Los Angeles, CA 90071  
(213) 237-2400

David L. Perrault  
Hardy Erich Brown & Wilson  
1000 G Street, Suite 200  
Sacramento, CA 95814  
(916) 449-3836

- 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. *Vincent v. City of Cal. City*, No. 1:18-CV-0549-JLT, 2019 WL 3547496 (E.D. Cal. Aug. 5, 2019), *aff'd*, 816 F. App'x 176 (9th Cir. 2020)

Counsel for Plaintiff:

Ronald Paul Ackerman  
Oshea Orchid  
Public Employees Legal, LLP  
3415 South Sepulveda Boulevard, Suite 660  
Los Angeles, CA 90034  
(310) 649-5300

Counsel for Defendant:

Thomas O'Connell  
Best & Krieger LLP  
3750 University Avenue, Suite 400  
Riverside, CA 92501  
(951) 686-1450

2. *ProBuilders Specialty Ins. Co., RRG v. Yarbrough Plastering*, No. 1:15-CV-01811-JLT, 2016 WL 5661726 (E.D. Cal. Sept. 29, 2016), *aff'd*, 739 F. App'x 395 (9th Cir. 2018)

Counsel for Plaintiff:

David B. Ezra  
Berger Kahn  
One Park Plaza, Suite 340  
Irvine, CA 92614-2511  
(949) 474-1880

Counsel for Defendant:  
William L. Alexander  
Alexander & Associates, PLC  
1925 G Street  
Bakersfield, CA 93301-4321  
(661) 316-7888

3. *Williams v. City of Bakersfield*, No. 1:14-CV-001955-JLT, 2017 WL 1215766  
(E.D. Cal. Mar. 3, 2017)

Counsel for Plaintiff:  
Chantal Trujillo  
Rodriguez & Associates  
1128 Truxtun Avenue  
Bakersfield, CA 93301  
(661) 323-1400

Counsel for Defendants:  
Michael G. Marderosian  
Heather Cohen  
Marderosian & Cohen  
7797 North First Street, Suite 101-5  
Fresno, CA 93720  
(559) 441-7991

4. *Cornejo v. Ocwen Loan Servicing, LLC*, No. 1:15-CV-00993-JLT, Dkt. 144  
(E.D. Cal. July 10, 2016). Opinion supplied.

Counsel for Plaintiff:  
Edward Angwin  
Angwin Law Firm  
827 Moraga Drive  
Los Angeles, CA 90049  
(310) 471-2707

Giandominic Vitiello  
Katchko, Vitiello & Karikomi PC  
11500 West Olympic Boulevard, Suite 400  
Los Angeles, CA 90064  
(310) 943-9587

John Heenan  
Bishop Heenan & Davies  
1631 Zimmerman Trail  
Billings, MT 59102  
(406) 839-9091

Counsel for Defendants:

Sanford P. Shatz  
Brian Andrew Paino  
McGlinchey Stafford  
18201 Von Karman Avenue, Suite 350  
Irvine, CA 92612  
(949) 381-5811

5. *Nehara v. Cal.*, No. 1:10-CV-00491 JLT, 2013 WL 3968173 (E.D. Cal. July 31, 2013), *aff'd*, 650 F. App'x 495 (9th Cir. 2016)

Counsel for Plaintiff:

Michael Dale Anderson  
Anderson & Associates  
140 South Lake Avenue, Suite 372  
Pasadena, CA 91101  
(626) 449-8131

Nicholas Hnatiuk  
CalTrans  
100 South Main Street, Suite 1300  
Los Angeles, CA 90012  
(213) 687-6000

Counsel for Defendants:

Andrea R. Austin  
Noreen Skelly  
State of California Office of the Attorney General  
1300 I Street, Room 125  
P.O. Box 944255  
Sacramento, CA 95814  
(916) 445-4751

6. *C & C Props., Inc. v. Shell Co.*, No. 1:14-CV-01889-JAM, 2015 WL 5604384 (E.D. Cal. Sept. 23, 2015), *report and recommendation adopted sub nom. C & C Props., Inc. v. Shell Pipeline Co.*, No. 1:14-CV-01889-JAM-JLT, 2015 WL 13847505 (E.D. Cal. Dec. 3, 2015)

Counsel for Plaintiff:

Thomas Vogele  
Timothy Kowal  
Thomas Vogele & Associates APC  
129 West Wilson Street, Suite 200  
Costa Mesa, CA 92627  
(714) 641-1232

Counsel for Defendants:

