

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Joshua David Wolson

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

United States District Judge for the Eastern 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.

Dilworth Paxson LLP
1500 Market Street, Suite 3500E
Philadelphia, Pennsylvania 19102

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

1974; Ann Arbor, Michigan

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.

1996 – 1999, Harvard Law School; J.D. (*cum laude*), 1999

1992 – 1996, University of Pennsylvania; B.A. (*magna cum laude*), 1996

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.

2008 – present
Dilworth Paxson LLP
1500 Market Street, Suite 3500E
Philadelphia, Pennsylvania 19102
Partner (2010 – present)

Associate (2008 – 2010)

2000 – 2008; May 1998 – July 1998

Covington & Burling LLP

1201 Pennsylvania Avenue N.W.

Washington, D.C. 20004

Associate (2000 – 2008)

Summer Associate (May 1998 – July 1998)

1999 – 2000

United States District Court for the Eastern District of Pennsylvania

601 Market Street, Room 12613

Philadelphia, Pennsylvania 19106

Law Clerk to Hon. Jan E. DuBois

June – August 1997; August 1998

Ballard Spahr LLP

1735 Market Street, 51st Floor

Philadelphia, Pennsylvania 19103

Summer Associate

Other Affiliations (uncompensated):

2017 – present

Breakthrough Bike Challenge

P.O. Box 4359

Philadelphia, Pennsylvania 19118

Board Member

2013 – present

Historic Philadelphia, Inc.

150 South Independence Mall West, Suite 550

Philadelphia, Pennsylvania 19106

Board Member

2009 – 2013

University of Pennsylvania Alumni Club of Philadelphia

Board Member and Counsel

2004 – 2008

University of Pennsylvania Alumni Club of Washington DC

President

1997 – 1998

Professor Lewis Kaplow

Harvard Law School

Cambridge, Massachusetts 02138
Research Assistant

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 did not serve in the military. I registered for selective service upon turning 18.

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

AV-Rated by Martindale-Hubbell (2014 – present)

Charles E. Ruff Pro Bono Attorney of the Year, Covington & Burling (2008)

Degree from Harvard Law School conferred *cum laude* (1999)

Degree from University of Pennsylvania conferred *magna cum laude* (1996)

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 (2009 – present)

Co-Chair Section of Litigation's Privilege Subcommittee of Commercial and
Business Litigation Committee (2013 – present)
Section of Antitrust Law (2009 – present)

Federalist Society (2009 - present)

President, Philadelphia Lawyers Chapter (2015 – present)
Corporations, Securities, and Antitrust Practice Group Leadership (2017 –
present)

Republican National Lawyers Association (2010 – 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.

New Jersey, 1999
Pennsylvania, 2000
District of Columbia, 2001

There have been no lapses in membership.

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

United States Court of Appeals for the Third Circuit, 2003
United States Court of Appeals for the Fourth Circuit, 2007
United States District Court for the District of Columbia, 2003
United States District Court for the District of New Jersey, 1999
United States District Court for the Eastern District of Pennsylvania, 2000
United States District Court for the Southern District of Texas, 2007

My membership in the United States District Court for the Southern District of Texas permanently lapsed in 2012 because I chose not to renew my membership. There have been no other 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.

Abramson Cancer Center at the University of Pennsylvania (2012 – present)
Member, Director and Leadership Council (2016 – present)
Co-Chair, Young Friends (2012 – 2016)

Republican Jewish Coalition (2005 – present)

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

To the best of my knowledge, none of the 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.

High Court Should Accept Samsung Case, Despite SG's Brief, LAW360, Oct. 26, 2017. Copy supplied.

An Update on the Apple-Samsung Damages Saga, LAW360, Aug. 28, 2017. Copy supplied.

Why FTC's Qualcomm Investigation Is Important, LAW360, May 3, 2017. Copy supplied.

The ITC's Opportunity To Seize the Moment, LAW360, Dec. 13, 2016. Copy supplied.

Justice Scalia's Influence on Display in Apple v. Samsung decision, FEDERALIST SOCIETY BLOG, Dec. 7, 2016. Copy supplied.

High Court Can Restore Some Sanity to Design Patents, LAW360, Oct. 25, 2016. Copy supplied.

With J. Ike Brannon, *Suing the Saudis*, WEEKLY STANDARD, Aug. 25, 2016. Copy supplied.

Why High Court Was Right To Take Samsung v. Apple, LAW360, April 8, 2016. Copy supplied.

Will The Supreme Court Save Apple from Itself?, IP WATCHDOG.COM, Jan. 25, 2016. Copy supplied.

