

**UNITED STATES SENATE  
COMMITTEE ON THE JUDICIARY**

**QUESTIONNAIRE FOR JUDICIAL NOMINEES**

**PUBLIC**

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

William Shaw Stickman IV

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

United States District Judge for the Western District of Pennsylvania

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.

Del Sole Cavanaugh Stroyd LLC  
Three PPG Place, Suite 600  
Pittsburgh, Pennsylvania 15222

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

1979; Pittsburgh, Pennsylvania

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

2002-2005; Duquesne University School of Law; J.D., 2005

1998-2002; Duquesne University; B.A. (*summa cum laude*), 2002

6. **Employment Record:** List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

2007 – present  
Del Sole Cavanaugh Stroyd LLC  
3 PPG Place, Suite 600  
Pittsburgh, Pennsylvania 15222  
Partner (2013 – present)

Associate (2007 – 2013)

2007

Duquesne University  
Department of Classics  
600 Forbes Avenue  
Pittsburgh, Pennsylvania 15282  
Adjunct Faculty

2006 – 2007

The Honorable Chief Justice Ralph J. Cappy  
Pennsylvania Supreme Court  
3130 One Oxford Center  
Pittsburgh, Pennsylvania 15219  
Judicial Law Clerk

2004 – 2006

Reed Smith LLP  
225 Fifth Avenue  
Pittsburgh, Pennsylvania 15222  
Associate (2005 – 2006)  
Summer Associate (2004)

2004 – 2005

Professor Robert S. Barker  
Distinguished Professor of Law  
Duquesne University  
600 Forbes Avenue  
Pittsburgh, Pennsylvania 15282  
Research Assistant

2003 – 2004

Weinheimer Schadel & Haber P.C.  
429 Fourth Avenue, Suite 602  
Pittsburgh, Pennsylvania 15219  
Office Clerk

Other Affiliations (uncompensated)

2011-2017

Pennsylvania Civil Procedural Rules Committee  
Pennsylvania Judicial Center  
601 Commonwealth Avenue, Suite 6200  
Post Office Box 62635  
Harrisburg, Pennsylvania 17106  
Chair (2016 – 2017)

Committee Member (2011 – 2016)

2009 – 2014

Our Lady of the Sacred Heart High School  
1504 Woodcrest Avenue  
Coraopolis, Pennsylvania 15108  
Member, Board of Directors

2004

The Honorable Thomas M. Hardiman  
U.S. District Judge, Western District of Pennsylvania  
700 Grant Street  
Pittsburgh, Pennsylvania 15219  
Intern

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 am registered for selective service.

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

Our Lady of the Sacred Heart High School, Alumnus With a Heart Award (2018)

Pennsylvania Super Lawyers, Rising Star (2011 – present)

Our Lady of the Sacred Heart High School Hall of Fame (2005)

CALI Award – Excellence in Conflict of Laws (2005)

CALI Award – Advanced Civil Procedure/Complex Litigation (2005)

Duquesne University School of Law, Law Review (2003 – 2005)

Degree from Duquesne University conferred *summa cum laude* (2002)

Duquesne University, McAnulty College of Liberal Arts General Excellence Award  
(Valedictorian) (2002)

Duquesne University, Department of Classics (*Praestantia Linguarum Classicarum*) (2002)

Mortar Board Senior Honor Society (Duquesne University Chapter) (President) (2001 – 2002)

Phi Eta Sigma Honor Society (Duquesne University Chapter) (approximately 2000)

Duquesne University Chancellor's Award (Scholarship) (1998 – 2002)

Our Lady of the Sacred Heart High School Valedictorian (1998)

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.

Pennsylvania Supreme Court Civil Procedural Rules Committee  
Chair (2016 – 2017)

Allegheny County Bar Association

Pennsylvania Bar Association (Appellate Subcommittee)

Bar Association of the Third Federal Circuit

American Inns of Court, Edward Sell Inn (former member)

The Selden Society

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.

Pennsylvania (2005)

There has been no lapse in membership.

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

United States Supreme Court (2011)

United States Court of Appeals for the Third Circuit (2009)

United States Court of Appeals for the Fourth Circuit (2010)

United States District Court for the Western District of Pennsylvania (2006)

United States District Court for the Eastern District of Wisconsin (2017)

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.

