UNITED STATES SENATE COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

1. <u>Name:</u> State full name (include any former names used).

Sanket Jayshukh Bulsara

2. <u>Position</u>: State the position for which you have been nominated.

United States District Judge for the Eastern District of New York

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

United States District Court, Eastern District of New York Theodore Roosevelt Federal Courthouse 225 Cadman Plaza North, Room 304N Brooklyn, New York 11201

Residence: Long Island City, New York.

4. Birthplace: State year and place of birth.

1976; Bronx, New York.

5. <u>Education</u>: 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.

1999 – 2002, Harvard Law School; J.D. (cum laude), 2002

1994 – 1998, Harvard College; A.B. (magna cum laude), 1998

6. <u>Employment Record</u>: 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.

2017 – present United States District Court, Eastern District of New York 225 Cadman Plaza East, Room 304N Brooklyn, New York 11201 United States Magistrate Judge

2019 – present St. John's Law School 80-00 Utopia Parkway Jamaica, New York 11439 Adjunct Professor of Law

Spring 2020 Brooklyn Law School 250 Joralemon Street Brooklyn, New York 11201 Adjunct Professor of Law

2015 - 2017

Securities and Exchange Commission (SEC) 100 F Street, Northeast Washington, DC 20549 Acting General Counsel (2017) Deputy General Counsel for Appellate Litigation, Adjudication, and Enforcement (2015 - 2017)

2007 – 2008 Kings County District Attorney's Office 350 Jay Street Brooklyn, New York 11201 Special Assistant District Attorney (secondment from WilmerHale)

2005 – 2015 Wilmer Cutler Pickering Hale and Dorr LLP (WilmerHale) 7 World Trade Center 250 Greenwich Street New York, New York 10006 Partner (2012 – 2015) Counsel (2009 – 2011) Associate (2005 – 2008)

2004 – 2005 New York City Department of Education, Division of Human Resources 65 Court Street Brooklyn, New York 11201 Manager of Planning and Data Analysis

2003 – 2004; Summer 2001

Munger, Tolles & Olson LLP 350 South Grand Avenue Los Angeles, California 90071 Associate (2003 – 2004) Summer Associate (Summer 2001)

2002 – 2003 Hon. John G. Koeltl United States District Court, Southern District of New York 500 Pearl Street New York, New York 10007 Law Clerk

Summer 2002 Debevoise & Plimpton LLP 66 Hudson Boulevard New York, New York 10001 Summer Associate

Spring 2002 Harvard College Massachusetts Hall Cambridge, Massachusetts 02138 Teaching Fellow

January 2002 (Winter Term) Harvard Law School 1585 Massachusetts Avenue Cambridge, Massachusetts 02138 Teaching Assistant

2001 – 2002 Harvard Law School 1585 Massachusetts Avenue Cambridge, Massachusetts 02138 Research Assistant, Professor Charles Ogletree Research Assistant, Professor Laurence Tribe

Summer 2001 Irell & Manella LLP 1800 Avenue of the Stars Los Angeles, California 90067 Summer Associate

Summer 1999 Summerbridge Cambridge (now Breakthrough Greater Boston) P.O. Box 381486 Cambridge, Massachusetts 02238 Summer Program Director

Spring 1999 Kaplan Inc. 750 3rd Avenue New York, New York 10017 LSAT Instructor

1998 – 1999 Project Bread: The Walk for Hunger 145 Border Street East Boston, Massachusetts 02128 Campaign Associate

Winter 1999 Alternative Solutions, Inc. (now defunct) 396 Commonwealth Avenue Boston, Massachusetts 02117 Temporary Administrative Assistant

Fall 1998 Marymount International School Via di Villa Lauchli, 180 Rome, Italy 00191 Teaching Intern

Other Affiliations (Uncompensated)

2023 – present; 2013 – 2016 New York City Urban Debate League 25 Broadway, 12th Floor New York, New York 10004 Lawyers Advisory Council, Member (2023 – present) Board of Directors, Member (2013 – 2016)

2016

Volunteers of Legal Service (VOLS) 40 Worth Street Suite 829 New York, New York 10012 Board of Directors, Member

2005 – 2017 Sunnyside Community Services, Inc. Sunnyside Home Care Project, Inc. Sunnyside Citywide Home Care Services, Inc. 43-31 39th Street Sunnyside, New York 11104 Board President (2008 – 2016) Board of Directors, Member (2005 – 2017)

2010 – 2013 National Association of Urban Debate Leagues 405 West Superior Street #700 Chicago, Illinois 60654 Young Professionals Board, Member

Summer 2000 United States Department of Justice Civil Division, Office of Consumer Litigation (now Consumer Protection Branch) 950 Pennsylvania Avenue, Northwest Washington, DC 20530 Summer Legal Intern (unpaid)

1999 – 2002 Summerbridge Cambridge (now Breakthrough Greater Boston) P.O. Box 381486 Cambridge, Massachusetts 02238 Board of Directors, Member

 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 timely registered for the selective service.

 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.

South Asian Bar Association of New York, Legal Trailblazer Award (2019)

Asian American Bar Association of New York, Judicial Achievement Award (2018)

Kings County District Attorney's Office, Citation of Honor (2018)

Sunnyside Community Services, Honorary Endowed Scholarship (2017)

New York Super Lawyers, Rising Star (2016, 2015, 2014, 2013)

Sanctuary for Families, Above and Beyond Award for Pro Bono Service (2015, 2014, 2013)

New York Law Journal, Rising Star ("40 Under 40") (2014)

Kings County District Attorney's Office, Outstanding Service Award (2008)

Harvard Law School *Cum Laude* (2002) Ames Moot Court, Semi-Finalist, Best Brief, Oralist (2001)

National College Policy Debate Top 10 National Ranking (1996 – 1997)

Harvard College Magna Cum Laude (1998) John Harvard Scholarship (1997; 1996) Harvard College Scholarship (1995; 1994)

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

American Bar Association (approximately 2005 – 2015) Contributor, VerDICT: TRIAL PRACTICE NEWSLETTER (2014 – 2015)

American Constitution Society, Harvard Law School Chapter, Student Board Member (2001 – 2002)

Asian American Bar Association of New York (approximately 2013 - present)

Federal Bar Council (2013 – present) Inn of Court

Federal Bar Association, Eastern District of New York (2022 - present)

Federal Magistrate Judges Association (2017 – present) Diversity Committee (2018 – present)

Judicial Conference of the United States

Committee on the Administration of the Magistrate Judges System (2022 – present) Liaison to the Judicial Programs and Services Advisory Council (2022 – present)

National Asian Pacific American Bar Association (2017 – present)

National Asian Pacific American Bar Association Foundation, Judicial Council (2018 -

present)

New York City Bar Association, Pro Bono and Legal Services Committee (approximately 2008 – 2009)

South Asian Bar Association of New York (2017 - present)

U.S. District Court for the Eastern and Southern Districts of New York Joint Local Rules Committee, Co-Chair (2021 – present)

U.S. District Court for the Eastern District of New York Ad Hoc Committee on Magistrate Judge Utilization (2023 – present) Civil Rules Advisory Committee (2021 – present) Criminal Justice Act Committee (2019 – present) IT Committee (2020 – present)

10. Bar and Court Admission:

a. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.

California, 2004 New York, 2003

I changed my California Bar status to "inactive" effective January 1, 2018. There have been no other 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 Supreme Court, 2014 United States Court of Appeals for the Second Circuit, 2013 United States Court of Appeals for the Fourth Circuit, 2006 United States Court of Appeals for the Ninth Circuit, 2006 United States District Court for the Western District of Michigan, 2013 United States District Court for the Eastern District of New York, 2006 United States District Court for the Southern District of New York, 2006

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.

Harvard Club of New York City Club Member (2002 – 2003) NYC Alumni Interviewing Committee (2023 – present)

Harvard Debate Council, Alumni Reunion Steering Committee (2012)

National Association of Urban Debate Leagues Young Professionals Board, Member (2010 – 2013)

New York City Urban Debate League Lawyers Advisory Council, Member (2023 – present) Board of Directors, Member (2013 – 2016)

Summerbridge Cambridge (now Breakthrough Greater Boston) Board of Directors, Member (1999 – 2002)

Sunnyside Community Services, Inc. Board of Directors, Member (2005 – 2017) Board President (2008 – 2016)

Sunnyside Home Care Project, Inc. Board of Directors, Member (2005 – 2017) Board President (2008 – 2016)

Sunnyside Citywide Home Care Services, Inc. Board of Directors, Member (2005 – 2017) Board President (2008 – 2016)

Volunteers of Legal Service (VOLS) Board of Directors, Member (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.

To my knowledge, none of the organizations listed in response to Question 11a

currently discriminates or formerly discriminated on the basis of race, sex, or religion, or national origin, either through formal membership requirements or the practical implementation of membership policies.

12. Published Writings and Public Statements:

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

I have created an on-line case book for my law school course *Remedies* which is available online at https://opencasebook.org/casebooks/3906-remedies. Copy supplied.

I have created an on-line case book for my law school course *Securities Litigation* which is available online at https://opencasebook.org/casebooks/9630-securities-litigation. Copy supplied.

With Gary R. Brown et al., New Case Assignment Program Unveiled in Eastern District of New York, N.Y.L.J., Sept. 25, 2023. Copy supplied.

With Nolan Mitchell, *Tips For Making Objections During Closing Arguments*, VERDICT: TRIAL PRAC. NEWSL. (A.B.A.), Fall 2015. Copy supplied.

With Ian Coghill, Can You Communicate With Your Witness After Cross-Examination Has Begun?, VERDICT: TRIAL PRAC. NEWSL. (A.B.A.), Summer 2015. Copy supplied.

With Adam Hornstine, *The Art of the Blind Cross Examination: 8 Tips For When You Don't Know the Answers*, VERDICT: TRIAL PRAC. NEWSL. (A.B.A.), Spring 2015. Copy supplied.

With Ari Savitzky, New Tips for Examining Your Own Witnesses and Using Their Depositions at Trial, VERDICT: TRIAL PRAC. NEWSL. (A.B.A.), Winter 2014. Copy supplied.

With Chris Casamassima et al., What Do You Do With An Inconsistent Jury Verdict?, VERDICT: TRIAL PRAC. NEWSL. (A.B.A.), Fall 2014. Copy supplied.

Out in the Cold: The Politics of Taiwan's Exclusion from the UN, 17 HARV. INT'L REV. 3:52 (1995). Copy supplied.

Great Expectations: US Policy Towards Pakistani Proliferation, 17 HARV. INT'L REV. 2:50 (1995). 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.

The New York City Bar Association Pro Bono and Legal Services Committee issued the following letters and publications while I was a Committee member from 2008 to 2009. I took no part in drafting, editing, writing or approving any of these documents, and was not a signatory.

"IOLA and the Future of Civil Legal Services in New York State Before New York State Senate" (Dec. 9, 2009) (testimony of Stacey O'Haire Fahey, Chair, Pro Bono and Legal Servs. Comm., N.Y.C. Bar Ass'n). Copy supplied.

Letter from Stacey O'Haire Fahey, Chair, Pro Bono and Legal Servs. Comm., N.Y.C. Bar Ass'n to Sheldon Silver, Speaker, N.Y. Assemb. (Oct. 30, 2009). Copy supplied.