USPTO Should Restore Some Sanity to Design Patents, LAW360, Nov. 19, 2015. Copy supplied.

A Court's Chance To Limit Law of Unintended Consequences, LAW360, Sept. 22, 2015. Copy supplied.

When Form Trumps Function, and Common Sense: Problems with Damages for Design Patents, INSIDE SOURCES, July 23, 2015. Copy supplied.

With J. Ike Brannon, *The Costs of a Miscarriage of Justice*, WEEKLY STANDARD, Sept. 4, 2014. Copy supplied.

Are Consumer Class Actions the "Walking Dead?", LEGAL INTELLIGENCER, Feb. 29, 2012. Copy supplied.

Does Your Pet Have a Right to Privacy?, LEGAL INTELLIGENCER, Feb. 14, 2012. Copy supplied.

A Sliver of a Silver Lining for Microsoft, LEGAL INTELLIGENCER, June 16, 2011. Copy supplied.

Copyright Law and Class Actions: A Google Book Dilemma, LEGALTECH NEWS, Mar. 31, 2011. Copy supplied.

The Google Book Dilemma: Are Copyright Law and Class Actions Irreconcilable?, LEGAL INTELLIGENCER, Mar. 28, 2011. Copy supplied.

NBA Sideline Chatter, Twitter, and a Defamation Claim, LEGAL INTELLIGENCER, Mar. 18, 2011. Copy supplied.

The Supreme Court's Shakespearean Approach to Arbitration, LEGAL INTELLIGENCER, Mar. 7, 2011. Copy supplied.

Surprise! U.S. Supreme Court Says Words Matter, LEGAL INTELLIGENCER, Feb. 24, 2011. Copy supplied.

When Supreme Courts Collide, LEGAL INTELLIGENCER, Jan. 26, 2011. Copy supplied.

The Law of Unintended Consequences: Did the Stolt-Nielsen Decision Inadvertently Invalidate Millions of Arbitration Provisions?, LEGAL INTELLIGENCER, June 22, 2010. Copy supplied.

Are Videogames Artistic Expression?, LEGAL INTELLIGENCER, May 5, 2010. Copy supplied.

A Potential Conflict of Interest Costs a Firm Millions, LEGAL INTELLIGENCER, Feb. 22, 2010. Copy supplied.

Is Twitter Serious Enough To Get You Sued?, LEGAL INTELLIGENCER, Feb. 2, 2010. Copy supplied.

The Show Will Go On, LEGAL INTELLIGENCER, Jan. 21, 2010. Copy supplied.

Exporting an American Original: The Class Action, LEGAL INTELLIGENCER, Oct. 26, 2009. Copy supplied.

Channeling Daniel Webster: A Warning Shot About Affidavits, LEGAL INTELLIGENCER, Oct. 20, 2009. Copy supplied.

Have Class Actions Become Like the Wild Kingdom?, LEGAL INTELLIGENCER, Sept. 22, 2009. Copy supplied.

Movie Studios See Red, LEGAL INTELLIGENCER, Aug. 20, 2009. Copy supplied.

Watch What You Tweet, LEGAL INTELLIGENCER, Aug. 6, 2009. Copy supplied.

Will the DOJ Help You Get an iPhone?, LEGALTECH NEWS, Aug. 4, 2009. Copy supplied.

Will the Department of Justice Help You Get an iPhone?, LEGAL INTELLIGENCER, July 31, 2009. Copy supplied.

It's Still 'Hail to the Redskins' – At Least for Now, LEGAL INTELLIGENCER, May 22, 2009. Copy supplied.

States Push Back Against Supreme Court's Leegin Decision, LEGAL INTELLIGENCER, May 19, 2009. Copy supplied.

Much Ado About Nothing? Recent Coverage of Lawyers' Conflicts in the Broadcom and Stanford Cases, LEGAL INTELLIGENCER, Apr. 29, 2009. Copy supplied.

Supreme Court Declines To Hear FTC'S Appeal of Antitrust Case Against Rambus Inc., LEGAL INTELLIGENCER, Apr. 1, 2009. Copy supplied.

Supreme Court Squeezes Price Squeeze Claims, LEGAL INTELLIGENCER, Mar. 23, 2009. Copy supplied.

Remand Inquiries for Opt-In Class Actions Removed to Federal Court Under CAFA, LEGAL INTELLIGENCER, Mar. 11, 2009. Copy supplied.

How the Words in a Complaint Can Affect Diversity Jurisdiction Under the Class Action Fairness Act, LEGAL INTELLIGENCER, Mar. 4, 2009. Copy supplied.