Kevin Day  
Alvaradosmith, APC  
One MacArthur Place, Suite 200  
Santa Ana, CA 92707  
(714) 852-6800

7. *Imperium Ins. Co. v. Unigard Ins. Co.*, 16 F. Supp. 3d 1104 (E.D. Cal. 2014)

Counsel for Plaintiff:

Kevin P. McNamara  
Traub Lieberman Straus & Shrewsbury LLP  
626 Wilshire Boulevard, Suite 800  
Los Angeles, CA 90017  
(213) 624-4500

Counsel for Defendant:

Marguerite L. Brown  
Brown, Brown & Klass  
28118 Agoura Road, Suite 103  
Agoura Hills, CA 91301  
(818) 597-9590

8. *Avila v. Cate*, No. 1:10-CV-01208 JLT, 2011 WL 2680844 (E.D. Cal. July 8, 2011)

Counsel for Plaintiff:

The plaintiff appeared *pro se*.

Counsel for Defendant:

The defendant did not appear.

9. *Williams v. Ahlin*, No. 1:10-CV-00984 JLT PC, 2011 WL 5307819 (E.D. Cal. Nov. 3, 2011)

Counsel for Plaintiff:

The plaintiff appeared *pro se*.

Counsel for Defendant:

The defendant did not appear.

10. *Taylor v. U.S. Dep't of State*, No. 1:10-CV-01892 LJO, 2010 WL 4225535 (E.D. Cal. Oct. 20, 2010)

Counsel for Plaintiff:

The plaintiff appeared *pro se*.

Counsel for Defendant:

The defendant did not appear.

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

None.

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

The following list reflects my best effort to identify all of my opinions where my decisions were reversed by a reviewing court or where my judgment was affirmed with significant criticism of my substantive or procedural rulings. To compile the list, I searched my files and consulted electronic databases regarding the decisions I have written in the cases assigned to me.

Since I assumed the bench in 2009, I have located 43 times when my judgments, or judgments based upon my findings and recommendations have been appealed, and the United States Court of Appeals for the Ninth Circuit Court of Appeals has reversed in only eight of those matters.

1. *Velasquez v. Ndoh*, 2017 WL 3383119 (E.D. Cal., 2017), *findings and recommendation adopted in full*, No. 1:15-cv-01288-AWI-JLT (HC), Dkt. 41 (E.D. Cal. Nov. 8, 2017), *rev'd and remanded sub nom*, 824 F. App'x 498 (9th Cir. 2020)

In this habeas corpus action, the Ninth Circuit determined that the district judge erred in adopting my findings and recommendation. In this case, the petitioner was convicted of attempted murder of a peace officer. The officer testified he saw the petitioner firing a gun at him through the sunroof of a vehicle and heard two shots hit his patrol car. When the petitioner was arrested, he was found with a pistol of the same caliber of the rounds found in the vehicle used in the shooting. The Court of Appeals held that the petitioner was entitled to further factfinding to determine whether his trial attorney was ineffective in failing to obtain testing of the fingerprints taken from the vehicle and in failing to investigate whether

another person was the actual shooter. The matter remains ongoing in the district court.

2. *Vazquez v. Cty. of Kern*, 949 F.3d 1153 (9th Cir. 2020), 2017 WL 6447887 (E.D. Cal., 2017)

The Ninth Circuit reversed my order granting summary judgment to the defendants on the ground that the plaintiff demonstrated a triable issue of fact whether the acts of which she complained, violated the Fourteenth Amendment's right to bodily privacy. The Court of Appeals determined that I erred in finding that evidence submitted by the plaintiff did not rise to the level of a constitutional violation.

3. *Page v. King*, 2016 WL 6875704 (E.D. Cal. Nov. 21, 2016), report and recommendation adopted, No. 1:16-CV-0522 AWI-JLT, 2017 WL 11373232 (E.D. Cal. Feb. 24, 2017), vacated and remanded, 932 F.3d 898 (9th Cir. 2019)

In this habeas corpus proceeding, the Ninth Circuit determined the district judge erred in adopting my findings and recommendation that the district court abstain from considering the matter pursuant to the *Younger* abstention doctrine. On remand, I issued findings and recommendations to deny the petition on its merits, and the district judge adopted them in full. The petitioner appealed again, and the appeal remains ongoing in the Ninth Circuit (No. 20-17073).

4. *Sanchez v. Spearman*, 2018 WL 4901559 (9th Cir. March 30, 2018), No. 1:17-cv-00723, AWI JLT, Dkt. 14 (E.D. Cal. Sept. 7, 2017). Opinion supplied.