Letter from Barry M. Kamins, President, N.Y.C. Bar Ass'n to Hon. Harry Reid, S. Majority Leader, et al. (Jan. 24, 2008). Copy supplied.

I have conducted a search of my paper and electronic files and the websites of the organizations for which I served as a board member and located the following responsive items, but it is possible that there are others which I do not recall and have been unable to locate.

"Message from the President and Executive Director," Sunnyside Community Services Annual Report (2009). Copy supplied.

"Message from the President and Executive Director," Sunnyside Community Services Annual Report (2008). Copy supplied.

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

In my capacity as co-chair of the Joint Local Rules Committee for the Eastern and Southern Districts of New York, I oversee the Committee's review of amendments to the local civil and criminal rules. The proposed amendments are forwarded by the Committee to the Boards of Judges of each district for approval of their publication inviting public notice and comment. I along with the other judges on the Committee prepare the materials for review by the Board of Judges and upon their approval, publication for public comment. During my tenure as co-chair, the following amendments have been proposed:

"Eastern and Southern District Courts Invite Public Comment to Proposed Changes to EDNY-SDNY Joint Local Rules" (Oct. 16, 2023). Copy supplied.

"The United States District Courts for the Eastern and Southern Districts of New York Invite Public Comment for Proposed Revisions to Local Civil Rule 1.5 Rule for Discipline of Attorneys" (Aug. 20, 2021). Copy supplied.

The Committee on the Administration of the Magistrate Judges System, of which I have been a member since May 2022, makes bi-annual reports to the Judicial Conference of the United States. The Committee has made the following reports since I joined the Committee. Although I attend Committee meetings, I play no role in preparing the reports submitted to the Judicial Conference.

"Report from the Committee on the Administration of the Magistrate Judges System," (Mar. 14, 2023), Rep. of the Proc. of the Jud. Conf. of the U.S. Copy supplied.

"Report from the Committee on the Administration of the Magistrate Judges System" (Sept. 14, 2023), Rep. of the Proc. of the Jud. Conf. of the U.S. Copy supplied.

"Report from the Committee on the Administration of the Magistrate Judges System" (Sept. 20, 2022), Rep. of the Proc. of the Jud. Conf. of the U.S. Copy supplied.

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.

December 13, 2023: Judge, NYC Mentor Moot Court Competition, Final Round, Second Circuit Justice for All Initiative, New York, New York. I served as a judge for a high school moot court competition. I have no notes, transcript, or recording. The address for the Second Circuit Justice for All Initiative is U.S. Court of Appeals Library, 40 Foley Square New York, New York 10007.

December 5, 2023: Moderator, "Local Rules Update: Everything You Need to Know About Upcoming Changes and the New EDNY Magistrate Judge Assignment Program," Federal Bar Council, New York, New York (virtual). Notes supplied.

July 27, 2023: Moderator, Book Club Discussion: THE THREE DEATH SENTENCES OF CLARENCE HENDERSON, Federal Magistrate Judges Association, New York, New York (virtual). Notes supplied.

July 22, 2023: Panelist, "Challenges on Being the First and Prioritizing Your Well-Being," Asian American Bar Association of New York, Brooklyn, New York. I participated in a panel discussion about my career path and issues of wellness in the legal profession. I have no notes, transcript, or recording, but press coverage is supplied. The address of the Asian American Bar Association of New York is 45 Rockefeller Plaza, 20th Floor New York, New York 10111.

July 19, 2023: Presenter, "Mock Trial Basics," EDNY Justice Institute, Brooklyn, New York. I gave a presentation on direct and cross examination to high school students preparing for a mock trial presentation. I have no notes, transcript, or recording. The address for the EDNY Justice Institute is c/o Second Circuit Justice for All Initiative, U.S. Court of Appeals Library 40 Foley Square, New York, New York 10007.

April 26, 2023: Guest, Election Law for Civil Rights Lawyers, Columbia Law School, New York, New York. I was a guest in a law school class and asked to speak about clerking for magistrate judges and my career path. I have no notes, transcript, or recording. The address of Columbia Law School is 435 West 116th Street, New York, NY 10027.

April 13, 2023: Panelist, "Professionalism and Career Advice Panel Discussion," Fordham Law School Center for Asian Americans and the Law, New York, New York. I participated in a panel discussion for law students and spoke about my career path. I have no notes, transcript, or recording but press coverage is supplied. The address of the Fordham Law School Center for Asian Americans and the Law is 150 West 62nd Street, New York, New York 10023.

April 5, 2023: Guest Judge, Constitutional Litigation Seminar, NYU Law School, New York, New York. I participated as a guest judge in a law school class with students providing mock oral arguments on cases before the Supreme Court. I have no notes, transcript, or recording. The address of NYU Law School is 40 Washington Square South, New York, New York 10012.

March 22, 2023: Presenter, Honorable Kathleen Tomlinson Annual Criminal Justice Act Service Award, Federal Bar Association, Central Islip, New York. Remarks supplied.

March 21, 2023: Moderator, "Cryptocurrency Part Two Regulatory and Business Issues: Past Present and Future," Federal Bar Council, New York, New York. Notes supplied.

March 15, 2023: Panelist, "Current Developments in Federal Civil Practice 2023," Practising Law Institute, New York, New York. I spoke on a panel with other federal judges and practitioners about ethics, recent developments in expert discovery, and current trial practice issues in federal courts. I have no notes, transcript, or recording. The address of the Practising Law Institute is 1177 Avenue of the Americas, 2nd Floor New York, New York 10036.

March 6, 2023: Panelist, "Clerkship Panel for Students with Diverse Backgrounds," NYU Law School, New York, New York. I participated in a panel discussion about the application process for federal and state clerkships. I have no notes, transcript, or recording. The address of NYU Law School is 40 Washington Square South, New York, NY 10012.

January 19, 2023: Speaker, Investiture of Judge Gary Brown, Eastern District of New York. Remarks supplied.

December 14, 2022: Judge, NYC Mentor Moot Court Competition, Final Round, Second Circuit Justice for All Initiative, New York, New York. This was a high school moot court competition. I have no notes, transcript, or recording, but press coverage is supplied. The address for the Second Circuit Justice for All Initiative is U.S. Court of Appeals Library 40 Foley Square, New York, New York 10007.

October 20, 2022: Speaker, Investiture of Judge Diane Gujarati, Eastern District of New York. Remarks supplied.

October 9, 2022: Panelist, "Let's Talk Settlement: The Ins and Outs of Resolving Your Case at the Table," Asian American Bar Association of New York, New York, New York. I participated in a panel discussion about the best practices for settlement conferences in civil cases. I have no notes, transcript, or recording. The address of the Asian American Bar Association of New York is 45 Rockefeller Plaza 20th Floor, New York, New York 10111.

July 19, 2022: Presenter, "Mock Trial Basics," EDNY Justice Institute, Brooklyn, New York. I gave a presentation on direct and cross examination to high school students preparing for a mock trial presentation. I have no notes, transcript, or recording. The address for the EDNY Justice Institute is c/o Second Circuit Justice for All Initiative, U.S. Court of Appeals Library 40 Foley Square, New York, New York 10007.

June 27, 2022: Moderator, Book Club Discussion: DEVIL IN THE GROVE, Federal Magistrate Judges Association, New York, New York (virtual). Notes supplied.

April 13, 2022: Judge, NYC Mentor Moot Court Competition, Round of 16, Second Circuit Justice for All Initiative, New York, New York (virtual). This was a high school moot court competition. I have no notes, transcript, or recording. The address for the Second Circuit Justice for All Initiative is U.S. Court of Appeals Library 40 Foley Square, New York, New York 10007.

February 25, 2022: Guest Judge, Constitutional Litigation Seminar, NYU Law School, New York, New York. I participated as a guest judge in a law school class with students providing mock oral arguments on cases before the Supreme Court. I have no notes, transcript, or recording. The address of NYU Law School is 40 Washington Square South, New York, New York 10012.

February 3, 2022: Panelist, "Talking With Trailblazers," Federal Bar Association of the Southern District of New York, New York, New York. I participated in a panel discussion about my career path to becoming a federal magistrate judge. I have no notes, transcript, or recording but press coverage is supplied. The address of the Federal Bar Association is 4075 Wilson Boulevard, 8th Floor Arlington, Virginia 22203.

January 28, 2022: Panelist, "Current Developments in Federal Civil Practice 2022," Practising Law Institute, New York, New York. I spoke on a panel with other federal judges and practitioners about recent developments in federal trial and discovery practice. I have no notes, transcript, or recording. The address of the Practising Law Institute is 1177 Avenue of the Americas, 2nd Floor New York, New York, New York 10036.

November 22, 2021: Judge, NYC Mentor Moot Court Competition, Semifinal Round, Second Circuit Justice for All Initiative, New York, New York (virtual). This was a high school moot court competition. I have no notes, transcript, or recording. The address for the Second Circuit Justice for All Initiative is U.S. Court of Appeals Library 40 Foley Square, New York, New York 10007.

November 19, 2021: Judge, Thomas Tang National Moot Court Competition, Semifinal Round, National Asian Pacific Association Bar Association, New York, New York (virtual). This was a law school moot court competition. I have no notes, transcript, or recording. The address of the National Asian Pacific American Bar Association is 1612 K Street Northwest, Suite 300 Washington, DC 20006.

October 23, 2021: Moderator, "Recent Trends in SEC Enforcement," Federal Bar Council, Saratoga, New York. Notes supplied.

September 17, 2021: Officiant, Naturalization Ceremony at Rufus King Manor, United States Citizenship and Immigration Services, Queens, New York. Remarks supplied.

May 25, 2021: Co-Narrator, "Photographic Justice: The Retelling of Asian American History in the United States," Eastern District of New York. Video available at https://www.youtube.com/watch?v=BjEFu9eU9aI. April 22, 2021: Moderator, "Recent Trends in Securities Litigation," Federal Bar Council, New York, New York (virtual). Notes supplied.

April 19, 2021: Judge, NYC Mock Trial Competition, Quarterfinal Round, Second Circuit Justice for All Initiative, New York, New York (virtual). This was a high school mock trial court competition. I have no notes, transcript, or recording. The address for the Second Circuit Justice for All Initiative is U.S. Court of Appeals Library, 40 Foley Square New York, New York 10007.

March 26, 2021: Panelist, "Overview of Proportionality Model—A New Framework," George Washington University Law School Proportionality Benefit-Burden Model Bench & Bar Conference (virtual). I participated in a panel discussion regarding burdens of electronic discovery and the concept of proportionality. I have no notes, transcript, or recording. The address of George Washington University Law School is 2000 H Street, Northwest, Washington, DC 20052.

March 9, 2021: Panelist, "Virtual Proceedings in the New York State and Federal Courts: Lessons Learned and Next Steps: Experience in Complex Litigation Courts," New York City Bar Association, New York, New York (virtual). Video available at https://www.youtube.com/watch?v=SwfVgBOz660.

February 24, 2021: Guest Judge, Constitutional Litigation Seminar, NYU Law School, New York, New York. I participated as a guest judge in a law school class with students providing mock oral arguments on cases before the Supreme Court. I have no notes, transcript, or recording. The address of NYU Law School is 40 Washington Square South, New York, New York 10012.

February 12, 2021: Panelist, "Representation on the Bench," Harvard Law School Asian Pacific American Law Student Association Annual Conference, Cambridge, Massachusetts (virtual). I spoke to law students about my career path. I have no notes, transcript, or recording. The address of the Harvard Law School Asian-Pacific American Law Students Association is 1585 Massachusetts Avenue, Cambridge, Massachusetts 02138.