Leadership Pittsburgh, Inc. Class XXXV (2018 – present)

Crafton Celebrates (2018 – present)

Funnel Cake Booth Captain (2018 – present)

Festival Planning Committee (2018)

Order of Malta, Federal Association (2018 – present)

Candidate (2018 – present)

UPMC Mercy Hospital Ministry Coordinator (2017 – present)

Republican Committee of Robinson Township (2015 – 2019)

Vice Chair (2016 – 2019)

President's Leadership Council (2014 – present)

St. Philip School Middle States Accreditation Committee (2017 – 2018)

Boy Scouts of America, Pack 148 (2014 – 2017)

Adult Volunteer (2014 – 2017)

Pack Popcorn Fundraiser Coordinator (2015 – 2016)

Board of Directors, Our Lady of the Sacred Heart High School (2009 – 2014)

Middle States Accreditation Committee (approximately 2009 – 2010)

Girl's Hope Pittsburgh (2014 – 2015)

Evening of Hope Planning Committee (2014 – 2015)

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.

The Boy Scouts of America is a youth organization that traditionally admitted only boys and young men. In 2019, the Boy Scouts opened all chapters to girls and young women.

The Order of Malta is a Catholic service organization that traces its roots back to the Middle Ages. It began to admit women in 1986, long before I became affiliated with the Order.

To the best of my knowledge, none of the other organizations listed above currently discriminates or formerly discriminated on the basis of race, sex, religion, or national origin, either through formal membership requirements or the practical implementation of membership policies.

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

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

*The King's Bench Powers, in The Supreme Court of Pennsylvania: Life and Law in the Commonwealth, 1684 – 2017* (John Hare ed., 2018). Copy supplied.

With Justin T. Romano, Pennsylvania Bar Institute, *Civil Practice and Procedure Review 2017, in Civil Litigation Update 2018* (2018). Copy supplied.

With Justin T. Romano, Pennsylvania Bar Institute, *Developments in Pennsylvania Civil Procedure, in 30th Annual Civil Litigation Update* (2017). Copy supplied.

With Justin T. Romano, Pennsylvania Bar Institute, *Developments in Pennsylvania Civil Procedure, in 29th Annual Civil Litigation Update* (2016). Copy supplied.

*The Practical Value of Legal History*, Allegheny County B. Ass'n Law. J., Aug. 7, 2015, at 10. Copy supplied.

*The Magna Carta: 800th Birthdate of a Revolutionary Document*, Allegheny County B. Ass'n Law. J., July 10, 2015, at 6. Copy supplied.

With Arthur H. Stroyd, Justin T. Romano, Pennsylvania Bar Institute, *Developments in Pennsylvania Civil Procedure, in 28th Annual Civil Litigation Update* (2015). Copy supplied.

With Arthur H. Stroyd, Justin T. Romano, Pennsylvania Bar Institute, *Developments in Pennsylvania Civil Procedure, in 27th Annual Civil Litigation Update* (2014). Copy supplied.

With Arthur H. Stroyd, Pennsylvania Bar Institute, *Developments in Pennsylvania Civil Procedure, in 26th Annual Civil Litigation Update* (2013). Copy supplied.

Letter to the Editor, *The Unifying Classics*, Pitt. Post-Gazette, May 13, 2012, at B2. Copy supplied.

Letter to the Editor, *Supremes' Cost Reasonable*, Pitt. Trib. Rev., Aug. 12, 2010. Copy supplied.

With Joseph A. Del Sole, *An Independent Judiciary: The Role of Chief Justice Cappy*, 47 Duq. L. Rev. 547 (2009). Copy supplied.

*An Exercise in Futility: Does the Inquiry Required to Apply the Ministerial Exception to Title VII Defeat its Purpose?*, 43 Duq. L. Rev. 285 (2005). Copy supplied.

*Working Owners of Small Businesses May Participate in ERISA-qualified Employee Benefit Plans: Yates v. Hendon*, 7 Duq. Bus. L. J 151 (2005). Copy supplied.

With Amy J. Coco, Pennsylvania Bar Institute, *Litigation about Litigation: The Dangerous World of the Local Courthouse – Wrongful Use of Civil proceedings, Abuse of Process, and Recent Court Rule Changes – 2004* (2004). Copy supplied.

Letter to the Editor, *Accidental Deaths vs. Intentional Deaths: No Comparison*, Pitt. Post Gazette, Oct. 29, 2004, at A18. Copy Supplied.

Letter to the Editor, Duq. Duke, April 22, 2004, at 5. Copy supplied.

Letter to the Editor, *Free to Disagree*, Pitt. Post-Gazette, April 30, 2003, at A16. Copy supplied.

Letter to the Editor, *What Are County Democrats Afraid Of?* Pitt. Post-Gazette, Feb. 3, 2003, at A18. Copy supplied.

Letter to the Editor, *An Acceptable Prejudice?*, Pitt. Post-Gazette, March 29, 2002, at A12. Copy supplied.

Letter to the Editor, *We Deserve Better*, Pitt. Post-Gazette, Aug. 31, 2001, at A22. Copy supplied.

Letter to the Editor, *More on Te Money*, Duq. Duke, March 15, 2001, at 4. 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.