3rd Circuit Stresses Importance of Expert Testimony in Class Certification Proceedings, LEGAL INTELLIGENCER, Feb. 3, 2009. Copy supplied.

With David M. Laigaie, Using 28 U.S.C § 1782 To Level the Field in International Litigation, LEGAL INTELLIGENCER, Jan. 28, 2009. Copy supplied.

With Christopher H. Casey, *Dual Enforcement of Antitrust Laws Keeps Businesses in Line*, MONDAQ, Dec. 9, 2008. Copy supplied.

With Christopher H. Casey, *Dual Enforcement of Antitrust Laws Keeps Businesses in Line*, LEGAL INTELLIGENCER, Sept. 24, 2008. Copy supplied.

With Charles Buffon, *Antitrust Arbitration Counseling*, ANTITRUST, Fall 2004, Vol 19, No. 1. Copy supplied.

Letter to the Editor, DAILY PENNSYLVANIAN, Dec. 5, 1995. Copy supplied.

Letter to the Editor, DAILY PENNSYLVANIAN, Oct. 31, 1995. Copy supplied.

Letter to the Editor: *A UA Constitutional Question*, DAILY PENNSYLVANIAN, Oct. 25, 1995. Copy supplied

Letter to the Editor: *Political Story Was Biased*, MORNING CALL (ALLENTOWN), Nov. 3, 1994. Copy supplied.

With Robby Weinstein & Christopher Brauser, Letter to the Editor: *Ignoring Students' Concerns*, DAILY PENNSYLVANIAN, Apr. 5, 1994. Copy supplied.

Letter to the Editor: *Ticket Troubles*, DAILY PENNSYLVANIAN, Nov. 3, 1993. Copy supplied.

Letter to the Editor: *Why the Golan is Vital to Israel*, MORNING CALL (ALLENTOWN), Sept. 29, 1991. 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.

January 3, 2017: Presenter, "Samsung v. Apple Post-Supreme Court Decision Expert Discussion," Foss Patents, Teleforum. I have no notes, transcripts or recording. I participated as a panelist in a teleforum to discuss the implications of the Supreme Court's decision in the Apple v. Samsung design patent dispute.

December 3, 2014: Moderator, "Taking Stock of the State Action Doctrine In Light of *North Carolina Board of Dental Examiners v. FTC*," Section of Antitrust Joint Conduct Committee, American Bar Association, Teleforum. Notes supplied.

April 3, 2014: Presenter, "Making Sense of *Actavis*: Lessons Learned and Predictions for the Future," Delaware Valley chapter of Association of Corporate Counsel, Philadelphia, PA. Slides supplied.

August 28, 2013: Presenter, "Top Four Legal Issues Facing Small Businesses: The Perspective from Your Lawyer," National Federation of Independent Business, Webinar. Presentation supplied. Video available at <https://www.nfib.com/webinars/top-legal-issues/>.

September 19, 2012: Presenter, "Top Four Legal Issues Facing Small Businesses: The Perspective from Your Lawyer," National Federation of Independent Business, Webinar. Presentation supplied.

2012 – 2017: Speaker, The Philadelphia School, Philadelphia, Pennsylvania. I have spoken annually to the eighth grade class at The Philadelphia School about my work for the National Constitution Center to locate and return to Pennsylvania the original copy of the Bill of Rights sent to Pennsylvania for ratification. Most recent version of my notes supplied.

June 15, 1992: Student Commencement Speaker, Parkland High School Commencement, Orefield, Pennsylvania. I have no notes, transcript, or recording. The address of Parkland High School is 2700 N. Cedar Crest Blvd., Allentown, PA 18104. Press coverage supplied.

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

they are available to you.

Kelcee Griffis, *Pa. County Can Pursue 911 Undercharge Suit Against Telcos*, LAW360, June 12, 2017. Copy supplied.

Bob Brooks, *Vice President Mike Pence Addresses Federalist Society in Philadelphia*, ACTION NEWS, Feb. 4, 2017. Copy supplied. Video available at <http://6abc.com/politics/vice-president-mike-pence-addresses-federalist-society-in-phila/1736583/>.

Dom Giordano Show, CBS Radio, Feb. 1, 2017. Audio supplied.

Ryan Davis, *Apple Case Leaves Future of Design Patents to Fed. Cir.*, LAW360, Jan. 5, 2017. Copy supplied.

Tony Raap, *PA Counties Suing Phone Companies Over 911 Fees Shortfall*, TRIBUNE-REVIEW (PITTSBURGH), Oct. 17, 2016. Copy supplied.

Tony Raap, *911 shortfall alleged in suit*, TRIBUNE-REVIEW (GREENSBURG, PA), Oct. 17, 2016. Copy supplied.