February 1, 2021: Panelist, "Current Developments in Federal Civil Practice 2021," Practising Law Institute, New York, New York. I have no notes, transcript, or recording. The address of the Practising Law Institute is 1177 Avenue of the Americas, 2nd Floor New York, New York 10036.

December 17, 2020: Panelist, "Remote Proceedings in SDNY, EDNY, and the Second Circuit, Update" Federal Bar Council, New York, New York (virtual). I have no notes, transcript, or recording. The address of the Federal Bar Council is 150 Broadway, Suite 505 New York, New York 10038.

December 3, 2020: Judge, NYC Moot Court Competition, Semifinal Round, Second Circuit Justice for All Initiative, New York, New York (virtual). This was a high school moot court competition. I have no notes, transcript, or recording. The address for the Second Circuit Justice for All Initiative is U.S. Court of Appeals Library 40 Foley Square, New York, New York 10007.

November 13, 2020: Judge, Thomas Tang National Moot Court Competition, Semifinal Round, National Asian Pacific American Bar Association, New York, New York (virtual). This was a law school moot court competition. I have no notes, transcript, or recording. The address of the National Asian Pacific American Bar Association is 1612 K Street, Northwest, Suite 300, Washington, DC 20006.

November 10, 2020: Keynote Speaker, Annual Officer Induction Ceremony, South Asian Bar Association of New York, New York, New York. Remarks supplied.

June 22, 2020: Panelist, "Remote Proceedings in SDNY, EDNY, and the Second Circuit," Federal Bar Council, New York, New York (virtual). I participated in a panel discussion about remote court proceedings. I have no notes, transcript, or recording, but press coverage is supplied. The address of the Federal Bar Council is 150 Broadway, Suite 505 New York, New York 10038.

June 17, 2020: Co-Presenter, "Judges from Court of the Second Circuit Congratulate 2020 Graduates," Second Circuit Court of Appeals Library, New York, New York. Video supplied.

May 20, 2020: Panelist, "Becoming A Magistrate Judge," South Asian Bar Association of New York, New York, New York (virtual). I spoke to lawyers about the application process for becoming a federal magistrate judge. I have no notes, transcript, or recording, but press coverage is supplied. The address of the South Asian Bar Association of New York is P.O. Box 841, New York, New York 10163.

February 20, 2020: Speaker, Hofstra Law School Student Mixer, Federal Bar Association, Uniondale, New York. I spoke to law students about my career path. I have no notes, transcript, or recording. The address of the Federal Bar Association is 4075 Wilson Boulevard, 8th Floor, Arlington, Virginia 22203.

January 22, 2020: Keynote Speaker, Annual Officer Induction Ceremony, South Asian Bar Association of New York, New York, New York. Remarks supplied.

December 3, 2019: Judge, New York City Mentor Moot Court Competition, Final Round, Second Circuit Justice for All Initiative, New York, New York. This was a high school moot court competition. I have no notes, transcript, or recording, but press coverage is supplied. The address for the Second Circuit Justice for All Initiative is U.S. Court of Appeals Library 40 Foley Square, New York, New York 10007.

November 19, 2019: Judge, Long Island Mentor Moot Court Competition, Final Round, Second Circuit Justice for All Initiative, Central Islip, New York. This was a high school moot court competition. I have no notes, transcript, or recording. The address for the Second Circuit Justice for All Initiative is U.S. Court of Appeals Library 40 Foley Square New York, New York 10007.

October 17, 2019: Guest, Civil Procedure Class, Brooklyn Law School, Brooklyn, New York. I participated as a guest in a 1-L Civil Procedure class, and spoke about venue decisions in federal civil cases and my career path. I have no notes, transcript, or recording. The address of Brooklyn Law School is 250 Joralemon Street, Brooklyn, New York, 11201.

October 17, 2019: Panelist, "Well Being in Law School and Law Practice," Brooklyn Law School, Brooklyn, New York. I participated in a panel discussion about legal career paths and wellness in the legal profession. I have no notes, transcript, or recording. The address of Brooklyn Law School is 250 Joralemon Street, Brooklyn, New York 11201.

October 1, 2019: Honoree, Legal Trailblazer Award Ceremony, South Asian Bar Association of New York, New York, New York. Remarks supplied.

May 23, 2019: Participant, Reenactment of *Ozawa & Thind* Oral Arguments, South Asian and Asian American Bar Associations of New York, Brooklyn, New York. Script supplied.

April 3, 2019: Guest Judge, Constitutional Litigation Seminar, NYU Law School, New York, New York. I participated as a guest judge in a law school class with students providing mock oral arguments on cases before the Supreme Court. I have no notes, transcript, or recording. The address of NYU Law School is 40 Washington Square South, New York, New York 10012.

March 27, 2019: Judge, Annual Moot Court Competition Final Round, Nassau County Bar Association and Nassau Law Academy, Mineola, New York. This was a law school moot court competition. I have no notes, transcript, or recording, but press coverage is supplied. The address of the Nassau County Bar Association and Nassau Law Academy is 15 West Street, Mineola, New York 11501.

March 17, 2019: Judge, Cardozo MBI Entertainment and Media Moot Court Competition, Final Round, Benjamin N. Cardozo School of Law, New York, New York. This was a law school moot court competition. I have no notes, transcript, or recording, but press coverage is supplied. The address of Cardozo Law School is 55 5th Avenue New York, New York 10003. March 5, 2019: Panelist, "Pathways to the Bench," South Asian Bar Association of New York, New York, New York. I participated in a panel discussion about the application process for becoming a federal magistrate judge. I have no notes, transcript, or recording, but press coverage is supplied. The address of the South Asian Bar Association of New York is P.O. Box 841, New York, New York 10163.

February 16, 2019: Judge, Faust F. Rossi Moot Court Competition, Final Round, Cornell Law School, Ithaca, New York. This was a law school moot court competition. I have no notes, transcript, or recording. The address of Cornell Law School is Myron Taylor Hall, Ithaca, New York 14853.

February 15, 2019: Panelist, "How Clerking for a Magistrate Judge Is a Path to Success," Cornell Law School, Ithaca, New York. I participated in a panel discussion about judicial clerkships for federal magistrate judges. I have no notes, transcript, or recording. The address of Cornell Law School is Myron Taylor Hall, Ithaca, New York 14853.

February 4, 2019: Panelist, "Judicial Clerkship and Internship Forum for Law Students and Practicing Attorneys," New York City Bar Association, New York, New York. I participated in a panel discussion about about judicial clerkships. I have no notes, transcript, or recording. The address of the New York City Bar Association is 42 West 44th Street, New York, New York 10036.

February 2, 2019: Panelist, "Public Service & Social Impact," (Feb. 2, 2019), Harvard Law School Asian Pacific American Law Students Association Conference, Cambridge, Massachusetts. I participated in a panel discussion about public service. I have no notes, transcript, or recording. The address of the Harvard Law School Asian Pacific American Law Students Association is 1585 Massachusetts Avenue, Cambridge, Massachusetts 02138.

January 30, 2019: Keynote Speaker, Annual Officer Induction Ceremony, South Asian Bar Association of New York, New York, New York. Remarks supplied.

January 26, 2019: Participant, Mock Naturalization Ceremony, Waterwell Theater and Fordham Law School, New York, New York. Remarks supplied.

January 23, 2019: Participant, Mock Naturalization Ceremony, Waterwell Theater and Fordham Law School, New York, New York. Remarks supplied.

January 24, 2019: Panelist, "How to Become a United States Magistrate Judge," New York City Bar Association, New York, New York. I spoke on a panel about the application process for becoming a federal magistrate judge. I have no notes, transcript, or recording. The address of the New York City Bar Association is 42 West 44th Street New York, New York 10036. November 30, 2018: Guest Judge, Pretrial Advocacy Class, St. John's Law School, Brooklyn, New York. I participated as a guest judge in a law school class that was visiting the EDNY courthouse, and critiqued student presentations. I have no notes, transcript, or recording. The address of St. John's Law School is 80-00 Utopia Parkway, Jamaica, New York 11439.

November 13, 2018: Judge, Long Island Mentor Moot Court Competition, Preliminary Round, Second Circuit Justice for All Initiative, Hempstead, New York. This was a high school moot court competition. I have no notes, transcript, or recording, but press coverage is supplied. The address for the Second Circuit Justice for All Initiative is U.S. Court of Appeals Library 40 Foley Square, New York, New York 10007.

November 9, 2018: Judge, Thomas Tang Moot Court Competition, Preliminary Round, Chicago, Illinois. This was a law school moot court competition. I have no notes, transcript, or recording. The address of the National Asian Pacific American Bar Association is 1612 K Street, Northwest, Suite 300, Washington, DC 20006.

October 11, 2018: Speaker, "Recent Decisions by the Supreme Court and Their Impact on Securities Law," Nassau County Bar Association and Nassau Academy of Law, Mineola, New York. Remarks supplied.

October 3, 2018: Speaker, "Recent Developments in Securities Law," Corporate and Securities Law Society, South Asian Law Students Association and Asian Pacific American Law Students Association of St. John's University School of Law, Jamaica, New York. Notes supplied.

September 25, 2018: Guest Judge, Fundamentals of Law Practice 2: Advocacy Class, Brooklyn Law School, Brooklyn, New York. I participated as a guest judge and spoke to students about my career path and discovery motions in federal court. I have no notes, transcript, or recording. The address of Brooklyn Law School is 250 Joralemon Street, Brooklyn, New York 11201.

September 19, 2018: Officiant, Naturalization Ceremony at Rufus King Manor, United States Citizenship and Immigration Services, Jamaica, New York. Remarks and press coverage supplied.

July 30, 2018: Host, Courtroom Visit by Sunnyside Community Services Youth Futures Program, Eastern District of New York, Brooklyn, New York. I hosted students from Queens Vocational & Technical High School to discuss the operation of federal courts. I have no notes, transcript, or recording, but press coverage is supplied. The address of the Eastern District of New York is 225 Cadman Plaza East, Brooklyn, New York 11201. June 30, 2018: Panelist, "Diversity in the Law: Perspectives from the Bench," South Asian Bar Association of North America Annual Conference, New York, New York. I spoke on a panel about my career path. I have no notes, transcript, or recording, but press coverage is supplied. The South Asian Bar Association of North America is located at 2331 West Lincoln Avenue Suite 300, Anaheim, California 92801.

June 5, 2018: Panelist, "Pathways to the Bench: Public Interest and Judicial Roundtable," South Asian Bar Association of New York, Brooklyn, New York. I spoke on a panel about the process of becoming a federal magistrate judge. I have no notes, transcript, or recording, but press coverage is supplied. The address of the South Asian Bar Association of New York is P.O. Box 841, New York, New York 10163.

June 4, 2018: Speaker, "WilmerHale Diversity Committee Professional Development Speaker Series," WilmerHale, New York, New York. I spoke to lawyers about my experience working at the firm prior to taking the bench. I have no notes, transcript, or recording. The address of WilmerHale is 250 Greenwich Street, 45th Floor, New York, New York 10007.

May 24, 2018: Keynote Speaker, Asian Pacific American Heritage Month Celebration, Kings County District Attorney's Office, Brooklyn, New York. Remarks and press coverage supplied.