Between June 2016 and June 2017, I served as Chair of the Pennsylvania Civil

Procedural Rules Committee. During that time all official correspondence from the Committee were published under my name. All of these communications are drafted by the staff counsel of the Pennsylvania Civil Procedural Rules Committee. I did not personally draft any of them. These communications included notices of publication of proposed amendments to the Pennsylvania Rules of Civil Procedure and the transmission of the Committee's recommendations to the Supreme Court.

Copies of all such documents are in the records of the Pennsylvania Civil Procedural Rules Committee. They are also available on the Committee's website at:  
<http://www.pacourts.us/courts/supreme-court/committees/rules-committees/civil-procedural-rules-committee>

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.

March 7, 2019: Presenter, "The King's Bench Authority of the Pennsylvania Supreme Court," Western Pennsylvania Criminal Appellate CLE, Allegheny County Office of the Public Defender), Pittsburgh, Pennsylvania. Power Point provided.

October 24, 2018: Panelist, "The Supreme Court of Pennsylvania: Life and Law in the Commonwealth 1684 – 2017: A Conversation," Duquesne University School of Law, Pittsburgh, Pennsylvania. I have no notes, transcripts or recordings. The address of the Duquesne University School of Law is 900 Locust Street, Pittsburgh, Pennsylvania 15282. Press coverage supplied.

September 30, 2018: Remarks accepting Our Lady of the Sacred Heart High School Alumnus With Heart Award, Coraopolis Pennsylvania. Handwritten notes and press coverage supplied.

March 6, 2018: Panelist, Pennsylvania Civil Practice Update, Pennsylvania Bar Institute, Pittsburgh, Pennsylvania. Power Point provided.

September 6, 2017: Speaker, "The Pennsylvania Reapportionment of 2011 (and 2012),"



Duquesne University School of Law, Pittsburgh, Pennsylvania. Power Point provided.

March 3, 2017: Panelist: “Five Things I Wish I’d Known About Oral Arguments,” Allegheny County Bar Association, Pittsburgh Pennsylvania. I have no notes, transcript or recordings. The address of the Allegheny County Bar Association is 400 Koppers Building, 436 Seventh Avenue, Pittsburgh, Pennsylvania 15219.

March 29, 2016: Panelist, Pennsylvania Civil Practice Update, Pennsylvania Bar Institute, Mechanicsburg, Pennsylvania. Power Point provided.

October 21, 2015: Panelist, “Appellate Advocacy,” Allegheny County Bar Association, Young Lawyers’ Division, Pittsburgh, Pennsylvania. I have no notes, transcripts or recordings. The address of the Allegheny County Bar Association is 400 Koppers Building, 436 Seventh Avenue, Pittsburgh, Pennsylvania 15219.

March 19, 2015: Panelist, Pennsylvania Civil Practice Update, Pennsylvania Bar Institute, Mechanicsburg, Pennsylvania. Power Point provided.

March 13, 2014: Panelist, Pennsylvania Civil Practice Update, Pennsylvania Bar Institute, Mechanicsburg, Pennsylvania. Power Point provided.

June 2, 2013: Commencement Speaker Our Lady of the Sacred Heart High School Commencement Speaker. Coraopolis Pennsylvania. Speech provided.

March 14, 2013: Panelist, Pennsylvania Civil Practice Update, Pennsylvania Bar Institute, Mechanicsburg, Pennsylvania. Power Point provided.

May 4, 2002: Valedictory Speaker, Duquesne University, McAnulty College of Liberal Arts. Pittsburgh, Pennsylvania. Speech provided.

As a candidate for Allegheny County Council, District 12 in 2001, I gave short extemporaneous remarks at a handful of “meet the candidates” events. I have no records reflecting when these events occurred and I have no notes, transcripts or recordings.

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.

*Justices to Mull Whether MCARE Repose Statute Allows Claims over Failing Organ*, Legal Intelligencer, March 29, 2018. Copy supplied.

*No-Hire Provision Rejected in Contract Dispute Between Trucking Companies*, Legal Intelligencer, March 29, 2018. Copy supplied. Reprinted in multiple outlets.

Max Mitchell, *MCARE Repose Statute Doesn’t Save Case Over Failing Bodily Organ*,

Legal Intelligencer, July 28, 2017. Copy supplied. Reprinted in multiple outlets.

Nick Castele, *Pennsylvanians in City of McKees Rocks Split on Hometown Candidate John Kasich*, WKSU Radio, April 21, 2016. Transcript supplied.

Brian Bowling, *KBR appeal in Army death rejected*, Pitt. Trib. Rev., Jan. 22, 2015. Copy supplied. Reprinted in multiple outlets.