The Ninth Circuit remanded this case after determining in *Williams v. King*, 875 F.3d 500 (9th Cir. 2017), that a magistrate judge does not proceed with consent if unserved defendants have not consented to magistrate-judge jurisdiction. On remand, I issued findings and recommendations to summarily deny the petition for lack of jurisdiction, and the district judge adopted the recommendation in full. The petitioner did not appeal, and the time to appeal has expired.

5. *Werlein v. Berryhill*, 725 F. App'x 534 (9th Cir. 2018), 2016 WL 54711 (E.D. Cal. Jan. 4, 2016)

In this social security appeal, I held that the Administrative Law Judge (ALJ) had set forth a sufficient basis for rejecting the plaintiff's testimony. On appeal, the Ninth Circuit reversed, concluding that the ALJ failed to provide an adequate basis. When the case returned to the district court, I remanded the matter to the ALJ for an award of benefits to the plaintiff.

6. *Nettles v. Grounds*, 788 F.3d 992 (9th Cir. 2015), *rev'd and remanded*, 830 F.3d 922 (9th Cir. 2016) (en banc), *Nettles v. Lopez*, 2011 WL 5241176 (E.D.

Cal. Oct. 31, 2011) findings and recommendation adopted in full No. 1:11-cv-01201-AWI-JLT (HC), (Dkt. 74) (E.D. Cal. Aug. 3, 2012). Opinion supplied.

The district judge adopted my findings and recommendation to dismiss the petition, because it did not give rise to habeas corpus jurisdiction. A Ninth Circuit panel agreed and affirmed my judgment. On rehearing en banc, the full Ninth Circuit agreed that there was no habeas corpus jurisdiction. At the same time, however, the Court of Appeals established a new requirement that the district court recharacterize a habeas petition as a civil rights action if the petition is amenable to conversion on its face, the court warns the petitioner of the consequences of doing so, and the court provides the petitioner an opportunity to withdraw or amend the complaint. On remand, the matter was dismissed after the plaintiff, in the recharacterized suit, failed to comply with orders to amend the complaint.

7. *Garcia v. Comm'r of Soc. Sec.*, 768 F.3d 925 (9th Cir. 2014), 2012 WL 530197 (E.D. Cal. Feb. 17, 2012)

This was an appeal of an order denying supplemental social security income. I denied the appeal, holding that the duty to fully develop the record was not triggered. In a two-to-one decision, the Ninth Circuit reversed, setting forth new a standard requiring a complete set of IQ tests when evaluating mental disorders, including intellectual disabilities. When the case returned to the district court, I remanded the matter for administrative proceedings consistent with the Ninth Circuit's opinion.

8. *Chang v. Comm'r of Soc. Sec. Admin.*, 507 F. App'x 698 (9th Cir. 2013), 2011 WL 1337421 (E.D. Cal. Apr. 11, 2011)

In a two-to-one decision, the Ninth Circuit reversed my judgment upholding an Administrative Law Judge's (ALJ) determination denying the plaintiff's application for supplemental social security income. I had found that there was substantial evidence to support the ALJ's determination and that it was consistent with the medical record. The Court of Appeals, however, concluded that the ALJ had failed to set forth sufficient reasons for rejecting part of a consultative doctor's opinion. When the case returned to the district court, I remanded the matter to the ALJ for further consideration of the plaintiff's application.

I have issued approximately 1,500 reports and recommendations in civil and criminal cases. Every report and recommendation is subject to review by the district court, and my recommendations have been adopted in full in more than 99 percent of those cases. I have located two occasions, however, when my reports and recommendations were adopted only in part.

1. *Cruz v. Ostrander*, No. 1:19-cv-00994 AWI JLT, Dkt. 43 (E.D. Cal. Jun. 4, 2021); No. 1:19-cv-00994 AWI JLT, Dkt. 34 (E.D. Cal. Mar. 3, 2021)

I recommended that this matter be dismissed because the plaintiff had acquired at least three prior “strikes” under 28 U.S.C. § 1915(g). In doing so, I referenced “strikes” that had been reversed. Nevertheless, there were three other cases as to which the plaintiff had suffered “strikes,” so the district judge adopted my findings and recommendations in part. Copy supplied.