April 20, 2018: Guest, Pretrial Advocacy Class, St. John's Law School, Brooklyn, New York. I participated as a guest in a law school class that was visiting the EDNY courthouse, and spoke to students about oral argument basics and my career path. I have no notes, transcript, or recording. The address of St. John's Law School is 80-00 Utopia Parkway, Jamaica, New York 11439.

April 10, 2018: Panelist, "What is a Federal Magistrate Judge and How Do I Become One," New York, New York. I participated in a panel discussion about the application process for becoming a magistrate judge. I have no notes, transcript, or recording. The address of the Federal Bar Council is 150 Broadway, Suite 505, New York, New York 10038.

March 27, 2018: Panelist, "Pathways to the Bench: A Panel Discussion with Members of the Judiciary" South Asian and Indo-Caribbean Bar Association of Queens, Long Island City, New York. I participated in a panel discussion about the application process for becoming a federal magistrate judge. I have no notes, transcript, or recording. The address of the South Asian and Indo-Caribbean Bar Association of Queens is 32 Broadway, Suite 1310, New York, New York 10004.

February 6, 2018: Keynote Speaker, Annual Officer Induction Ceremony, South Asian Bar Association of New York, New York, New York. Remarks supplied.

December 7, 2017: Judge, New York City Moot Court Competition, Final Round, Second Circuit Justice for All Initiative, New York, New York. This was a high school moot court competition. I have no notes, transcript, or recording. The address for the Second Circuit Justice for All Initiative is U.S. Court of Appeals Library 40 Foley Square, New York, New York 10007.

December 6, 2017: Participant, "Look Before You Leak," Federal Bar Council Inn of Court Presentation, New York, New York. As a member of this Inn of Court team, I participated in a historical case reenactment as "Lawyer 2," and spoke from a script that was edited and approved by others, and I had a limited role in drafting select portions. Notes supplied.

November 16, 2017: Keynote Address, Judiciary Council Leadership Dinner, Asian American Bar Association of New York, New York, New York. Remarks supplied.

November 8, 2017: Keynote Speaker, Investiture of Judge Sanket Bulsara, Eastern District of New York, Brooklyn, NY. Copy of draft transcript and press coverage supplied.

September 23, 2017: Panelist, "Bootcamp—Road to the Bench: Mock Interview," Asian American Bar Association of New York, New York, New York. I participated in a panel discussion which provided interview tips and career guidance to those interesting in applying to become a federal magistrate judge. I have no notes, transcript, or recording. The address of the Asian American Bar Association of New York is 45 Rockefeller Plaza 20th Floor, New York, New York 10111.

September 18, 2017: Officiant, "Constitution Day Naturalization Ceremony," Eastern District of New York, Brooklyn, New York. I swore in new citizens during an annual Constitution Day ceremony. I have no notes, transcript, or recording, but press coverage is supplied. The address of the Eastern District of New York is 225 Cadman Plaza East, Brooklyn, New York 11201.

June 29, 2017: Keynote Speaker, Mentorship Program Summer Reception, Asian American Law Fund of New York and Asian American Bar Association of New York, New York. Remarks supplied.

May 12, 2017: Panelist, "Legal and Policy Developments in Enforcement," Practising Law Institute, New York, New York. I participated in a panel discussion about recent securities law cases. I have no notes, transcript, or recording. The address of the Practising Law Institute is 1177 Avenue of the Americas, 2nd Floor, New York, New York 10036.

February 24, 2017: Panelist, "SEC Speaks 2017: Judicial and Legal Developments," Practising Law Institute, Washington, DC. Notes supplied.

January 24, 2017: Panelist, "Updates from SEC Senior Staff," 45th Annual Securities Regulation Institute, Coronado, California. I participated in a panel discussion regarding recent developments in securities law. I have no notes, transcript, or recording. The address of the Securities Regulation Institute is c/o Northwestern University School of Law, 375 Chicago Avenue Chicago, Illinois 60611.

May 13, 2016: Panelist, "Defending High Risk Cases: The Cases Get Bigger and the Risks Get Worse," South Asian Bar Association of North America Annual Conference, Houston, Texas. Notes supplied.

April 29, 2016: Panelist, "Legal and Policy Developments in Enforcement," Practising Law Institute, New York, New York. Notes supplied.

March 6, 2016: Team Leader, "Contempt of Court," Federal Bar Council Inn of Court Presentation, New York, New York. As a Team Leader of this Inn of Court presentation, I participated in this historical case reenactment and spoke from a script that I assisted in drafting and editing, and which was ultimately approved by the presiding judge. Notes supplied.

February 1, 2016: Panelist, "Legal Issues Involved in Bridge of Spies and the Rudolf Abel Case," U.S. District Court for the Eastern District of New York, Brooklyn, New York. Remarks supplied.

November 10, 2015: Speaker, Annual Gala, Sunnyside Community Services, Sunnyside, New York. Remarks supplied.

November 2014 (specific date unknown): Team Leader, "The Case of Rudolf Abel," Federal Bar Council Inn of Court Presentation, Brooklyn, New York. As a Team Leader of this Inn of Court Presentation, I participated in this historical case reenactment and spoke from a script that I assisted in drafting and editing and which was ultimately approved by the presiding judge. Notes supplied.

October 28, 2014: Speaker, Annual Gala, Sunnyside Community Services, Sunnyside, New York. Remarks and press coverage supplied.

Sometime in 2013 or 2014 I participated in an Inn of Court presentation with the Federal Bar Council for a program led by Judge Fredrick Block in the Eastern District of New York, Brooklyn, New York. To the best of my recollection the program involved methods for evaluating witness credibility, and I participated by reading from a script prepared and edited by others. I have no notes, transcript, or recording. The address of the Federal Bar Council is 150 Broadway, Suite 505 New York, New York 10038.

October 29, 2013: Speaker, Annual Gala, Sunnyside Community Services,

Sunnyside, New York. Remarks supplied.

November 1, 2012: Speaker, Annual Gala, Sunnyside Community Services, Sunnyside, New York. Remarks supplied.

October 20, 2011: Speaker, Annual Gala, Sunnyside Community Services, Sunnyside, New York. On behalf of the Board of Directors, I gave remarks introducing speakers and thanking attendees. I have no notes, transcript, or recording. The address of Sunnyside Community Services is 43-31 39th Street, Sunnyside, New York 11104. Press coverage supplied.

October 14, 2010: Speaker, Annual Gala, Sunnyside Community Services, Sunnyside, New York. Remarks supplied.

October 22, 2009: Speaker, Annual Gala, Sunnyside Community Services, Sunnyside, New York. Remarks and press coverage supplied.

April 1, 2009 (approximately): Participant, Sunnyside Chamber of Commerce Town Meeting, Sunnyside, New York. I attended a public meeting with New York City Mayor Bloomberg and his deputy mayors addressing issues affecting senior citizens, and asked a question. I have no notes, transcript, or recording, but press coverage is supplied. The address of Sunnyside Community Services is 43-31 39th Street, Sunnyside, New York 11104.

September 4, 2008: Speaker, Dedication Ceremony: Center for Older Adults, Sunnyside Community Services, Sunnyside, New York. Remarks and press coverage supplied.

June 2002: Keynote Alumni address, Cum Laude Society Induction Ceremony, Edgemont High School, Scarsdale, New York. Remarks supplied.

As part of my duties as a federal magistrate judge, I routinely preside over citizenship ceremonies that take place in the Eastern District of New York and give congratulatory remarks to the new citizens. A copy of the remarks I generally give is supplied. I also routinely speak to newly admitted members of the Eastern District bar following their admission ceremonies. I speak without prepared remarks, and have no notes, transcripts, or recordings. I also regularly speak to summer interns who visit the Eastern District Courthouse, including interns working for other judges and those working in the District's Federal Defenders or United States Attorney's Offices. I speak without prepared remarks, and 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.

Why Diversity Matters, Interviews of Magistrate Judges (Federal Magistrate Judges Association), 2019. Video available at https://www.youtube.com/watch?v=62zGjxnRNmI&t=301s.

Press Release, Sanket Bulsara Named Deputy General Counsel for Appellate Litigation and Adjudication, Sec. & Exch Comm'n (Nov. 13, 2015). Copy supplied.

Press Release, WilmerHale Achieves Pro Bono Victory for Domestic Violence Victim and Autistic Child, WilmerHale (July 11, 2014). Copy supplied.

Brendan Pierson, *Hague Convention Cannot Extradite Brothers, Circuit Says*, N.Y.L.J. (July 10, 2014). Copy supplied.

Adam Klasfeld, *Autistic Kids Shielded from Abduction Treaty*, COURTHOUSE NEWS SERV., July 8, 2014. Copy supplied.

2014 Rising Stars, N.Y.L.J., June 16, 2014. Copy supplied.

Melissa Lipman, Text Message Antitrust Suit Not Exempt from AmEx Ruling, LAW360, Sept. 18, 2013. Copy supplied.

Star of Queens, QUEENS COURIER, July 23, 2008. Copy supplied.

Press Releases, SCS Announces New Officers for Board of Directors, Sunnyside Cmty. Servs. (July 14, 2008) (original and revised). Copy supplied.

Lewis Rice, *Progressive Legal Organization Established at HLS*, HARV. L. BULL., Apr. 01, 2002. Copy supplied.

Mike Wiser, *Reaching for the Beach*, HARV. L. RECORD, Dec. 4, 2001. Copy supplied.

Should HLS Move Across the River? Why or Why Not?, HARV. L. RECORD, Nov. 30, 200[1]. Copy supplied.

Flora Tartakovsky, *Freshman Seminar Applications Exceed Spots*, HARV. CRIMSON, Feb. 9, 1995. Copy supplied.

Charles C. Savage, *First Year Seminars Packed*, HARV. CRIMSON, Sept. 29, 1994. 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.

Since August 28, 2017, I have served as a United States Magistrate Judge for the Eastern District of New York. I was appointed by the Board of Judges of the District. I exercise authority pursuant to 28 U.S.C. § 636, which governs duties, powers, and responsibilities of magistrate judges. The jurisdiction of federal courts is governed by 28 U.S.C. §§ 1330–1369. I manage a docket of approximately 350 to 450 civil cases, and conduct all non-dispositive activity in those cases, including holding the initial scheduling conferences, conducting settlement conferences, resolving discovery disputes, and ensuring the progress of the case to dispositive motion practice or trial. District judges presiding over these cases will regularly refer dispositive motions, including motions to dismiss, for summary judgment, class certification and default judgment, and I issue reports and recommendations resolving the motions. In addition, I have a docket of civil cases where the parties have consented to my jurisdiction, and in those cases, in addition to managing the case progress, I rule on dispositive motions and preside over any bench or jury trial. In criminal cases, I preside over initial appearances and arraignments, and conduct bail hearings. I review and approve ex parte applications submitted by the government, including applications for search and arrest warrants, pen and trap applications, and motions for nondisclosure orders, among other matters. I also regularly take pleas of defendants in felony criminal cases, including those taken pursuant to agreements reached between a defendant and the government. Finally, district judges routinely refer jury selection to me in both civil and criminal cases and I have conducted approximately two dozen such selections as a magistrate judge.