*Supreme Court Refuses to Hear Defense Contractor's Appeal in Electrocution Death of Shaler Soldier*, Legal Monitor Worldwide, Jan. 22, 2015. Copy supplied.

*Bill Stickman Duquesne University Alumni*, Duquesne University Center for Career Development, March 20, 2013. Available at <https://www.youtube.com/watch?v=5Z1JUPoV0K4>.

*Assault Counselors Axed*, Army Times, Aug. 12, 2013. Copy supplied.

*Military Contractor Can Be Held Liable, Court Rules*, Legal Monitor Worldwide, Aug. 2, 2013. Copy supplied. Reprinted in multiple outlets.

Joe Mandak, *Suit over Pa. Soldier's Death in Iraq Is Revived*, Associated Press, Aug. 1, 2013. Copy supplied. Reprinted in multiple outlets.

Gina Passarella, *Suit Against Contractor Revived in Soldier's Death*, Legal Intelligencer, Aug. 1, 2013. Copy supplied. Reprinted in multiple outlets.

Jessica Cherchiaro, *Spotlight: Bill Stickman '02; Inspired by Faith*, OLSHighlights, Spring 2013, at 5. Copy supplied.

Ben Present, *Superior Court Warns Trial Judge Not to Invade on Jury's Province*, Legal Intelligencer, Jan. 29, 2013. Copy supplied. Reprinted in multiple outlets.

Adam Brandolph, *Steelers Sue City-County SEA for \$35 million*, Pitt. Trib. Rev., Dec. 18, 2012. Copy supplied.

Ben Present, *Lawyer Need Not Advise Client of Plea's Pension Effect*, Legal Intelligencer, Dec. 18, 2012. Copy supplied. Reprinted in multiple outlets.

Adam Brandolph, *Suit in Shaler Soldier's Death Dismissed*, Pitt. Trib. Rev., July 17, 2012. Copy supplied. Reprinted in multiple outlets.

Joe Mandak, *Judge Nixes Pa. Soldier's Iraq Electrocution Suit*, Associated Press, July 16, 2012. Copy supplied.

Saranac Hale Spencer, *Contractor in Soldier's Electrocution Can't Be Sued, Judge Rules*, Legal Intelligencer, July. 16, 2012. Copy supplied. Reprinted in multiple outlets.

Ben Present, *Pa. Supreme Court Hears Redistricting Arguments*, Legal Intelligencer, Jan. 24, 2012, at 1. Copy supplied.

Margaret Colgate Love, *Collateral Consequences after Padilla v. Kentucky: From Punishment to Regulation*, 31 St. Louis U. Pub. L. Rev. 87 (2011). Copy supplied.

Joe Mandak, *Judge: No Iraqi Law in US Soldier's Shower Death*, Associated Press, Oct. 3, 2011. Copy supplied. Reprinted in multiple outlets.

Bibeka Shrestha, *Political Question Bars KBR Electrocutation Suit: 4th Circ.*, Law360, Sept. 21, 2011. Copy supplied.

*From Classics to Law at Duquesne University*, Duquesne Liberal Arts, March 14, 2011. Available at <https://www.youtube.com/watch?v=52FbfzOxmzM>.

I was interviewed on approximately May 26, 2010 for the television program Pittsburgh TODAY Live! in connection with the "Diamond Dash." The interview is not available.

Rick Wells, *Shadyside Jeweler Gives away \$15,000 Ring in Diamond Dash*, Pitt. Trib. Rev., May 23, 2010. Copy supplied.

Barbara S. Miller, *Judge Clears County in MRSA Case*, Observer Rep. (Washington, Pa.), Feb. 12, 2009, at B1. Copy supplied.

Tom Leturgey, *Zone 4 Wants Better Snow Removal*, S. Pitt. Rep., Feb. 25, 2003. Copy supplied.

*Allegheny County Council*, Pitt. Post-Gazette, Oct. 30, 2001, at C5. Copy supplied.

Darice Williams, *Duquesne Student Eyes Seat on County Council*, Duquesne Duke, Oct. 18, 2001, at 1. Copy supplied.

Susan K. Schmeichel, *Economic Development Focus of Council Race*, Pitt. Trib. Rev., Oct. 8, 2001. Copy supplied.

*Allegheny County Races*, Pitt. Post-Gazette, May 8, 2001, at D3. 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 have not served as a judge.

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

i. Of these, approximately what percent were:

jury trials:	____%
bench trials:	____% [total 100%]
civil proceedings:	____%
criminal proceedings:	____% [total 100%]

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

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).

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.

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

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

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.

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.

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.

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:

I have not served as a judge.

- 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.

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.

2011-2017

Pennsylvania Civil Procedural Rules Committee (Chair, 2016-2017).