2. *E. & J. Gallo v. Proximo Spirits, Inc.*, No. 1:10-cv-00411 LJO JLT, Dkt. 378 (E.D. Cal. Aug. 23, 2012); No. 1:10-cv-00411 LJO JLT, Dkt. 365 (E.D. Cal. Jul. 23, 2012)

In this case, I recommended granting the plaintiff-cross-defendant’s motion for attorneys’ fees. The district judge rejected the findings and recommendations in part and refused to award any fees. Copy supplied.

- g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.

As a United States Magistrate Judge, the vast majority of my opinions are unpublished. All of my orders and decisions, however, are filed and stored with the court’s electronic case filing system. In addition, many of my decisions are available on Westlaw or Lexis.

- 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.

*Hutchinson v. Bear Valley Cmty. Servs. Dist.*, 191 F. Supp. 3d 1117 (E.D. Cal. 2016).

*Brown v. Beagley*, No. 1:10-CV-01460-JLT, 2012 WL 3233489 (E.D. Cal. Aug. 6, 2012).

*Williams v. Ahlin*, No. 1:10-CV-00984 JLT PC, 2011 WL 5307819 (E.D. Cal. Nov. 3, 2011).

*Avila v. Cate*, No. 1:10-CV-01208 JLT, 2011 WL 2680844 (E.D. Cal. July 8, 2011).

*Taylor v. U.S. Dep’t of State*, No. 1:10-CV-01892 LJO, 2010 WL 4225535 (E.D. Cal. Oct. 20, 2010).

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



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

14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an “automatic” recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:
- a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;
  - b. a brief description of the asserted conflict of interest or other ground for recusal;
  - c. the procedure you followed in determining whether or not to recuse yourself;
  - d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

The United States District Court for the District of California has an automated conflict check system. I list in that system the people and organizations that cannot appear before me due to close personal relationships or financial interests that would preclude me from presiding over those matters. The system automatically flags any conflict so that the case is not assigned to me.

I have recused myself sua sponte from all cases in which I represented a client while I was a practicing lawyer. I have also recused myself sua sponte from any case that had been filed against the County of Kern or its employees while I was still employed as a deputy county counsel. Further, I have recused myself in cases in which I have a personal or financial relationship with any of the parties.

I searched my files and consulted public databases and located two occasions in which a party sought my recusal. In two companion cases, the plaintiff moved for me to recuse because he had sued an official of the County of Kern. I declined to recuse myself because the official was not elected to his position until after I left the county’s employ, the lawsuit concerned events that arose six years after my exit, and I had no relationship with the official. *Williford v. Scrivner*, No. 1:15-cv-00653-KJM-JLT, Dkt. 38 (E.D. Cal. Aug. 13, 2015), and *Williford v. Hall*, No. 1:15-cv-00868-KJM-JLT, Dkt. 35 (E.D. Cal. Aug. 13, 2015). The plaintiff did not appeal those determinations.

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

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

I have not held public office other than judicial offices.

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

I have not held any offices in or rendered services to any political party or election committee. I have not held a position or played a role in a political campaign.

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

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

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

I did not serve as a law clerk to a judge.

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

I have never practiced law alone.

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

1997

Kern County District Attorney  
1215 Truxtun Avenue, Fourth Floor  
Bakersfield, California 93301  
Law Clerk

1995 – 2009

Office of the County Counsel  
1115 Truxtun Avenue, Fourth Floor  
Bakersfield, California 93301

Deputy County Counsel (1997 – 2009)

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

I have not served as a mediator or arbitrator.

b. Describe:

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

In 1997, I began my legal career as a Deputy County Counsel for the County of Kern, representing the Department of Human Services in trial court dependency actions involving abused and neglected children. I also performed related appellate duties, including researching, brief-writing and presenting oral argument. In addition, I advised the Department regarding proposed program and policy changes.

Beginning in 2000 and continuing until I stopped working for the County of Kern in 2009, I represented the Board of Supervisors and various county agencies, departments, and employees in civil litigation. These cases spanned the gamut, including actions involving civil rights, premises liability, negligence, elections law, employment, and other complex and class-action litigation. I also received exposure to criminal procedure and substantive issues due to my representation of sheriff's deputies, the district attorney, the public defender, and the professional staffs of those offices in cases where the propriety of the employees' actions was challenged.