Sally Herships, *Cellphone Giants Are Sued for Discounting 911 Calls*, MARKETPLACE, Aug. 10, 2016. Copy supplied. Audio version available at <https://www.marketplace.org/2016/08/09/world/911-lawsuits>.

The Dos and Don'ts of Borrowing from Friends and Family, MUTUAL OF OMAHA BLOG, July 27, 2016. Copy supplied.

Tom Victoria, *County's \$10.9M lawsuit on Hold*, BUTLER EAGLE, July 3, 2016. Copy supplied.

Dom Giordano Show, CBS Radio, May 19, 2016. Audio supplied.

Dauphin County Files \$29.6 Million Lawsuit Against Phone Service Providers, FOX43.COM, Jan. 20, 2016. Copy supplied. Video clip available at <http://fox43.com/2016/01/20/dauphin-county-files-29-6-million-lawsuit-against-phone-service-providers/>.

P.J. D'Annunzio, *Aetna's Doctor Kickback Suit Survives Motion to Dismiss*, LEGAL INTELLIGENCER, Dec. 30, 2015. Copy supplied.

P.J. D'Annunzio, *Aetna's Doctor Kickback Suit Can Move Forward*, LEGAL INTELLIGENCER, Dec. 29, 2015. Copy supplied.

Six More Pennsylvania Counties File 911 Surcharge Cases Against Phone Companies, COMMUNICATIONS DAILY, Aug. 10, 2015. Copy supplied.

State Telecom, COMMUNICATIONS DAILY, Aug. 10, 2015. Copy supplied.

Caitlin McCabe, *Why One Pennsylvania County Is Suing 19 Telecommunications Carriers*, PHILA. INQUIRER, June 4, 2015. Copy supplied.

Caitlin McCabe, *State law may play crucial role in Delco lawsuit*, PHILA. INQUIRER, June 3, 2015. Copy supplied.

Kristina Scala, *911 Fee Dispute: County Filed Lawsuit Against Phone Companies*, NEWS OF DELAWARE COUNTY, June 3, 2015. Copy supplied.

Rosemary Connors and David Chang, *Delco Lawsuit Accuses Telephone Companies Of Cutting 911 Fees*, NBCPHILADELPHIA.COM, June 3, 2015. Copy supplied. Video clip available at <http://www.nbcphiladelphia.com/news/local/Delaware-County-Telephone-Lawsuit-Provider-911-Fees-Comcast-305900931.html>.

Kristina Scala, *Delco Files Suit Against 19 Telecoms, Wants \$41 Million In 911 Fee Dispute*, DELAWARE COUNTY TIMES, June 2, 2015. Copy supplied.

Dan Packel, *Hagens Berman in the Hot Seat Over Dropped GSK Suits*, LAW360, May 22, 2015. Copy supplied.

Debbie Gallo Show, WVLT 92.1, Dec. 21, 2014. I contacted the station, but they did not retain a recording of the broadcast.

Emily Kokoll, *Lawyers Weigh In on Supreme Court's Comcast Ruling*, LAW360, Mar. 27, 2013. Copy supplied.

In re High-Tech Employee Antitrust Litigation, WESTLAW JOURNAL CLASS ACTION, Vol. 19, Issue 4, May 2012, at 14-15. Copy supplied.

Bonnie Cook, *Judge Opens Records in Lower Merion redistricting case*, PHILA. INQUIRER, Feb. 23, 2010. Copy supplied.

By Invitation Only: Upcoming Weddings, EXPRESS, Jan. 6, 2006. Copy supplied.

Jonathan Kaye, *Choosing Off-Campus Housing*, DAILY PENNSYLVANIAN, Feb. 10, 1995. Copy supplied.

Margie Peterson, *Debaters Learn Arguing Is Not So Easy*, MORNING CALL (ALLENTOWN), Feb. 24, 1992. Copy supplied.

While I was a student at the University of Pennsylvania, I appeared on the University Television Station on several occasions. I have contacted the

University multiple times, but I have been unable to locate any recordings of these appearances.

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 held judicial office.

- 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 held judicial office.

- 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.

Judge of Election (2013 – 2017), 2nd Ward, 27th Division, Philadelphia, Pennsylvania; elected 2013

Inspector of Election (November 2017 – present), 2nd Ward, 27th Division, Philadelphia, Pennsylvania; elected 2017

- 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.

Committeeperson, Philadelphia Republican Party, 2nd Ward, 27th Division,
(2014 – present)

Executive Committee (2014 – 2015)

Volunteer, Pennsylvania Republican Party (November 2012)

I monitored several polling places throughout Philadelphia.