I was recommended for appointment to the Committee by Justice Debra McCloskey Todd and formally appointed by the Court in 2011 for a three-year term. I was reappointed by the Court for a second three-year term. In 2016, the Court appointed me Chair of the Committee.

2001

Candidate, Allegheny County Council, District 12 (Unsuccessful)

- 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.

2000 – 2004

Allegheny County Republican Committee  
Committeeman, Pittsburgh: Ward 19, District 5

2014 – 2019

Allegheny County Republican Committee

Committeeman, Robinson Township: District 7

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

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

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

I served as a law clerk to Chief Justice Ralph Cappy, Pennsylvania Supreme Court, from 2006 to 2007.

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

I have never practiced alone.

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

2005 – 2006  
Reed Smith LLP  
225 Fifth Avenue  
Pittsburgh, Pennsylvania 15222  
Associate

2007 – present  
Del Sole Cavanaugh Stroyd LLC  
3 PPG Place, Suite 600  
Pittsburgh, Pennsylvania 15222  
Partner (2013 – present)  
Associate (2007 – 2013)

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

b. Describe:

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

The first year of my practice was as an associate at a large national law firm.

There, I performed the traditional tasks of a first year associate, including document review, research and basic drafting. I left that firm to serve as a law clerk to the Chief Justice of the Pennsylvania Supreme Court.

I have been with my current firm Del Sole Cavanaugh Stroyd LLC since October 2007. The firm active across the spectrum of civil litigation.

Since joining the firm, my practice has been approximately evenly divided between practice in trial courts and appellate courts. As an appellate lawyer, I have been counsel of record on numerous appeals on a variety of substantive legal issues. I have personally argued dozens of appeals in a variety of appellate courts. A particular focus of my appellate practice has consisted of practice before the Pennsylvania Supreme Court.

I have had also had a robust and varied litigation practice in state and federal trial courts. I have tried six cases to verdict. I have tried three arbitrations to verdict. I have also examined witnesses on the record and under oath at several evidentiary hearings on proceedings relating to injunctive relief. While the majority of cases I have worked on can be classified as commercial litigation, I have also been counsel in personal injury cases, representing both plaintiffs and defendants.

A comparatively small portion of my practice is non-litigation related. Specifically, I have served as outside general counsel to a large trade association and a handful of small businesses. In this role, I review contracts and advise on issues relating to risk-avoidance.

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

In the appellate portion of my practice the "typical" client has varied greatly depending on the nature of the appeal. A majority of my clients have been businesses of various sizes. I have also had the opportunity to represent individuals, including plaintiffs in personal injury appeals.

In my practice in trial courts, the majority of my work can be described as commercial litigation. As such, I have had the opportunity to represent a wide range of businesses, large and small, as well as individuals.

I have also represented victims alleging personal injuries.

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.

Virtually my entire practice has been in litigation. I appear in court frequently.

- i. Indicate the percentage of your practice in:
  - 1. federal courts: 20%
  - 2. state courts of record: 80%
  - 3. other courts: 0%
  - 4. administrative agencies: 0%
  
- ii. Indicate the percentage of your practice in:
  - 1. civil proceedings: ~99%
  - 2. criminal proceedings: ~1%

I served as appellate counsel in a single criminal appeal seeking relief under Pennsylvania's Post Conviction Relief Act.

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 six cases and three arbitrations to verdict. I was solo counsel in a week-long commercial trial, co-first chair on four trials (both commercial and personal injury) and second chair in a commercial case. In addition to trials, I have been counsel in multiple evidentiary hearings. I have also litigated multiple cases to judgment on dispositive motions.

A substantial part of my work consists of practice before appellate courts. I have been counsel of record in over eighty cases and have personally argued over thirty cases in appellate courts. This includes multiple matters in the Pennsylvania Supreme Court's original jurisdiction.

- i. What percentage of these trials were:
  - 1. jury: 60%
  - 2. non-jury: 40%

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.

Petition for Writ Certiorari, *Abraham v. Pennsylvania*, 568 U.S. 1213 (2013) (No. 12-913). Brief available at 2013 WL 287739.

Brief in Opposition to Petition for Writ of Certiorari, *Kellogg Brown & Root Svcs. v. Harris*, 135 S. Ct. 1152 (2015) (No. 13-817). Brief available at 2014 WL 1478410.

Supplemental Brief for Respondents, *Kellogg Brown & Root Svcs. v. Harris*, 135 S. Ct. 1152 (2015) (No. 13-817). Brief available at 2014 WL 2212538.



Respondents' Second Supplemental Brief, *Kellogg Brown & Root Svcs. v. Harris*, 135 S. Ct. 1152 (2015) (No. 13-817). Brief available at 2014 WL 7405876.

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. *Wellington Energy Co. v. Citizens Bank of Pennsylvania*, GD-13-017836 (Court of Common Pleas of Allegheny County, Pennsylvania).