During this period, I continued to advise the Department of Human Services in policy development, in litigation, and on appeal to the Court of Appeal, as well as in writ proceedings in the Kern County Superior Court. Further, from 2000 to 2002, I represented the Kern County Public Guardian in probate conservatorship matters in which the Public Guardian was the conservator for dependent adults. From 2003 to 2004, I represented the Kern County Retirement Board in administrative hearings in which employee-applicants appealed the denial of their retirement applications and in associated writ proceedings. From 2006 to 2009, I advised and trained the Kern County Civil Service Commission on issues of procedural and substantive law. And throughout 2009, I advised and trained the grievance review officers at the Kern County Department of Human Services on issues of procedural and substantive law.

- ii. your typical clients and the areas at each period of your legal career, if

any, in which you have specialized.

Throughout my legal career, my client was the County of Kern and its employees. Initially, my "clients" were county social workers who had intervened in events in which children were suffering abuse and neglect. In civil litigation matters, my clients included county employees of all sorts, including doctors, nurses, deputies, attorneys, investigators, election officials, and roads department workers.

- 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.

Nearly all of my practice was spent in litigation at the trial level and on appeal. I estimate that less than one percent of my time was spent in an advisory function. Throughout my practice, I was in court frequently.

- i. Indicate the percentage of your practice in:

federal courts:	24%
state courts of record:	75%
other courts:	0%
administrative agencies:	1%

Indicate the percentage of your practice in:

civil proceedings:	100%
criminal proceedings:	0%

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

During my time working on juvenile dependency cases, I tried more than 500 bench trials to verdict, as sole counsel. Thereafter, when I was assigned to general civil litigation cases, I tried five jury cases and two bench trials to verdict. I was sole counsel in six of the cases, and lead counsel in the other matter. Throughout my career, I tried approximately twenty matters before an administrative law judge. In all but one, I was sole counsel. In the other, I was lead counsel.

- i. What percentage of these trials were:

1. jury:	5%
2. non-jury:	95%

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

practice.

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

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

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

1. *Kern Cty. Probation Offs. ' Ass'n v. Cty. of Kern*, No. LA-CE-00434-M (34 PERC ¶ 16 2009)

I was lead counsel for the County of Kern in this labor relations dispute in which the Kern County Probation Officers' Association (KCPOA) alleged unfair employment practices based upon the County's negotiation tactics with the union. I handled all facets of the administrative proceeding before an administrative law judge for the Public Employment Relations Board, including pre-trial and post-trial briefing and the trial. The administrative law judge returned a decision in favor of the County, concluding that the County's negotiating tactics were lawful and that KCPOA was not entitled to an injunction or damages.

Administrative Law Judge:

Hon. Thomas J. Allen

Co-counsel:

Steven Sanders (deceased)

Counsel for Plaintiff:

Kathleen N. Mastagni

Mastagni, Holstedt, Amick, Miller, Johnsen & Uhrhammer

1912 I Street, Suite 102

Sacramento, CA 95811

(916) 447-4692

2. *Araujo de Aguilar v. Nat'l R.R. Passenger Corp.*, 272 F. App'x 630 (9th Cir. 2008)

I was co-counsel for the County of Kern in this case, where seven people were killed when the van in which they were riding was struck by an Amtrak train. The successors claimed that the orientation of the road over which the railroad tracks were lain, created a dangerous condition of public property. I co-led discovery efforts with my co-counsel, and I wrote and successfully argued the motion for summary judgment on my own. I also was sole counsel on appeal before the Ninth Circuit, which affirmed the district court's ruling in favor of the County.

Judge:

Hon. Robert E. Coyle (deceased)

Hon. William C. Canby, Jr.

Hon. Milan Smith

Hon. Stephen G. Larson

Co-counsel:

Mark Nations  
6326 North Talcrest Place  
Boise, ID 83713  
(661) 220-0605

Counsel for Plaintiffs:

Richard Fine  
Solo Practitioner  
P.O. Box 789  
Santa Barbara, CA 93102  
(310) 622-6900

David Lynn  
Law Offices of David Lynn  
11500 West Olympic Boulevard, Suite 400  
Los Angeles, CA 90064  
(310) 312-4513

Michael Goldstein  
Michael B. Goldstein ALC  
4640 Admiralty Way, Suite 800  
Marina del Rey, CA 90292  
(323) 651-0125

Peter McNulty  
McNulty Law Firm  
827 Moraga Drive  
Los Angeles, CA 90049

(310) 471-2707

Gregory Moreno (deceased)

Luis Carrillo  
Carrillo Law Firm, LLP  
1499 Huntington Drive, Suite 402  
South Pasadena, CA 91030  
(626) 799-9375

Counsel for Co-defendants:

B. Clyde Hutchinson (Defendant Burlington Northern Santa Fe Corporation; Defendant National Railroad Passenger Corporation; Defendant Ward/ Defendant Dike)  
Lombardi, Loper & Conant, LLP  
1999 Harrison Street, Suite 2600  
Oakland, CA 94612-3541  
(510) 433-2600

Dixon Kummer (Defendant M. Palomo; Defendant R. Palomo)  
Gattuso & Kummer  
1200 Truxtun Avenue, Suite 140  
Bakersfield, CA 93301  
(661) 324-2700

Tom Minehan (Defendant Shafter-Wasco Ginning Company)  
Minehan, McFaul & Fitch, LLP  
P.O. Box 50409  
Santa Barbara, CA 93150  
(805) 963-8252

3. *Brown v. Cty. of Kern*, No. 1:06-cv-00121 OWW (E.D. Cal. 2008)

I represented the County of Kern and several sheriff's deputies. The deputies were called to the scene of a burglary. When the officers arrived, Mr. Brown, who had been in process of burglarizing the location, ran away and hid in an adjacent field. The officers deployed a police dog, which located Mr. Brown. Then, after Mr. Brown began beating the dog and refused orders to stop, one deputy struck Mr. Brown. Mr. Brown thereafter sued, alleging claims for the use of excessive force. I tried the case to a jury and obtained a complete defense verdict.

Judge:

Hon. Oliver W. Wanger (retired)

Counsel for Plaintiff:

Donald Cook  
Mann & Cook

3435 Wilshire Boulevard, Suite 2900  
Los Angeles, CA 90010  
(213) 252-9444

4. *Simental v. Cty. of Kern*, No. S-1500-cv-254177 (Cal. Sup. Ct. Kern Cnty. 2007),  
2007 WL 582855 (Cal. App. Feb. 27, 2007)

I represented the County of Kern in this action, where parents sued after a branch fell from a tree in a county park and struck their infant. I obtained summary judgment for the county, and successfully defended the judgment on appeal. I had sole responsibility for handling this matter and conducted all discovery, legal research and writing, and motions work, including drafting and arguing the motion for summary judgment, as well as all facets of the appeal.

Judge:

Hon. Sidney P. Chapin (retired)  
(Current business contact information unavailable.)

Counsel for Plaintiff:

Charles Chapman  
28202 Cabot Road, Suite 300  
Laguna Niguel, CA 92677  
(949) 365-7097

5. *Faulkner v. Cty. of Kern*, No. 1:04-cv-05964 (E.D. Cal. 2006)

In this case, Mr. Faulkner asserted that he was improperly convicted of attempted kidnapping and false arrest and sentenced to serve two life terms as a result. After his convictions were overturned, he sued the County of Kern, the Kern County District Attorney, the prosecuting deputy district attorney, the investigating law enforcement officers, the Public Defender, and the assigned deputy public defender as well as various state employees. I took over as sole counsel on this case after my colleague, who had been assigned to handle the matter, began a medical leave. I completed nearly all of the discovery and authored and argued the motion for summary judgment. The district court granted the motion on various grounds including: that the prosecutors were entitled to absolute prosecutorial immunity; that there was no evidence that the entity maintained a custom or policy that gave rise to the alleged constitutional violation; and that the law was not clearly established that it was insufficient for a prosecutor to turn over exculpatory material only to the defense rather than also to the court, or that officers violate the Constitution when accepting as true implausible witness accounts. This resulted in the court entering judgment in favor of my clients.

Judge:

Hon. Oliver W. Wanger (retired)

Counsel for Plaintiff:



Ellen Ellison  
The Law Office of Ellen Hammill Ellison  
3435 Wilshire Boulevard, Suite 2900  
Los Angeles, CA 90010  
(213) 365-8225

Counsel for Codefendants:

Gary Binkerd  
4700 Del Rio Road  
Sacramento, CA 95822  
(619) 993-3399

6. *Ponzo v. Sears*, No. S-1500-cv-251252 (Cal. Sup. Ct. Kern Cnty. 2005)

I was sole counsel for the County of Kern in this case, where Ms. Ponzo, the plaintiff, was injured after her vehicle was struck by another motorist while traveling through an intersection. When Ms. Ponzo entered the intersection, she was unaware that the railroad's crossing gates were malfunctioning, which caused the County's traffic signals in the intersection to cycle rapidly. This provided a confusing display to motorists who, except for Ms. Ponzo, were treating the intersection as a four-way stop. I handled all aspects of discovery and tried this case to a jury. Although Ms. Ponzo recovered more than \$1.4 million from our codefendant railroad company, I obtained a complete defense verdict for the County of Kern.