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

I have presided over four trials: two jury trials, and two bench trials.

i. Of these cases, approximately what percent were:

jury trials:	50%
bench trials:	50%

ii. Of these cases, approximately what percent were:

civil proceedings:	75%
criminal proceedings:	25%

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

See attached lists of citations.

c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature of the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of

the case; and (4) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

 In re GEICO Customer Data Breach Litig., No. 21-CV-2210, 2023 WL 4778646 (E.D.N.Y. July 21, 2023), R. & R. adopted, 2023 WL 5524105 (Aug. 28, 2023).

In this data breach class action, plaintiffs, a class of individual consumers, alleged that defendants, GEICO and its related car insurance affiliates, violated various state and federal privacy laws when they permitted sensitive personal information, including driver license numbers, to be taken by third parties. Defendants moved to dismiss the complaint. I recommended that plaintiffs' claims for negligence and violation of the Driver's Privacy Protection Act survive, but that the claims for negligence per se, violations of the New York General Business Law, and "intrusion upon seclusion" be dismissed. Defendants filed objections, which were rejected by the district judge, who adopted my recommendation in its entirety. I am currently supervising discovery and the case remains pending.

Counsel for Plaintiffs Kate M. Baxter-Kauf Lockridge Grindal Nauen PLLP 100 Washington Avenue South Minneapolis, MN 55401 (612) 339-6900

Henry Kelston Ahdoot & Wolfson, PC 2600 West Olive Avenue, Suite 500 Burbank, CA 91505 (310) 474-9111

Counsel for Defendants Kristen L. Wenger John P. Marino Rivkin Radler, LLP 1301 Riverplace Boulevard Jacksonville, FL 32207 (904) 792-8948

Brian L. Bank Amanda R. Griner Rivkin Radler LLP 926 RXR Plaza Uniondale, NY 11556 (516) 357-3161

2. Williams v. Scarcella, 20-CV-2348 (E.D.N.Y.).

Plaintiff, and individual, brought this civil rights lawsuit after his murder conviction was overturned after he had spent 24 years in prison due to the alleged constitutional violations committed by defendants. I conducted two settlement conferences and made a mediator's proposal in an effort to resolve the case. The parties accepted the proposal, with the defendant City of New York paying \$10.5 million to resolve the case. The settlement also released claims against the other defendant, a former police detective.

<u>Counsel for Plaintiff</u> David Shanies Deborah Francois Shanies Law Offices 110 West 40th Street, 10th Floor New York, NY 10018 (212) 951-1710

Counsel for Defendant City of New York and Individual Defendants Soo-Young Shin New York City Law Department 100 Church Street, 3d Floor New York, NY 10007 (212) 356-2329

Counsel for Defendant Scarcella Richard E. Signorelli 52 Duane Street, 7th Floor New York, NY 10007 (212) 254-4218

 Dupres v. Houslanger & Assocs. PLLC, No. 19-CV-6691, 2020 WL 13158662 (E.D.N.Y. July 23, 2020); No. 19-CV-6691, 2021 WL 2373737 (E.D.N.Y. Jun. 9, 2021).

In this class action under the Fair Debt Collection Practices Act, plaintiffs, a group of individuals residing in New York City, alleged that defendants—a law firm and its attorneys—operated an unlawful scheme to extract money from consumers by improperly executing outdated New York City Civil Court judgments. I supervised the discovery in the case, resolved multiple motions to compel, and conducted settlement conferences in the case, which ultimately led to its resolution. The parties consented to my jurisdiction, and I reviewed and issued orders granting preliminary and final approval of the class settlement, which encompassed 3,200 members. Pursuant to the settlement, defendants agreed to stop collection on judgments against class members and additional New York

City Civil Court judgments; change certain business practices; and pay \$155,000.

<u>Counsel for Plaintiffs</u> Danielle Tarantolo Jessica Ranucci New York Legal Assistance Group 100 Pearl Street, 19th Floor New York, NY 10004 (212) 613-6551

Rene Kathawala Orrick Herrington & Sutcliff LLP 51 West 52nd Street New York, NY 10019 (212) 506-5100

Counsel for Defendants Brett Scher Kaufman Dolowich & Voluck LLP 135 Crossways Park Drive, Suite 201 Woodbury, NY 11797 (516) 283-8705

4. Polanco v. City of New York, No. 19-CV-4623 (E.D.N.Y.).

The family of plaintiff sued the City of New York following Polanco's death in custody at Riker's Island. Plaintiff was placed in solitary confinement following a misdemeanor arrest, and died following an epileptic seizure. In addition to overseeing the pretrial discovery and motion practice, I conducted two days of settlement negotiations, made a settlement proposal to both sides, which was accepted and led to a final resolution. The payment of \$5.9 million was, at the time, the largest settlement paid in a case resulting from a death at Riker's Island.

<u>Counsel for Plaintiff</u> David Shanies Shanies Law Offices 110 West 40th Street, 10th Floor New York, NY 10018 (212) 951-1710

<u>Counsel for Defendant</u> Philip Frank New York City Law Department 100 Church Street New York, NY 10007 (212) 356-2370 Teller v. Helbrans, No. 19-CV-3172, 2019 WL 3779863 (E.D.N.Y. Aug. 12, 2019); No. 19-CV-3172, 2019 WL 3975555 (E.D.N.Y. Aug. 21, 2019); No. 19-CV-3172, 2019 WL 5842649 (E.D.N.Y. Nov. 7, 2019), appeal dismissed (2d Cir. Feb. 7, 2020).

In this Hague Convention on the Civil Aspects of International Child Abduction dispute between two parents, the petitioner alleged that the respondent abducted their six children in violation of his custody rights and sought their return to Guatemala. The parties consented to my jurisdiction. Following the resolution of several discovery motions, respondent moved to dismiss the petition because petitioner refused to travel to the United States and testify at trial. I granted the motion, and dismissed the case with prejudice.

Counsel for Petitioner S. Michael Musa-Obregon Musa-Obregon & Associates 55-21 69th Street, 2d Floor Maspeth, NY 11378 (718) 803-1000

Counsel for Respondent Adam C. Hemlock Weil Gotshal & Manges LLP 767 Fifth Avenue New York, NY 10153 (212) 310-8281

Counsel for Intervenors Children Teller Laura Marchini (previously of Children's Law Center) c/o Chambers of Judge Gregory Gliedman Kings County Family Court 330 Jay Street Brooklyn, NY 11201 (347) 401-9610

Janet Neustaetter Children's Law Center 44 Court Street, 11th Floor Brooklyn, NY 11201 (718) 522-3333

Richard Mancino Ciara Cisco Willkie Farr & Gallagher 787 Seventh Avenue New York, NY 10019 (212) 728-8000

Counsel for Intervenor C.T. Brian Zimmerman 44 Court Street, Suite 905 Brooklyn, NY 11201 (917) 816-1402

Counsel for Intervenor Y.C.T.

Theresa Moser Lisa Freeman Legal Aid Society 199 Water Street New York, NY 10038 (212) 577-3300

Jennifer Kwapisz David Kerschner Arnold Porter Kaye Scholer LLP 250 West 55th Street New York, NY 10019 (212) 836-8000

Brianna Walsh (formerly of Arnold Porter Kaye Scholer) Pillsbury 31 West 52nd Street New York, NY 10019 (212) 858-1130

 In re Vale S.A. Secs. Litig., No. 19-CV-526, 2022 WL 122593 (E.D.N.Y. Jan. 11, 2022), R. & R. adopted, 2022 WL 969724 (E.D.N.Y. Mar. 31, 2022), leave to appeal denied, No. 22-809 (2d Cir. Sept. 7, 2022).

In this private securities fraud class action, plaintiffs, a class of purchasers of defendant Vale S.A. securities, alleged that the company made material misstatements and omissions in SEC disclosures concerning a January 2019 dam collapse in Brazil and its mining operations. The district judge referred the lead plaintiff's motion to certify a class of purchasers of Vale securities who allegedly relied on the misrepresentations and omissions. Following extensive briefing and oral argument, I recommended granting the motion for class certification. The district judge adopted the report and recommendation, and rejected Vale's objections. Vale filed a motion pursuant to Federal Rule of Civil Procedure 23(f) seeking review of the decisions by the Second Circuit. The request for leave to file an interlocutory appeal was denied. Discovery, which I supervised, is now

complete, and dispositive motions are pending before the district judge.

Counsel for Lead Plaintiffs Donald R. Hall Fredrick S. Fox Kaplan Fox & Kilsheimer LLP 800 Third Avenue, 38th Floor New York, NY 10022 (212) 687-1980

Counsel for Defendants Vale S.A. and Individual Defendants Christopher Joralemon Gibson, Dunn & Crutcher LLP 200 Park Avenue New York, NY 10166 (212) 351-2668

7. Powell et al. v. Allied Universal Security Services et al., No. 17-6133, 2018 WL 4378168 (E.D.N.Y. Aug. 9, 2018).

In this discrimination case brought under federal and state law, plaintiffs were former employees of a security contractor working at JFK Airport. They alleged, among other things, that the employees and supervisors of the contractor had subject them to sexual harassment and a hostile work environment, and unlawful retaliation when plaintiffs complained about the illegal conduct. In addition to resolving various discovery disputes, I conducted two settlement conferences which led to a resolution of the litigation.

<u>Counsel for Plaintiff</u> Debra Greenberger Emery Celli Brickerhoff & Abady LLP 600 Fifth Avenue, 10th Floor New York, NY 10020 (212) 763-5000

Elizabeth Saylor (previously of Emery Celli) Legal Aid Society 199 Water Street New York, NY 10038 (212) 577-3300

Alanna Kaufman Alison Frick (previously of Emery Celli) Kaufman Lieb Lebowitz & Frick 18 East 48th Street, Suite 802 New York, NY 10016 (212) 660-2332

<u>Counsel for Defendants</u> Marty Martenson David C. Hamilton Martenson Hasbrouch & Simon 2573 Apple Valley Road Northeast Atlanta, GA 30326 (404) 908-8100

 Piepes v. NAI Entm't Holdings LLC, 394 F. Supp. 3d 315 (E.D.N.Y. 2019); No. 17-CV-505, 2019 WL 13224982 (E.D.N.Y. Sept. 26, 2019).

In this personal injury action, plaintiff alleged he suffered knee and lower leg injuries when a faulty escalator at a movie theater came to an abrupt stop. The parties consented to my jurisdiction, and I presided over a multi-day jury trial. The jury returned a verdict for defendants, the corporations that owned and operated the theater, finding them not liable for plaintiff's injuries.

<u>Counsel for Plaintiff</u> Michael Manoussos 82-02 Kew Gardens Road, Suite 901 Kew Gardens, NY 11415 (728) 454-8888

Counsel for Defendants Maurizio Savoiardo Miranda Sambursky Slone Sklalrin Verveniotis LLP 240 Mineola Boulevard Mineola, NY 11501 (516) 741-7676

9. United States v. Nordlicht et al., 16-CR-640 (E.D.N.Y.).

In this securities fraud criminal case, the government and each defendant consented to jury selection by a magistrate judge. The charges related to a scheme by defendants who operated a hedge fund (Platinum Partners) to defraud bondholders of an oil and gas company. Due to the length of trial (approximately 10 weeks), the complex nature of the allegations, and the number of defendants, the jury selection was expected to be unusually complex. The jury selection is believed to be the longest selection (conducted without a jury questionnaire) for a criminal case in the Eastern District. I conducted jury selection for six days beginning on April 15, 2019; the jury was seated on April 23, 2019. The jury acquitted one defendant (the former ex-chief financial officer), but found the cofounder (Nordlicht) and co-chief investment officer (Levy) guilty of various charges, including securities fraud. After the district court granted a motion for new trials to both (and a motion for acquittal for Levy), the Second Circuit reversed and reinstated the jury's guilty verdicts. On remand the district judge imposed a sentence of time served for Levy, who is currently appealing his conviction to the Second Circuit. Nordlicht is awaiting sentencing, currently scheduled for March 20, 2024 before the district judge.