I served as co-first chair trial counsel for the plaintiff, Wellington Energy Co., in an action against Citizens Bank of Pennsylvania. Wellington sought reimbursement of damages from Citizens for losses incurred when a rogue Wellington employee repeatedly deposited fraudulent checks into her own Citizens account through Citizens ATM machines. Wellington sought reimbursement under Section 3-305 of the Uniform Commercial Code because Citizens made the business decision not to check the signature and account name of any checks deposited through its ATM machines. After a week-long jury trial, the jury returned a verdict for the Defendant. The matter remains pending on post-trial motions seeking review of, *inter alia*, a critical pre-trial grant of partial summary judgment. The trial judge was Alan Hertzberg.

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2. *Yanakos v. UPMC* (10 WAP 2018 Pa. Supreme Court; 1331 WDA 2016 Pa Superior Court)

(2016-)

I am lead appellate counsel for plaintiff-appellants in this pending appeal to the Pennsylvania Supreme Court examining whether the seven-year statute of repose in Pennsylvania's MCARE statute (governing medical malpractice actions) violates the open courts and right to remedy guarantees of Article I, Section 11 of the Pennsylvania Constitution. This is a matter of first impression for the Pennsylvania Supreme Court.

The appellant plaintiffs are mother and son. They were the victims of malpractice when the defendant hospital and doctors performed a live-liver transplant to replace the mother's liver with a lobe of the son's despite the fact that pre-transplant tests (never disclosed to the patients) showed that the son had the same condition that required his mother to receive a transplant. The appellants only learned of the mistake years after the surgery during testing when the mother was, again, found to be positive for the serious liver condition that had required the transplant. The trial court dismissed plaintiffs' action because it was asserted after the expiration of the seven-year MCARE statute of repose.

On appeal to the Supreme Court, I argued that the statute of repose violated the right-to-remedy provision of the Pennsylvania Constitution by foreclosing any legal recourse or remedy for plaintiffs, despite the presence of clear tortious conduct and where the nature of the injury made it impossible for them to learn of their condition within the repose-period, even exercising all reasonable diligence. In addition, I argued that the law violated the constitution because it arbitrarily provided exceptions for some classes of malpractice victims, while excluding other patients, like plaintiff-appellants, whose injuries feature similar characteristics.

The Supreme Court heard argument in the case on October 23, 2018.

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3. *Meanor v. Peoples Nat. Gas Co. LLC*, 11360 CD 2007 (Court of Common Pleas of Indiana County, Pennsylvania); 1757 WDA 2017 (Pa. Superior Court)(2016-)

I represented defendant Peoples Natural Gas Co., successor in interest to Apollo Gas Company, in a breach of contract action asserted by successors in interest to landowners who had entered a gas purchase contract with Apollo. The case turned on whether Peoples and its predecessors had paid the correct pricing term for gas that it purchased. The contract used a “posted price” term, but did not define the term. Nor is there any controlling Pennsylvania statutory or case law construing “posted-price.” After a bench trial in which both parties presented expert testimony about the “posted-price” mechanism, the Court (Judge Thomas Bianco) held that Peoples and its predecessors had breached the contract but that the plaintiffs had failed to prove damages. The Court, therefore, entered a verdict for Peoples. On appeal the Superior Court (Bender, Lazarus, Musmanno) affirmed in part and reversed in part. The matter remains pending on request for review *en banc*.

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4. *Pennsylvania Rest. and Lodging Ass'n. v. City of Pittsburgh*, GD-15-016442 (Court of Common Pleas of Allegheny County); 79 and 101 CD 2016 (Pa. Commonwealth Court); 57-57 WAP 2017 (Pa. Supreme Court) (2015-)

I am lead counsel in this case challenging the City of Pittsburgh's authority pursuant to the Pennsylvania Home Rule Charter and Optional Plan of Government Law to promulgate a paid sick leave ordinance. My clients are a trade organization representing the hospitality industry and several local small businesses which challenged the ordinance as *ultra vires* under the plain language of the Law and controlling precedent.

After the close of pleadings, I filed a Motion for Judgment on the Pleadings, which the Court of Common Pleas (Hon. Joseph James) granted, holding that the City lacks the authority to promulgate the ordinance because the Pennsylvania Home Rule law reserves to the state government any regulation of businesses and employment. On appeal the Commonwealth Court of Pennsylvania, *en banc*, affirmed. The Pennsylvania Supreme Court granted the Appellants' Petition for Allowance of Appeal. The case was argued before the Supreme Court in October, 2018, and the matter remains pending.