Volunteer, John McCain Presidential Campaign (2008)

I helped prepare model pleadings for use on election day and served as a
poll watcher in North Philadelphia.

Volunteer, Republican National Committee's 72-Hour Campaign (2004)

I monitored several polling places in Philadelphia.

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;

From 1999 to 2000, I served as a law clerk to the Honorable Jan E.
DuBois of the United States District Court for the Eastern District of
Pennsylvania.

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

I have not 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.

2000 – 2008

Covington & Burling LLP

850 10th Street N.W.

Washington, D.C. 20001

Associate

2008 – present

Dilworth Paxson LLP

1500 Market Street, Suite 3500E

Philadelphia, Pennsylvania 19102

Associate (2008 – 2010)

Partner (2010 – present)

- 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.

From 2000 to 2008, my practice largely focused on antitrust, contract, insurance coverage, and intellectual property litigation. My practice during that time was almost exclusively in federal district and appellate courts around the country.

Since 2008, my practice has broadened and now includes commercial contract and related business disputes, antitrust, intellectual property, business tort, bankruptcy, civil rights, products liability, First Amendment, bid protests, and corporate governance matters. I practice in federal district courts around the country, state courts in Pennsylvania, federal bankruptcy courts, administrative tribunals, and various alternative dispute resolution tribunals.

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

From 2000 to 2008, my clients were almost all large corporations or partnerships. Since 2008, I have continued to represent large corporations, but I also represent governmental entities (both state and local governments), middle-market companies, and individuals.

- 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.

My practice has consisted solely of civil litigation. I have appeared in court frequently over the course of my career, with the exact frequency depending on the matters on which I was working.

- i. Indicate the percentage of your practice in:
 - 1. federal courts: 70%
 - 2. state courts of record: 20%
 - 3. other courts: 5%

4. administrative agencies: 5%

ii. Indicate the percentage of your practice in:

1. civil proceedings: 95%
2. criminal proceedings: 5%

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 one case to verdict before a jury in federal court, serving as a member of a five-person trial team. As lead counsel, I recently have tried a case to conclusion in a bench trial in federal court. The matter has been submitted, and we are awaiting the court's verdict. I have served as lead counsel in two matters that were resolved by an arbitrator after a hearing. I have been counsel of record in approximately 10 matters that were resolved by dispositive motion.

i. What percentage of these trials were:

1. jury: 50%
2. non-jury: 50%

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.

Response in Opposition to Application To Vacate Stay, *Clarett v. Nat'l Football League* (No. 03A870) (application denied, Apr. 22, 2004). I have been unable to locate a filed version of the response, which I helped to prepare. I have supplied an unsigned version that I believe to represent the final version.

Brief in Opposition to Certiorari, *Clarett v. Nat'l Football League*, 544 U.S. 961 (2005) (No. 04-910) (cert. denied). Brief available at 2005 WL 539742.

Brief in Opposition to Certiorari, *SigmaPharm, Inc. v. Mut. Pharm. Co., Inc.*, 568 U.S. 814 (No. 11-1275) (cert. denied). Brief available at 2012 WL 2516668.

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. *Sierra Dev. Corp. v. Chartwell Advisory Grp.*, No. 3:13-cv-00602 (D. Nev.)

I represent Chartwell Advisory Group, Ltd. ("Chartwell"), which entered into a series of professional services agreements with gaming companies to seek refunds of use taxes improperly collected by the State of Nevada on complimentary meals that the companies provided to employees, patrons, and guests. The gaming industry and the State of Nevada entered into a settlement agreement pursuant to which the gaming companies withdrew their pending refund petitions and the State agreed to a tax moratorium from 2008 through at least 2019 for complimentary meals. Many gaming companies took the position that the settlement did not result in a refund, and they therefore refused to pay Chartwell. I served as lead counsel in a declaratory judgment action that one gaming company filed against Chartwell. I tried the case in a six-day bench trial in May 2017, and the case is under submission. The dates of my representation are 2013 to the present, and the case was heard by United States District Judge Roger Benitez (S.D. Cal., sitting by designation).

Co-counsel:

Linda Dale Hoffa
Bryn McDonough
Claire Blewitt Ghormoz
Dilworth Paxson LLP
1500 Market Street, Suite 3500E
Philadelphia, Pennsylvania 19102
(215) 575-7000

Calvin R. X. Dunlap
Monique Laxalt
Dunlap & Laxalt
537 Ralston Street
Reno, Nevada 89503
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2. *Cty. of Butler v. Centurylink Commc'ns LLC*, 163 A.3d 504 (Pa. Cmwlth. Ct. 2017).