<u>Counsel for Government</u> Lauren Elbert David Pitluck United States Attorney's Office, EDNY 271 Cadman Plaza East Brooklyn, NY 11201 (718) 254-6389

Alicyn L. Cooley (formerly of U.S. Attorney's Office, EDNY) Program on Corporate Compliance and Enforcement NYU Law School 139 MacDougal Street New York, NY 10012 (212) 992-8821

Patrick Hein (formerly of U.S. Attorney's Office, EDNY) Shearman & Sterling 535 Mission Street, 25th Floor San Francisco, California 94105 (415) 616-1100

Counsel for Defendant Nordlicht Jose A. Baez Baez Law Firm 1200 Brickell Avenue, Suite 1410 Miami, FL 33130 (305) 999-5111

Ronald S. Sullivan Harvard Law School 1585 Massachusetts Avenue Washington, DC 20002 (617) 496-4777

<u>Counsel for Defendant Levy</u> Michael S. Sommer Moe J. Fodeman Wilson Sonsini Goodrich & Rosati 1301 Avenue of the Americas, 40th Floor New York, NY 10019 (212) 497-7704

Counsel for Defendant Sanfilippo Kevin J. O'Brien Adam Ford Anjula Prasad Ford O'Brien LLP 575 Fifth Avenue, 17th Floor New York, NY 10017 (212) 858-0040

Dukes Bridge, LLC v. Sec. Life of Denver Ins. Co., No. 10-CV-5491, 2020
 WL 4070094 (E.D.N.Y. July 20, 2020); No. 10-CV-5491, 2020 WL 1908557
 (E.D.N.Y. Apr. 17, 2020); No. 20-2687, 2021 WL 5986871 (2d Cir. Dec. 17, 2021).

The case involved a decades-long dispute over a life-insurance policy issued by the defendant. Plaintiff, a successor in interest to the decedent's estate, sought to obtain the policy proceeds. Defendant, a life insurance company, alleged that the policy was unenforceable because the policy was procured through fraud and funded through an illegal premium loan. The parties consented to my jurisdiction, and I conducted a bench trial and issued findings of fact and conclusions of law. I found that the policy was unenforceable and awarded fraud damages to the insurance company. Both sides appealed various aspects of the final judgment. The Second Circuit affirmed my decision in full.

Counsel for Plaintiff Dukes Bridge LLC Ira S. Lipsius Lipsius-BenHaim Law, LLP 82-02 Kew Gardens Road, Suite 1030 Kew Gardens, NY 11415 (212) 981-8440

Counsel for Defendants Security Life of Denver Elizabeth G. Doolin Julie F. Wall Chittenden, Murray & Novotny LLC 303 West Madison Street, Suite 1400 Chicago, IL 60606 (312) 281-3600

Counsel for Counterclaim Defendant Rubin Michael Alexander Yurasov-Lichtenberg Havens & Lichtenberg PLLC 101 Lafayette Street, Suite 10a New York, NY 10013 (646) 894-4289

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.

 CoraMed USA LLC v. Alexion Pharmaceuticals, No. 20-CV-2052, --- F. Supp. 3d ---, 2023 WL 6302297 (E.D.N.Y. Sept. 27, 2023).

Counsel for Plaintiff Kimberly Brunner Martin Kafafian Beattie Padovano, LLC 200 Market Street, Suite 401 Montvale, NJ 07645 (201) 799-2118

<u>Counsel for Defendant</u> Deborah E. Fishman Harry Fidler Paula Ramer Arnold & Porter Kaye Scholer LLP 250 West 55th Street New York, NY 10019 (212) 836-8000

 In re GEICO Customer Data Breach Litig., No. 21-CV-2210, 2023 WL 4778646 (E.D.N.Y. July 21, 2023), R. & R. adopted, 2023 WL 5524105 (Aug. 28, 2023).

<u>Counsel for Plaintiffs</u> Kate M. Baxter-Kauf Lockridge Grindal Nauen PLLP 100 Washington Avenue South Minneapolis, MN 55401

Henry Kelston Ahdoot & Wolfson, PC 2600 West Olive Avenue. Suite 500 Burbank, CA 91505 (310) 474-9111

<u>Counsel for Defendants</u> Kristen L. Wenger John P. Marino Rivkin Radler, LLP 1301 Riverplace Boulevard Jacksonville, FL 32207 (904) 792-8948

Brian L. Bank Amanda R. Griner Rivkin Radler LLP 926 RXR Plaza Uniondale, NY 11556 (516) 357-3161

 United States ex rel. CKD Project, LLC v. Fresenius Med. Care AG & Co. KGAA, 551 F. Supp. 3d 27 (E.D.N.Y. 2021), aff'd, No. 21-2117, 2022 WL 178185887 (2d Cir. Dec. 20, 2022).

<u>Counsel for United States of America</u> Matthew Silverman United States Attorney's Office, EDNY (Civil Division) 271 Cadman Plaza East, 7th Floor Brooklyn, NY 11201 (718) 254-6409

<u>Counsel for Relator CKD Project, LLC</u> Geoffrey R. Kaiser Rivkin Radler LLP 926 RXR Plaza Uniondale, NY 11556 (516) 357-3161

Daniel R. Miller Jonathan Z. Desantis Walden Macht & Haran LLP 2000 Market Street, Suit 1430 Philadelphia, PA 19103 (215) 825-5280

<u>Counsel for Defendants</u> James F. Bennet Hanna Preston Megan S. Heinsz Philip Cantwell Dowd Bennett LLP 7733 Forsyth Boulevard, Suite 1900 Saint Louis, MO 63105

(314) 889-7354

Paul Schoeman Kramer Levin LLP 1177 Avenue of the Americas New York, NY 10036 (212) 715-9264

 Chen v. X Fin., No. 19-CV-6908, 2021 WL 7449851 (E.D.N.Y. Dec. 19, 2021), R. & R. adopted, 2022 WL 765417 (Mar. 13, 2022).

<u>Counsel for Plaintiffs</u> Jeremy Lieberman Pomerantz LLP 600 Third Avenue Suite 20th Floor New York, NY 10016 (212) 661-1100

Counsel for the X Financial Defendants Brian S. Weinstein Davis Polk & Wardwell LLP 450 Lexington Avenue New York, NY 10017 (212) 450-4000

Counsel for Morgan Stanley Co. LLC & Deutsche Bank Securities Inc. Andrew B. Clubok Susan E. Engel Latham & Watkins 1271 Avenue of the America New York, NY 10020 (212) 906-1200

Counsel for Cogency Global Inc., Colleen A. DeVries, and Richard Arthur Joanna A. Diakos K&L Gates LLP 599 Lexington Avenue New York, NY 10022 (212) 536-03900

5. Reid v. Telentos Constr. Corp., No. 15-CV-2358, 2020 WL 6152494 (E.D.N.Y. Oct. 20, 2020).

<u>Counsel for the Demonerises</u> Nicholas Neonakis McManus Ateshoglou Aiello & Apostolakos PLLC 48 Wall Street, Suite 25th Floor New York, NY 10005 (212) 425-3100

Marc J. Monte (formerly of McManus Ateshoglou) The Berkman Law Office 829 East 15th Street Brooklyn, NY 11230 (718) 855-3267

Lauren Varrone (formerly of Lewis Brisbois Bisgaard & Smith LLP) Nicoletti Hornig & Sweeney Wall Street Plaza, 88 Pine Street New York, NY 10005 (212) 220-3830

Counsel for Colonial Surety Company Michael C. Delaney McElroy, Deutsch, Mulvaney & Carpenter, LLP 1300 Mount Kemble Avenue Morristown, NJ 07962 (973) 425-8754

 Wexler v. Dorsey & Whitney, LLP, No. 18-CV-3066, 2019 WL 5485265 (E.D.N.Y. Oct. 25, 2019), aff'd, 815 F. App'x 618 (2d Cir. 2020).

<u>Counsel for Plaintiff</u> Shimshon Wexler Law Offices of Shimson Wexler, PC 216 West 104th Street, #129 New York, NY 10025 (212) 760-2400

Counsel for Defendants Jonathan Herman Dorsey & Whitney LLP 51 West 52nd Street New York, NY 10019 (212) 415-9200

7. Douglas v. Allied Universal Sec. Servs., 371 F. Supp. 3d 78 (E.D.N.Y.), reconsideration denied, 381 F. Supp. 3d 239 (E.D.N.Y. 2019).

<u>Counsel for Plaintiffs</u> Christopher Davis Rachel Haskell Law Office of Christopher Q. Davis PLLC 80 Broad Street, Suite 703 New York, NY 10004 (646) 430-7930

<u>Counsel for Defendants</u> Evan Weiss Martenson Hasbrouch & Simon 3379 Peachtree Drive, Northeast Atlanta, GA 30326 (404) 908-8100

 Madison Stock Transfer, Inc. v. Exlites Holdings Int'l, Inc., 368 F. Supp. 3d 460 (E.D.N.Y. 2019).

<u>Counsel for Plaintiff</u> Marshal D. Shichtman Marshal Shichtman & Associates, P.C. 1 Old Country Road, Suite 360 Carle Place, NY 11514 (516) 741-5222

Counsel for Defendant Exlites Holdings International, Inc. Judson T. Pitts (formerly of Tycksen & Shattuck L.C.) 1309 West South Jordan Parkway South Jordan, UT 84095 (801) 738-8880

Counsel for Defendant Julian Amber Robinson Robinson Law Office PLLC 360 Central Avenue, Suite 800 St. Petersburg, FL 33701 (813) 613-2400

9. Placinta v. Grazina Pilka, Inc., 2018 WL 5024170 (E.D.N.Y. Oct. 5, 2018).

<u>Counsel for Plaintiffs</u> Lloyd Ambinder Virginia & Ambinder LLP 40 Broad Street, 7th Floor New York, NY 10004

(212) 943-9080

Counsel for Defendants Daniel C. Marotta Gabor & Marotta 1878 Victory Boulevard Staten Island, NY 10314 (646) 835-0762

10. Benitez v. Lopez, 372 F. Supp. 3d 84 (E.D.N.Y. 2018).

Counsel for Plaintiff Joel Rudin Law Offices of Joel Rudin, P.C. New York, NY 10019 (212) 980-2968

Counsel for Defendant Erin Ryan New York City Law Department 100 Church Street New York, NY 10007 (212) 356-1000

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

United States v. Mendonca, No. 18-CR-671, 2020 WL 854584 (E.D.N.Y. Feb. 4, 2020), R. & R. adopted, 2020 U.S. Dist. LEXIS 32364 (Feb. 19, 2010), aff'd, No. 22-CR-826, 88 F.4th 144 (2d Cir. 2023), petition for cert. filed (No. 23-6648).

McCabe v. Lifetime Entm't Servs., No. 17-CV-908, 2018 WL 1521860 (E.D.N.Y. Jan. 4, 2018), *aff'd*, 761 F. App'x 38 (2d Cir. 2019), *cert. denied*, 140 S. Ct. 81 (2019).