Judge:

Hon. Louis P. Etcheverry (deceased)

Counsel for Plaintiff:

John Hall  
Law Offices of John Hall  
1200 Truxtun Avenue, Suite 114  
Bakersfield, CA 93301  
(661) 328-1200

Counsel for Codefendant:

Richard Aharonian (Defendant Sears)  
Carbone, Smith & Koyama  
7108 North Fresno Street, Suite 320  
Fresno, CA 93720  
(559) 437-6463

George Martin (Defendant Railroad Controls Limited)  
Borton, Petrini & Conron  
5060 California Avenue, Suite. 700  
Bakersfield, CA 93309  
(661) 322-3051

7. *Cty. of Kern v. Vontz*, No. S-1500-CV-245787 (Cal. Sup. Ct. Kern Cnty. 2005)

I was the sole counsel for the County of Kern in this case, in which the County condemned property owned by Pacific Gas and Electric (PG&E). Decades before, the property had been used as a burn dump, and the County sought control of the area due to the hazardous constituents remaining on the property. When the County took possession, it discovered that Mr. Vontz was farming the land and had been issued a license by PG&E many years before. When Mr. Vontz refused to vacate the property, the County of Kern filed an action for unlawful detainer, and Mr. Vontz cross-complained for inverse condemnation. I won summary judgment for my client in the trial court, but the judgment was reversed on appeal. When the case was remanded, the parties agreed to engage in arbitration. After a three-day arbitration trial, I successfully demonstrated that the license agreement was terminable at PG&E's will, and it had been terminated by PG&E. Accordingly, the County of Kern obtained full control over the property, and Mr. Vontz's claim for condemnation damages was denied.

Arbitrator:

Kenneth Byrum

Counsel for Plaintiff:

N. Thomas McCartney  
Eastman, McCartney Dallman, LLP  
4709 Kimber Avenue  
Bakersfield, CA 93307  
(661) 334-8011

8. *Gupta v. Cedars Sinai Med. Ctr.*, No. BC258271 (Cal. Sup. Ct. L.A. Cnty. 2003)

I was sole counsel for the County of Kern as plaintiff-intervenor. In this case, an employee, Dr. Gupta, slipped and fell on a wet floor while stationed at Cedars Sinai Medical Center as a part of the County's medical residency program. Dr. Gupta suffered significant knee injuries that limited the medical fields in which he could work in the future. As his employer, the County was responsible for providing workers compensation benefits for, and on behalf of, Dr. Gupta. I handled all aspects of discovery and tried this case to a jury, successfully obtaining full compensation for the County's losses.

Judge:

Hon. Malcolm H. Mackey

Counsel for Plaintiff:

Diane Goldman  
Law Offices of Diane Goldman  
21860 Burbank, Suite 360  
Woodland Hills, CA 91367  
(818) 883-3344

Counsel for Codefendants:

Joseph J. Briscoe (Defendant Cedars Sinai Medical Center)  
Bremer, Whyte, Brown & O'Meara  
21215 Burbank Boulevard, Suite 500  
Woodland Hills, CA 90045  
(818) 712-9800

Adam Wright (Defendant custodial company)  
The Phillips Firm, APC  
800 West Sixth Street, Suite 980  
Los Angeles, CA 90017  
(213) 587-7414

9. *In re Tanyann W.*, 97 Cal. App. 4th 675 (2002)

I represented the Child Protective Services Agency and was sole counsel for the appellant in this matter heard by the Fifth District Court of Appeal. This case involved a foster child who had been severely sexually abused for years by her foster parents. As a result, the couple's biological child and their current foster child were removed from the home. Generally, services designed to reunify children with parents are denied to the parents of the child and the siblings if they are found to have severely sexually abused a child. Because the victim was a foster sibling, the dependency court ordered services to reunify them with their biological children. On appeal, I argued that reunification services should have been denied to the couple due to the severe abuse of the foster-sibling. At the time, the California Welfare and Institutions Code narrowly defined "sibling" to include only biological siblings. Though endorsing my argument, the Court of Appeal affirmed the trial court's action but noted the question was one for the legislature. This resulted in the statute being amended to include foster-siblings in the definition of "sibling."