I represent County of Butler, Pennsylvania, in one of a series of cases in which Pennsylvania counties have sued telephone service providers for the way that the telephone companies have collected fees to fund 911 emergency response services. The Court of Common Pleas for Butler County dismissed the case, concluding that Pennsylvania's 911 Act granted exclusive enforcement authority to the Pennsylvania Emergency Management Agency. On appeal, the Pennsylvania Commonwealth Court reversed that decision and held that counties have standing to pursue their claims. On December 26, 2017, the Pennsylvania Supreme Court granted review, and I am briefing that appeal. The dates of my representation are 2015 to the present. The case was decided by Judge Marilyn Horan in the Court of Common Pleas, and by Judges Brobson, McCullough, and Wojcik in the Commonwealth Court.

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3. *Mendez, et al. v. Mackereth*, No. 14-cv-7199 (E.D. Pa.).

I represented the Pennsylvania Department of Human Services in a putative class action seeking to enjoin enforcement of a program called “HealthyPA,” which was intended to be a five-year demonstration project for Pennsylvania to expand its Medicaid program under the Affordable Care Act. The Court ordered us to file a response to the motion for a preliminary injunction approximately 24 hours after we were engaged. We argued that the Court did not have the power to issue a class-wide injunction before certifying a class and that the named plaintiffs could not show individual injury. The day after holding a hearing, the Court issued a ruling agreeing with our argument that it could not issue class-wide relief without certifying a class. The dates of my representation were 2014 through 2015. The case was decided by United States District Judge Paul Diamond.

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4. *Crissen v. Gupta*, 994 F. Supp. 2d 937 (S.D. Ind. 2014).

I represented Banco Popular North America (“BPNA”) in a RICO class action arising out of BPNA’s extension of a line of credit to Vinod Gupta, who used the line of credit to acquire tax liens at auctions in Indiana. When individuals sought to pay their taxes and eliminate their liens, Indiana law permitted Mr. Gupta to charge them certain additional fees. Joshua Crissen sued on behalf of a class of individuals who paid fees to Gupta, alleging that Gupta had inflated the fees. BPNA was named as a defendant because, as Gupta’s lender, it held the tax certificates as collateral and, at times, sent them back to counties after they had been redeemed. We filed a motion to dismiss the claims against BPNA, arguing that BPNA had not engaged in any pattern of racketeering activity but had instead acted only like any financial institution would. The Court granted BPNA’s motion and dismissed the claims against it in January 2014. The dates of my representation were 2013 to 2015. The case was decided by United States District Judge Jane Magnus-Stinson.

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5. *Wolfson-Verrichia Group, Inc. v. Metro Commercial Real Estate, Inc.*, No. 5:08-cv-4997, 2013 WL 1286184 (E.D. Pa. Mar. 28, 2013).

I represented a real estate broker, Metro Commercial Real Estate, Inc. ("Metro"), and its principals in a suit by a real estate developer, Wolfson-Verrichia Group, alleging that Metro had steered retailers that it represented, including Target and Lowe's, to sites in which Metro's owner had an interest, rather than more favorable sites in the same market that Wolfson-Verrichia Group was seeking to develop. Wolfson-Verrichia asserted claims under RICO, the Lanham Act, New Jersey's RICO statute, as well as various common law claims. We filed a motion for summary judgment, arguing among other things that the information the retailers received from Metro did not impact their analysis. United States District Judge Mitchell Goldberg granted our clients' motion for summary judgment. The dates of my representation were 2008 through 2013.

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6. *Crown Cork & Seal USA, Inc. v. Wise Alloys LLC*, Case No. 14 152 02228 09 (AAA)

I represented Crown Cork & Seal USA, Inc. ("Crown"), a manufacturer of beverage cans, in a contract dispute with Wise Alloys LLC ("Wise"), which supplied Crown with aluminum. Wise issued Crown a notice of default, asserting that Crown had not met its minimum volume threshold. A dispute arose as to whether Crown cured that default. The case was heard in arbitration under the auspices of the American Arbitration Association, and a decision was rendered in August 2011. I served as lead counsel for Crown from 2009 to 2011. The case was heard by arbitrator William Hutchinson.

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7. *In re Phila. Newspapers LLC*, 423 B.R. 98 (E.D. Pa. 2010).