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.

H.H. v. City of New York, No. 11-CV-4905 (E.D.N.Y.). Orders supplied. In this case, the City of New York sought to depose the individual defendant, after discovery had closed and summary judgment had been decided. Because discovery had closed and defendant's location was unknown, I denied the City's motion. The district judge permitted the City to depose him before the close of expert discovery. The individual defendant was not located.

Wallen v. Teknavo Grp., No. 12-CV-6196, 2018 WL 1278317 (E.D.N.Y. Feb. 22, 2018), R. & R. adopted in part, rejected in part, 2019 WL 1435879 (E.D.N.Y. Mar. 30, 2019). The pro se plaintiff sued his former employer for discrimination under a number of federal and state laws. Defendants moved for summary judgment, and I recommended that the motion be granted in its entirety. The district judge adopted the opinion in part, and dismissed several claims, but rejected my recommendation for dismissal of the hostile work environment and retaliation claims, finding that those claims should proceed to trial. Because of plaintiff's repeated failure to abide by the district judge's orders, she later dismissed the case with prejudice.

J & J Sports Prods., Inc. v. Ferreiras, No. 15-CV-6546, 2018 WL 6168557 (E.D.N.Y. Nov. 20, 2018), R. & R. adopted in part, rejected in part, 2020 WL 2553265 (E.D.N.Y. May 20, 2020). In this copyright case, plaintiff sought default judgment after defendants' failure to appear. I recommended that the motion be denied because of plaintiff's failure to state a claim; furthermore, I found that plaintiff should be sanctioned for a pattern of litigation misconduct. The district judge found that plaintiff had stated a claim against the corporate defendant, but no claim existed against the individual defendant. With respect to the sanctions, he found any objections moot, because plaintiff had complied with the substance of my recommendations, which were to alter its litigation practices.

LG Cap. Funding, LLC v. CardioGenics Holdings, Inc., No. 16-CV-1215, 2018 WL 1521861 (E.D.N.Y. Feb. 20, 2018), R. & R. adopted, 2018 WL 2057141 (Mar. 8, 2018), aff'd in part, vacated in part, 787 F. App'x 2 (2d Cir. 2019). In this promissory note-based contract case, I recommended granting plaintiff's motion for default judgment, but not awarding the full damages sought. The district judge overruled plaintiff's objections to my damages calculation and adopted it in full. On appeal the Second Circuit affirmed in part, upholding my exclusion of interest at the default rate from damages, and reversed in part, finding that a different calculation was necessary to determine damages from defendant's failure to honor the loan terms.

United States v. Williams, 19-CR-5 (E.D.N.Y.) (originally 18-MJ-1180). Orders supplied. The defendant was charged as a felon in possession of a firearm. At his initial appearance, the government sought to detain him on the basis of uncharged conduct, namely his firing of the weapon. I granted bail with a \$200,000 bond with multiple sureties and imposition of several bail conditions. The government appealed, and the district judge remanded the defendant. Following a guilty plea, the government sought an enhanced sentence on the basis of the uncharged conduct. The district judge rejected the government's interpretation of the evidence and request for an enhancement, and imposed a sentence solely on the basis of the gun possession.

Jun Cui v. O2 Korean BBQ, No. 19-CV-2794, 2020 WL 7034369 (E.D.N.Y. Feb.

11, 2020), *R. & R. adopted in part, rejected in part*, Order (E.D.N.Y. Nov. 30, 2020). Order supplied. The district judge adopted my recommendation that default judgment be granted but declined to give effect to the notice of voluntary dismissal filed by plaintiff, and instead dismissed the action with prejudice based on the settlement agreement.

Quinio v. Aala, No. 19-CV-4686, 2020 WL 7381933 (E.D.N.Y. Dec. 14, 2020), aff'd in part, reversed in part, 2022 WL 21125 (E.D.N.Y. Jan. 3, 2022); 603 F. Supp. 3d 50 (E.D.N.Y. 2022). Plaintiff sought leave to add a fraudulent conveyance claim for property located abroad. Finding New York law applied to the claim and that the claim was futile, I denied leave and also denied plaintiff's motion for discovery. The district judge affirmed the portions of my order on the discovery motion, but reversed the choice of law determination, granting plaintiff an opportunity to brief the choice of law issue. She held that Philippine law applied, and granted plaintiff an opportunity to amend her complaint.

Singh v. Sachem Cent. Sch. Dist., 342 F.R.D. 367 (E.D.N.Y. 2022), reconsideration granted, Order (Dec. 28, 2022) and Order (Jan. 5, 2023). Orders supplied. Plaintiffs sought to reopen expert discovery a year after the deadline passed. I denied the motion, and plaintiffs appealed to the district judge, who asked that I consider whether a lesser sanction was warranted. On remand, I permitted additional discovery to go forward.

Adams v. 98-208 Para Realty Corp., No. 22-CV-02135, 2022 WL 20650765 (E.D.N.Y. Oct. 13, 2022), R. & R. adopted in part, reversed in part, 2023 WL 5827595 (Sept. 8, 2023). I recommended that the district judge dismiss plaintiff's complaint for lack of subject matter jurisdiction and deny leave to amend. The district judge adopted the report and recommendation in part: dismissing the complaint, but granting leave to amend.

United States v. Moore, No. 21-CR-270, 2022 WL 17333057 (E.D.N.Y. June 30, 2022), R. & R. adopted as modified, 2022 WL 17250548 (Nov. 28, 2022). The defendant moved to suppress a gun found following a *Terry* stop. I recommended that the motion be denied. The district judge adopted my report and recommendation, with modifications: declining (1) to adopt my findings regarding the history of crimes in the area; (2) to determine whether a case decided by the Supreme Court abrogated a prior Second Circuit opinion.

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.

My regular practice is to forward all memorandum opinions that I issue to Westlaw and LexisNexis after any appeal or objection made to a district judge is resolved. I also routinely issue short orders resolving discovery or other pre-trial disputes. Copies of my opinions and orders are maintained by the Clerk of Court of the Eastern District of New York.

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.

None.

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

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

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

I maintain a conflicts list with the Eastern District's Clerk of Court which it uses to screen me from matters involving parties on the list. The list is composed of various financial holdings, entities, and former employers and was prepared consistent with current Judiciary Policy and the Code of Conduct for United States Judges. In addition, when a civil or criminal matter is assigned to me, I review the pleadings and filings to determine whether any aspect of the matter requires my recusal. Based on that review, I recuse myself in cases involving WilmerHale, the SEC (in cases involving my prior work at the agency), or my wife's employers, or matters involving parties or lawyers with whom I have a personal relationship, consistent with the standards in the Code of Conduct. As required beginning in 2022 by the Judicial Conference and the Second Circuit, I have submitted biannual conflict certification statements.

I recused myself sua sponte in the following matters:

In *Merrill Lynch v. Sohmer*, No. 16-1856 (E.D.N.Y.), upon review of the complaint, it became apparent that the case involved the NYC Department of Buildings. Because a relative works with that agency, I recused myself.

In *Butt v. Chase Bank*, No. 18-249 (E.D.N.Y.), lawyers from my prior law firm made an appearance on behalf of the defendant. Because I do not preside over cases involving WilmerHale, I recused myself.

In *Teleport Communications America v. Maspeth Supply Co.*, No. 18-3676 (E.D.N.Y.) and *Cornelius v. Mandiant Inc.*, No. 22-CV-3022 (E.D.N.Y.), one or more of the parties was a subsidiary of a corporation in which my wife owned stock, and I recused myself.

In SEC v. Lawler, No. 19-CV-4025 (E.D.N.Y.), the case was assigned to me at a time when I was not taking cases in which the SEC was a party, because of my prior employment; the case was reassigned at my request.

In *Martinez v. Scopely, Inc.*, No. 21-CV-276 (E.D.N.Y.), because a relative was an officer of the defendant, I recused myself upon case assignment.

In Bayram v. Home Depot USA, No. 21-CV-2391 (E.D.N.Y.), Bocchino v. Home Depot USA, No. 21-CV-5092 (E.D.N.Y.), and Argonaught Insurance Company v. Amano USA Holdings, Inc., No. 22-CV-1158 (E.D.N.Y.), I recused myself upon case assignment, because at the time I had Better Business Bureau complaints against a defendant in each case.

In *Cooper v. City of New York*, No. 21-CV-4171 (E.D.N.Y.), after the case had been pending for some time, Plaintiff sought to compel my prior law firm to produce records in connection with a post-conviction report it had prepared for the Brooklyn DA's Office. I had no involvement in that report which was initiated years after I left the firm; however, because at that time I did not hear matters involving my prior firm, I recused myself.

In Connelly v. Stop and Shop Supermarket Co., No. 21-CV-6997 (E.D.N.Y.), because a member of my court staff knew one of the parties personally, I recused myself.

In *Blain v. State University of New York Downstate Medical Center*, No. 22-CV-3022 (E.D.N.Y.), an entity that has provided grants to my wife's employer, was invited to intervene in the case as an amicus. As such, I recused myself.

In *Lopez-Lumos v. WOTC Tenants et al.*, No. 22-CV-5212 (E.D.N.Y.), I recused myself upon case assignment, because of personal dealings I had had with one defendant.

In addition, I have recused myself in ex parte criminal search warrant or similar criminal

applications (those matters are currently under seal).

My recusal was sought in the following matters:

The pro se plaintiff in *Wallen v. Teknavo Grp.*, No. 12-CV-6196 (E.D.N.Y) sought the recusal of all the magistrate judges and the district judge assigned to the case. The motions directed at me were all denied by me or the district judge.

In *Mallek v. Allstate Ins. Co.*, No. 17-CV-5949 (E.D.N.Y.), the pro se plaintiff sought recusal of all judges involved in the case, because her motion for summary judgment had been denied. These meritless applications were denied either by me or the assigned district judge, or both.

In *Gilot v. Greyhound*, Nos. 18-3074 and 18-3492 (E.D.N.Y.), the pro se plaintiff filed letters asking for my recusal, due to my granting of an extension of time for the defendant to answer and her opposition to the authority of magistrate judges. I denied these meritless applications.

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.

Acting General Counsel, Securities and Exchange Commission (January 2017 to May 2017). Appointing officials: Mary Jo White, Michael Piwowar, and Jay Clayton.

Deputy General Counsel for Appellate Litigation, Adjudication and Enforcement, Securities and Exchange Commission (November 2015 to July 2017). Appointing officials: Mary Jo White, Michael Piwowar, and Jay Clayton.

I have never been a candidate for elected public office or an unsuccessful nominee for appointed office.

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

I volunteered at polling places in Philadelphia, Pennsylvania on Election Day in 2008 for the Obama campaign and in 2004 for the Kerry campaign.

16. Legal Career: Answer each part separately.

- a. Describe chronologically your law practice and legal experience after graduation from law school including:
 - i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

From 2002 to 2003, I served as a law clerk for the Honorable John G. Koeltl in the Southern District of New York.

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

I have never practiced alone.