Judges:

Justice Timothy Buckley (retired)

Justice Nicoklas J. Dibiaso (retired)

Justice Dennis Cornell (retired)

Counsel for Codefendants:

Kimball Sargeant  
Law Offices of Kimball J.P. Sargeant  
429 F Street, Suite 8B  
Davis, CA 95616  
(530) 298-7210

Roland Simoncini (deceased)

10. *In re Baby Boy H.*, 63 Cal. App. 4th 470 (1998)

I was the appellate attorney representing the County of Kern in this case, in which the mother challenged the juvenile court's determination that she would not be provided services designed to reunify her with her newborn son. By the time Baby Boy H. was born—suffering the effects of heroin use by his mother—she had failed to reunify with two children, who had been adopted, and two others, who were ongoing dependents of the court. In affirming the juvenile court's judgment, the Court of Appeal determined that the state law that allowed denial of reunification to parents who had failed to reunify in the past was constitutional.

Judges:

Justice James A. Ardaiz (retired)

Justice William A. Stone (deceased)

Justice Herbert I. Levy

Counsel for Appellant:

Janusz Seremak

Namyslowska 48

Czestochowa 42-202, Poland

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.)

In addition to my courtroom duties in both civil and criminal matters, I oversee the Eastern District of California's reentry court program in Bakersfield, California. In this role, I work with a team consisting of members of the United States Probation Office, the Federal Public Defender's Office, the United States Attorney's Office, and a graduate mentor. The goal of the program is to provide participants with needed services, support, and guidance along with heightened supervision in an effort to prevent recidivism.

While practicing, I became a Certified Appellate Specialist, which required that I demonstrate significant appellant experience in brief writing and in conducting oral argument and a commitment to continuing education. I handled more than one hundred matters on appeal and argued before the Fifth District Court of Appeal, the Ninth Circuit Court of Appeals and the California Supreme Court. I received the endorsement of justices before whom I appeared and from my opponents, and I passed a full-day examination before becoming certified by The California State Bar's Board of Legal Specialization.

I have not performed lobbying activity on behalf of any client or organization, and I am not and have never been a registered lobbyist.

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.

In approximately 1995, while in law school, I taught a course on legal terminology to prospective paralegals at SBB College, a vocational school in Bakersfield, California. The course covered topics such as how to write, pronounce, and use legal terms of art. I did not retain a copy of the syllabus.

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.

None.

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

See attached Financial Disclosure Report.

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

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

- a. Identify the family members or other persons, parties, categories of litigation, and financial arrangements that are likely to present potential conflicts-of-interest

when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

I am unaware of any persons, parties, categories of litigation, or financial arrangements that are likely to present potential conflicts of interest. If confirmed as a United States District Judge for the Eastern District of California, I would continue to follow the Code of Conduct for United States Judges, the rules and standards set forth in 28 U.S.C. § 455, and any other applicable principles governing recusal.

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

If confirmed, I would address any actual or potential conflicts of interest by applying the Code of Conduct for United States Judges, the rules and standards set forth in 28 U.S.C. § 455, and any other relevant ethical canons or rules.

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.

The entirety of my legal career has been devoted to public service. As a United States Magistrate Judge and a former deputy county counsel, however, I have not been permitted to provide pro bono legal services outside of my job. Nevertheless, I have endeavored to contribute to the community in various other ways beyond my employment. For instance, I serve as a Board Member and Officer of the Kern County Bar Association, regularly judge local high school mock trial and academic decathlon competitions, and coach a high school mock trial team. From 2007 to 2009, I also acted as a Judge Pro Tem for the Kern County Superior Court. Further, since approximately 2015, I have volunteered as an application evaluator for the Kern County Foundation, which awards scholarships to college-bound high school students. And in 2019, I helped launch "Operation Protect and Defend," a civics program designed to educate Kern County high school students about our nation's system of government.

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.

In January 2021, I applied to the Judicial Advisory Committee established by Senator Dianne Feinstein to evaluate candidates for the United States District Court for the Eastern District of California. On January 15, 2021, I interviewed with Senator Feinstein's committee, and on January 28, 2021, I interviewed with the committee chairperson. In February 2021, I applied to a Judicial Advisory Committee established by Senator Alex Padilla to evaluate candidates for the Eastern District of California. On March 17, 2021, I interviewed with Senator Padilla's committee. On April 26, 2021, I interviewed with the committee co-chairs. On June 9, 2021, I was interviewed by attorneys from the White House Counsel's Office. Since June 10, 2021, I have been in contact with officials from the Office of Legal Policy at the United States Department of Justice. On September 20, 2021, my nomination was submitted to the Senate.

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

No.