I represented Philadelphia Newspapers, LLC, the owner of the *Philadelphia Inquirer* and *Philadelphia Daily News*, in this bankruptcy proceeding. There were, at the time, a substantial number of cases pending against the companies and their reporters. We sought an order from the Bankruptcy Court extending the scope of the automatic stay to include claims against the companies' employees, and the Bankruptcy Court granted that injunction. One former employee with a pending suit, Alycia Lane, appealed to the District Court, which affirmed the ruling. I served as the lead attorney on that aspect of the bankruptcy proceedings, drafting the relevant pleadings and arguing the issue in both the Bankruptcy Court and the District Court. The dates of my representation were 2009 to 2011. The case was decided by Bankruptcy Judge Jean Fitzsimon and by United States District Judge Eduardo Robreno.

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8. *Clarett v. Nat'l Football League*, 306 F. Supp. 2d 379 (S.D.N.Y. 2004), *rev'd*, 369 F.3d 124 (2d Cir. 2004).

I assisted in representing the National Football League (NFL) in a lawsuit by a college football player who alleged that the NFL's eligibility rules constituted a boycott in violation of the Sherman Antitrust Act. The NFL argued that its conduct was exempt from antitrust scrutiny under the non-statutory labor exemption and that

its conduct satisfied the rule of reason and therefore did not violate the antitrust laws. The District Court granted the plaintiff summary judgment. On appeal, the Second Circuit reversed and concluded that the non-statutory labor exemption protected the NFL's conduct. Justices Ginsburg and Stevens denied stay requests. I participated in the case between 2003 and 2004, performing research, contributing to sections of the briefs, and participating in strategy sessions. The case was decided by United States District Judge Shira Scheindlin and by Judges Sack and Sotomayor of the Second Circuit and Judge Kaplan of the Southern District of New York sitting by designation.

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John B. Langel (retired)

9. *In re Currency Conversion Fee Antitrust Litig.*, 265 F. Supp. 2d 385 (S.D.N.Y. 2003).

I was the lead associate in my firm's representation of a bank (originally First USA Bank, which eventually merged with J.P. Morgan Chase Bank) in this multidistrict antitrust litigation. The class-action plaintiffs alleged that Visa, MasterCard, and their largest issuing banks conspired to impose a fee on foreign currency transactions when customers used credit cards abroad. I participated in all aspects of the case, including drafting filings before the MDL panel, motions to dismiss, motions to enforce arbitration agreements, discovery motions, motions for class certification, and contested motions about class notice. I also participated in settlement negotiations. I played a substantial role in the pleadings that resulted in a July 2003 decision holding that when cardholders of one issuing bank sued a bank with which they did not have a relationship, all of the banks could invoke an arbitration clause in the issuing bank's cardholder agreement. My representation extended from 2001 to 2008. United States District Judge William Pauley III presided over the case.

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10. *Western Res., Inc. v. Union Pac. Corp.*, No. 00-cv-2043-CM (D. Kan.).

I represented Union Pacific Railroad Company in a suit by Western Resources alleging a breach of contract for the delivery of coal to a power plant in Jeffery, Kansas. The case was tried to a jury in August and September 2002, and the jury returned a verdict for Union Pacific. I was one of four associates on the case for Union Pacific, and I was the lead associate at trial. My role included drafting pleadings—including summary judgment motions and motions to exclude expert witnesses—and participating in all phases of discovery and trial. My representation was from 2000 to 2003. Judge Carlos Murguia presided over the case.

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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 2015, I have represented the Centennial Parkside Community Development Corporation, an entity that seeks to aid the redevelopment of the Centennial Parkside neighborhood in West Philadelphia. We have provided advice on matters relating to corporate formation, real estate transactions, employment issues, and various contracts that the Corporation is or was considering.

I have handled several bid protest matters in the last five years. I have represented protesting parties, intervenors who had been awarded a government contract, and a government agency to which a protest was submitted. Each of these matters has originated in an administrative tribunal, though two have progressed to appellate courts.

I participated in our firm's effort to recover Pennsylvania's original copy of the Bill of Rights, a matter that arose from our firm's long-standing relationship with the National

Constitution Center ("NCC"). After some investigation, the NCC located what appeared to be Pennsylvania's copy of the Bill of Rights in the permanent collection at the New York Public Library. We negotiated with the library on behalf of both the NCC and the Commonwealth of Pennsylvania over ownership of and possessory rights in the documents. We negotiated a deal in which the Commonwealth has possession of the document three out of every seven years, and the Commonwealth loans the document to the NCC for display. The deal lasts for 100 years and allows several public institutions to avoid litigation.

I have never provided lobbying services to any client or organization.

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

I have not taught any classes, but in 2017 I served as a guest lecturer in Professor William Laufer's Legal Studies 101 class at the University of Pennsylvania's Wharton School.