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5. *Harris v. Kellogg Brown & Root*, 2:08-cv-563 (Western District of Pennsylvania); 12-3204 (Third Circuit) (2008-2017):

I served as co-counsel for the Plaintiffs and served as lead appellate counsel in the above-captioned appellate proceedings. The case was a wrongful death action brought by the parents of a U.S. Army Green Beret who was electrocuted by a short-circuited water pump installed and maintained by the defendant military contractor. The case raised various issues relating to the political question doctrine, derivative sovereign immunity, and the combatant activities exception to the Federal Tort Claims Act. The case also involved two rounds of briefing and argument on choice of law issue, (First, whether Iraqi law should apply. Second, which state's law should apply).

After the District Court (Judge Nora Berry Fischer) granted the defendant's motion to dismiss on the basis of the political question doctrine, Plaintiffs appealed to the Third Circuit, which reversed and remanded (Smith, Fisher, Chagares, JJ.). KBR filed a Petition for Certiorari in the United States Supreme Court, which called for the position of the U.S. Solicitor General. The Supreme Court denied the Petition. On remand, the parties proceeded to substantive summary judgment motions and several *Daubert* motions. The case ultimately settled in 2017.

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*Professor Wax and (now) Judge Bibas were co-counsel only for the certiorari proceedings.*

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*Mr. Clement was counsel only for the certiorari proceedings.*

6. *Clark/ALG/Vertis Litig.*, 11-cv-1299 (Middle District of Pennsylvania); 2011-L-1366 (Circuit Court of DuPage County, Illinois) (2010-2014)

This multi-party, multi-forum litigation arose out of a strategic partnership between my client, Clark Group (along with its subsidiary, Clark Distribution) and American Logistics Group (“ALG”). ALG subleased a large warehouse facility from Clark Group in the Harrisburg area. The parties agreed to cooperate within the facility to perform freight forwarding and logistics services. After a dispute arose relating to Clark Distribution’s handling of freight for a major client of ALG, the parties ceased their relationship and litigation arose between them. In addition, Vertis, Inc., ALG’s major customer, asserted claims against ALG in Illinois state court. ALG joined Clark Distribution in that forum.

The Illinois litigation proceeded to a week-long bench trial, for which I was first chair trial counsel. Judge Ronald Suter presided over the trial. I was also lead counsel in the Harrisburg litigation, where we obtained affirmative summary judgment against ALG for breaching the commercial lease. The amount of damages on the leasehold judgment and various counter-claims by ALG were to be adjudicated at trial in the Harrisburg action. The parties reached a

universal settlement of all claims on the eve of trial in October 2014. Chief Judge Christopher C. Conner presided over proceedings in the Middle District

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*7. Holt v. 2011 Legislative Reapportionment Comm'n, 67 A.3d 1211 (Pa. 2013) (2011-2013)*

The Pennsylvania constitution vests authority over reapportionment of state legislative districts in a bi-partisan Legislative Reapportionment Commission comprised of the floor leaders of both parties and a fifth, neutral, member. I served as counsel for the 2011-2012 Pennsylvania Legislative Reapportionment Commission to defend its plan against challenges.

The Pennsylvania Supreme Court has original and exclusive jurisdiction over challenges to a reapportionment plan. After extensive briefing and argument, the Court held that the 2011 plan violated the Pennsylvania Constitution's provisions governing reapportionment because it divided too many municipalities between legislative districts and, in addition, featured too many districts that were not sufficiently compact. The Commission produced a second plan which reduced the number of municipal splits and placed greater emphasis on compactness. Although several challenges were raised to the second plan, the Supreme Court found it to be compliant with the Pennsylvania Constitution. I was heavily involved in the briefing and the creation of the

record for this original jurisdiction proceeding and presented argument before the Pennsylvania Supreme Court.

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8. *T.W. Phillips Gas & Oil Co. v. Jedlicka*, 42 A.3d 261 (Pa. 2012):

I was lead appellate counsel for the appellant-landowner in this appeal to the Pennsylvania Supreme Court examining the definition of the term “in paying quantities” as commonly used in the habendum clause of oil and gas leases in the Commonwealth. Prior appellate case law on the issue was approximately a century old and unclear as to whether “paying quantities” should be judged by an objective or subjective standard. In *Jedlicka*, the Court decided in favor of a subjective standard. This case provided an important clarification of a component of Pennsylvania oil and gas law in light of the recent development of the Marcellus shale formation.

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9. *Pettko v. Pennsylvania American Water Co.*, 39 A.3d 473 (Pa. Cmwlth. 2012).