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

I do not have any such arrangements. However, if and when I resign as a partner from Dilworth Paxson LLP, the firm will repay my capital over five years. In addition, the firm has a profit-sharing plan for partners that accrues each year but is not paid until the following September. I would be entitled to such a profit-sharing contribution based on my time at the firm and would expect to collect it in due course.

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.

Time permitting, I would expect to maintain my memberships on the Board of Directors of Historic Philadelphia and of the Breakthrough Bike Challenge. I do not have any other such plans.

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.

If confirmed, I will recuse myself from any case in which I have previously participated as an attorney and in any case in which my law firm was involved while I was a partner in the firm. I am not aware of any individuals, either relatives or otherwise, who are likely to present a conflict of interest. I will review, on a case-by-case basis, the existence of a potential conflict of interest arising from any personal or former client relationships or financial interests, and I will apply generally applicable principles and rules concerning ethics and conflicts of interests in conducting such an inquiry and assessing whether a recusal is warranted.

- 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 comply with the requirements of 28 U.S.C. § 455, the Code of Conduct for United States Judges, all applicable policies and procedures of the United States Courts, and other relevant canons and statutory provisions.

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.

Throughout my career, I have committed myself to helping the disadvantaged both through legal services and other community involvement. Although I do not have specific time records for many of these matters, I estimate that I have devoted at least 100 hours per year to these activities. I have also been given an award for my efforts, and one court commended me for my work.

I have represented several individuals in disputes with the government. These matters have included civil rights cases, including one in which I was appointed by the court to

represent a prisoner and one for which Covington & Burling awarded me the Charles E. Ruff *pro bono* attorney of the year; a habeas petition for which the Third Circuit commended me for my work; and representation of a twelve-year-old boy who received a grand jury subpoena in connection with an investigation of a shooting. I have also represented the Centennial Parkside Community Development Corporation, which seeks to assist with the redevelopment of Philadelphia's Centennial Parkside neighborhood.

In addition to these matters, I have volunteered my time to organizations that assist disadvantaged individuals. These include service on the Board of an organization that runs education programs for middle-school students and provides funding assistance to schools that cannot afford the program. It also includes work to make cancer treatments more broadly available.

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 February 2017, I spoke with attorneys at the White House Counsel's Office about a judicial vacancy. I also met with Senator Toomey in early March 2017.

On April 7, 2017, I submitted an application to the Judicial Nomination Advisory Panel for the Eastern District of Pennsylvania seeking consideration for a vacancy on that court. On May 22, 2017, I interviewed with panel members in Philadelphia. On October 18, 2017, I met with Senator Toomey and his counsel in his office in Washington, D.C. On January 10, 2018, I met with Senator Casey, his chief of staff, his Chief Counsel, and his Legislative Aide in his office in Washington, D.C. Since March 5, 2018, I have been in contact with officials from the White House Counsel's Office and the Office of Legal Policy at the Department of Justice.

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

No.

FINANCIAL DISCLOSURE REPORT
NOMINATION FILINGReport Required by the Ethics
in Government Act of 1978
(5 U.S.C. app. §§ 101-111)

1. Person Reporting (last name, first, middle initial) Wolson, Joshua D.	2. Court or Organization U.S. District Court for the Eastern District of Pennsylvania	3. Date of Report 05/16/2018
4. Title (Article III judges indicate active or senior status; magistrate judges indicate full- or part-time) U.S. District Judge - Active Status	5a. Report Type (check appropriate type) <input checked="" type="checkbox"/> Nomination Date 05/15/2018 <input type="checkbox"/> Initial <input type="checkbox"/> Annual <input type="checkbox"/> Final 5b. <input type="checkbox"/> Amended Report	6. Reporting Period 01/01/2017 to 05/01/2018
7. Chambers or Office Address Dilworth Paxson LLP 1500 Market St., Suite 3500E Philadelphia, PA 19102		
IMPORTANT NOTES: The instructions accompanying this form must be followed. Complete all parts, checking the NONE box for each part where you have no reportable information.		

I. POSITIONS. (Reporting individual only; see pp. 9-13 of filing instructions.)☐ NONE (No reportable positions.)

	<u>POSITION</u>	<u>NAME OF ORGANIZATION/ENTITY</u>
1.	Partner	Dilworth Paxson LLP
2.	Board Member	Historic Philadelphia Inc.
3.	Board Member	Breakthrough Bike Challenge, Inc.
4.	Trustee	Irrevocable Trust (no reportable assets)
5.	President	Federalist Society, Philadelphia Lawyers Chapter

II. AGREEMENTS. (Reporting individual only; see pp. 14-16 of filing instructions.)☒ NONE (No reportable agreements.)

<u>DATE</u>	<u>PARTIES AND TERMS</u>
1.	
2.	
3.	