I was lead appellate counsel for the appellant/plaintiff. The appeal arose out of a putative class action brought under the Pennsylvania Unfair Trade Practices and Consumer Protection Law (“UTPCPL”) for alleged systemic overbilling of certain charges on consumers’ water bills. The Court of Common Pleas of Washington County dismissed the matter on preliminary objections, holding that the Pennsylvania Public Utility Commission has exclusive jurisdiction over a statutory refund action and, in addition, the statutory refund action is the exclusive remedy available to consumers, excluding any relief under the UTPCPL. Plaintiffs appealed to the Commonwealth Court of Pennsylvania.

The appeal presented the question of first impression as to whether a statutory refund action under the Public Utility Code is the exclusive remedy available to rate-payers—displacing all other statutory and common law causes of action or, in the alternative, whether such a refund action is cumulative of other common law and statutory causes of action. The determination largely hinged on principles of statutory interpretation of the various provisions of the Public Utility Code.

The Commonwealth Court (Pellegrini, Brobson, McCullough) reversed the decision of the Court of Common Pleas and held that any administrative remedy available under the Public Utility Code is cumulative of other statutory or common-law causes of action.

I served as lead appellate counsel and argued the case in the Commonwealth Court.

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10. *In re Interbranch Comm'n on Juvenile Justice*, 988 A.2d 1269 (Pa. 2010);

In 2009, the three branches of the Pennsylvania government convened a special investigative panel, called the Interbranch Commission on Juvenile Justice, in the wake of the tragic “cash for kids” scandal involving multiple judges of the Court of Common Pleas of Luzerne County. That scandal involved the payment of bribes by private juvenile corrections facilities to judges in return for the sentencing of juveniles to serve time in those facilities. The Commission was charged with investigating the systemic failures that allowed the scandal to occur and to remain undetected. The Commission’s mandate was for one year, after which it was charged with presenting a report of its finding.

I represented the Commission in a dispute with the Pennsylvania Judicial Conduct Board, which refused to comply with subpoenas issued by the Commission for the production of records of complaints made against the compromised judges. The Commission also refused to tender witnesses for examination. Because of the importance of the issue and the short duration of the Commission’s mandate, both parties sought relief through the invocation of the Supreme Court’s extraordinary king’s bench jurisdiction, thus circumventing proceedings in the lower courts. The Supreme Court exercised its king’s bench jurisdiction over the matter and held that the Judicial Conduct Board was required to comply with the Commission’s subpoenas and provide information to the Commission.

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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.)

Since 2011, I have served as co-outside general counsel to a trade association of businesses involved in the material handling and logistics industry. My responsibilities to the association do not involve litigation. In my role as counsel, I provide legal coverage at meetings, review contracts and other documents, and counsel the association on issues relating to the avoidance of risk and liability, especially in the products liability and antitrust arenas.

I have also had the opportunity to serve as outside general counsel to multiple small businesses. In this role, I have negotiated contracts, reviewed legal documents and provided advice on risk-avoidance.

I have never engaged in lobbying activities.

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.

2007: Shaping of the Ancient World, Duquesne University

This class was a general survey of ancient Greek and Roman Literature, with a focus on the epics of Homer and Vergil. I do not have a copy of the Syllabus.

2015 – present: Pennsylvania Civil Procedure, University of Pittsburgh School of Law  
Judge Christine Ward (CCP Allegheny County) is the primary teacher. Since 2015, I have served as a guest lecturer for several lessons, including petition and rule practice, joinder and amendment, prerogative writs, post-motions, judgments and execution. I do not have 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).

When my nomination is submitted to the Senate, I will file my mandated Financial Disclosure Report and provide a copy to this Committee.

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.

If confirmed, I will recuse in any litigation where I have ever played a role. For a period of time, I anticipate recusing in cases where my current firm represents a party. I know of no other actual or potential conflict of interest. I will evaluate any other real or potential conflict, or relationship that could give rise to appearance of conflict, on a case-by-case basis and determine appropriate action, including recusal, where necessary.

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

If confirmed, I will follow the established practices, policies and procedures established by the Court. I will carefully review and address any real or potential conflict by reference to 28 U.S.C. §455, Canon 3 of the Code of Conduct for United States Judges, and any and all other laws, rules and practices governing such circumstances.

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 not participated in any formal pro-bono program. Throughout my career I have provided legal aid on an informal basis to individuals who could not afford to retain a lawyer. I have also been an active volunteer and donated substantial amounts of my free time in a variety of community and charitable organizations in non-legal capacities.

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 early 2017, I learned that Senators Casey and Toomey convened a panel to review potential candidates for vacancies on the United States District Court for the Western District of Pennsylvania. I applied for consideration and was interviewed by the panel in May, 2017, in Pittsburgh, Pennsylvania. I was interviewed by Senator Toomey on October 6, 2017, at his offices in Allentown, Pennsylvania. I met with Senator Casey in his Washington, D.C. offices in January 10, 2017. On February 7, 2019, I met with attorneys in the White House counsel's office in Washington D.C.

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.