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;

Summer 2002 Debevoise & Plimpton LLP 919 3rd Avenue New York, New York 10022 Summer Associate

2003 – 2004 Munger, Tolles & Olson LLP 350 South Grand Avenue Los Angeles, California 90071 Associate

2007 – 2008 Kings County District Attorney's Office 350 Jay Street Brooklyn, New York 11201 Special Assistant District Attorney

2005 – 2015 WilmerHale 7 World Trade Center 250 Greenwich Street New York, New York 10006 Partner (2012 – 2015) Counsel (2009 – 2011) Associate (2005 – 2008) 2015 – 2017 Securities and Exchange Commission 100 F Street, Northeast Washington, DC 20549 Acting General Counsel (2017) Deputy General Counsel for Appellate Litigation, Adjudication, and Enforcement (2015 – 2017)

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.

Other than my work as a magistrate judge, I never served as a mediator or arbitrator.

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

Following my clerkship for Judge John Koeltl in the Southern District of New York, I worked as a litigation associate at Munger, Tolles & Olson in Los Angeles. After returning to New York, I worked on education policy matters at the NYC Department of Education, in a non-lawyer role. In July 2005, I began working at WilmerHale where I developed a trialcentered practice focused on counseling clients in matters that had a substantial likelihood of proceeding to resolution at trial or in an arbitration proceeding. I tried several cases to verdict in federal and state court and to final merits hearings in arbitration. In several of these matters, I served as chief counsel; in others, I played a significant and leading role in witness examination, preparation, and trial strategy. I also worked on a number of other matters that settled on the eve of trial. Another substantial part of my practice involved representing corporations and individuals in criminal investigations brought by the DOJ and enforcement actions brought by the SEC.

I was seconded from WilmerHale to the Kings County District Attorney's Office in 2007. I tried three felony cases to verdict, and handled plea negotiations, evidentiary hearings, and sentencing in a number of felony and misdemeanor cases.

In November 2015, I joined the SEC, where I served as Deputy General Counsel for Appellate Litigation, Adjudication, and Enforcement. In that role, I oversaw the agency's federal appellate litigation, and was responsible for developing strategy, managing and editing briefs, and supervising oral arguments. These cases involved the full panoply of issues faced by the agency in the federal courts of appeals. They included constitutional challenges to agency authority; regulations enacted by the agency; the agency's authority to issue sanctions; issues of federal civil procedure and evidence that arose from appeals from the agency's jury trials and settlements; statutory interpretation of the securities laws; and amicus briefs providing the agency's views to the courts of appeals. In addition, I assisted Department of Justice lawyers from the Office of the Solicitor General on other matters before the Supreme Court that implicated the securities laws.

Separately, I supervised the drafting of the SEC's legal opinions, which resolved appeals from the agency's enforcement proceedings brought before in-house administrative law judges, by stock exchanges and the Public Company Accounting Oversight Board. Those opinions resolved complex securities law issues; required the review of factual evidence in a variety of fraud cases; and addressed procedural and evidentiary issues attendant to the agency's oversight of trials conducted by administrative law judges. Ultimately, lawyers from the office made recommendations and drafted opinions and orders resolving such challenges and motions, which I reviewed and edited, before providing them to the agency's Commissioners for final approval.

I also managed a group of lawyers who provided legal advice and counseling to the agency's commissioners (and the SEC's Division of Enforcement) about proposed enforcement actions and litigation strategy. These matters required interpretation of the various federal statutes and regulations administered by the SEC.

From January to May 2017, I was the SEC's Acting General Counsel, the Chief Legal Officer of the agency. In that capacity, while managing an office of 125 attorneys, I provided advice and counseling to the SEC Commissioners and the SEC Chairman regarding enforcement and interpretation of securities laws, administrative procedure and rulemaking, executive orders and congressional legislation impacting the agency's operations.

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

When in private practice at WilmerHale and Munger Tolles, my typical clients were corporations, large and small, and individuals involved in commercial contract disputes. I also represented companies and individuals under investigation by the DOJ and SEC. At both firms, I had a significant pro bono practice, and my clients included incarcerated individuals and indigent victims of domestic violence. At the SEC, my client was the agency, including its Chair, Commissioners, and various divisions and offices, including the Division of Enforcement.

- c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.
 - i. Indicate the percentage of your practice in:

1.	federal courts:	85%
2.	state courts of record:	10%
3.	other courts:	0%
4.	administrative agencies:	5%

ii. Indicate the percentage of your practice in:

1.	civil proceedings:	90%
2.	criminal proceedings:	10%

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 tried 14 cases to verdict in either state or federal court or in an arbitration proceeding. These trials break down as follows. Four of the trials took place in federal court, with one of them being tried to a jury, and three to a federal district or bankruptcy judge. Of these four federal trials, I was chief counsel in two and associate counsel in the other two.

I tried three felony criminal cases to jury verdicts in state court. Of those three trials, I was associate counsel in two matters, and chief counsel in the other. In addition, I also tried two civil cases to verdict in state court. One was to a jury, another before a New York state judge, and in both I was associate counsel.

I also tried five matters to verdict in arbitration proceedings, either before American Arbitration Association or FINRA arbitrators. Of those five matters, I was chief counsel in two cases, and associate counsel in the remaining three cases.

In addition, I worked on a handful of other matters that settled on the eve of, or during, the trial or arbitration before final judgment was entered.

i. What percentage of these trials were:

1.	jury:	35%
2.	non-jury:	65%

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

I worked on the following matters before the U.S. Supreme Court:

SEC v. Kokesh, No. 16-659 (2016) (merits brief, 2017 WL 1162421; brief in support of petition for certiorari, 2016 WL 7219497)

Salman v. United States, No. 15-628 (2016) (merits brief, 2016 WL 4088380)

Koch v. SEC, No. 15-781 (2015) (brief in opposition to petition for certiorari, 2016 WL 676131)

Pierre v. Holder, No. 13-1301 (2014) (amicus brief on behalf of law professors in support of certiorari, 2014 WL 2335001)

Walker v. Washington, No. 05-6942 (2005) (briefs in support of petition for certiorari). Copies supplied.

House v. Bell, No. 04-8990 (2005) (amicus brief on behalf of American Bar Association, 2005 WL 2367032)

- 17. <u>Litigation</u>: 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. Salman v. United States, 137 S. Ct. 420 (2016).

In *Salman*, the United States Supreme Court addressed the scope of criminal insider trading, specifically the requirements for imposing liability on an individual who receives a "tip" and trades securities on the basis of that material, nonpublic information. I, along with other agency lawyers, represented the SEC in the case following the Supreme Court's grant of certiorari in 2016. The defendant conducted securities trades based on

inside information from a family member who had first received the information from Salman's brother-in-law, Maher. Salman was convicted of criminal securities fraud, and appealed to the Ninth Circuit, contending that he could not be liable for insider trading because Maher had not received a "personal benefit" in return for providing the information to the family member who had then passed it along to Salman, and specifically that he had not received anything of a pecuniary (or something equivalent) in return for the tip. The Ninth Circuit affirmed the conviction, rejecting Salman's argument, and held that a "gift of confidential information to a trading relative" (a definition articulated in Dirks v. SEC, 463 U.S. 646 (1983)), constituted a personal benefit. The Supreme Court granted certiorari to review the potential conflict between the Ninth Circuit's decision and that of the Second Circuit (in United States v. Newman, which held that a personal benefit had required a potential monetary or similar exchange). The SEC traditionally takes an active role in policing insider trading, so the agency's views were important to the government's overall position in the case. In my capacity as Deputy General Counsel, I led the development and formulation of the agency's legal position and the SEC appellate team working with the Solicitor General in preparing the government's brief, on which the SEC appeared as co-counsel. The government urged affirmance of Salman's conviction, but urged a broader definition of personal benefitany disclosure by the tipper for a noncorporate benefit would suffice. The Supreme Court declined to adopt the Government's broader reading, but affirmed the conviction (and sentence of 36 months imprisonment) based on the definition of personal benefit contained in Dirks.

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Defendant's Counsel Alexandra Shapiro Shapiro Arato & Bach 1140 Avenue of the Americas, 17th Floor New York, NY 10036 (212) 257-4880

2. City of Providence v. Bats Glob. Markets, Inc., et al., 878 F.3d 36 (2d Cir. 2017).

A group of institutional investors in this securities fraud class action alleged that several national securities exchanges, including NASDAQ and the NYSE, developed services that favored high-frequency trading firms over them and the investing public. The district court concluded that the defendants were self-regulatory organizations ("SROs") that engaged in quasi-governmental regulatory functions that made them absolutely immune from suit. After plaintiffs appealed and oral argument was held, the Second Circuit issued an order requesting an amicus submission from the SEC on its views on two questions: the subject matter jurisdiction over the dispute and the scope of absolute immunity. I and other agency lawyers represented the SEC following the Second Circuit's request for briefing by the agency in August 2016. In my capacity as Deputy General Counsel, I led the SEC appellate team that developed the response to the court's inquiry, met with the litigating parties regarding their positions, and drafted the agency's submission. The Second Circuit adopted the approach urged by the SEC, namely that SROs were not entitled to absolute immunity, and only have immunity when acting in a quasi-governmental capacity as a regulator, but not when the SRO itself acts like a regulated entity. Judge Lohier's concurrence noted the helpful assistance provided by the agency's amicus submission, which reflected a "reasonable and persuasive position on the specific questions before us." He also noted that the majority opinion arrived at the approach and disposition urged by the agency on those issues. Because the district court had granted the SROs immunity, its decision was vacated and the case was remanded. Following additional motion practice and discovery, the district court dismissed plaintiffs' claims for lack of standing.

Judges

Hon. John M. Walker, Jr. Hon. José A. Cabranes

Hon. Raymond Lohier

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53

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Counsel for Defendant BATS Global Markets, Inc. and Direct Edge ECN, LLC. James A. Murphy (formerly of Murphy & McGonigle, P.C.) (Current business contact information unavailable.)

3. Kokesh v. SEC, 137 S. Ct. 1635 (2017).

The SEC charged Kokesh, the owner of an investment advisory business, with misappropriating approximately \$34.9 million from investors from 1995 to 2009. A federal jury found that Kokesh violated various securities law, and the district court entered a disgorgement award of \$34.9 million, rejecting Kokesh's argument that disgorgement was subject to a five-year statute of limitations under 28 U.S.C. § 2462. The Tenth Circuit affirmed. The Supreme Court granted certiorari to resolve a circuit split on whether disgorgement was subject to the statute of limitations in § 2462. I along with other agency lawyers represented the SEC before the Tenth Circuit, beginning in June 2015, and before the Supreme Court. In my capacity as Acting General Counsel, I led the development and formulation of the agency's legal position and the SEC appellate team working with the Office of Solicitor General in preparing the SEC's brief, on which I was listed as counsel. The Supreme Court concluded that the disgorgement applied to Kokesh functioned as a penalty, rejecting the SEC's argument that the disgorgement "simply returns the defendant to the place he would have occupied had he not broken the law." As a penalty, the disgorgement award was subject to a five-year statute of limitations in § 2462, and the district court could not order Kokesh to disgorge any monies from prior to October 2004. The net effect of the decision was that Kokesh was only subject to disgorgement of \$5 million.

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Chicago Bd. Options Exch., Inc. v. Sec. & Exch. Comm'n, 889 F.3d 837 (7th Cir. 2018); In the Matter of the Petition of Citadel Sec. LLC, Ronin Capital, LLC, Susquehanna Inv. Grp., & Susquehanna Sec., SEC Release No. 78340 (July 15, 2016); Citadel Sec., LLC v. Chicago Bd. Options Exch., Inc., 808 F.3d 694 (7th Cir. 2015).

This litigation was initiated by securities firms that operate as industry market makers against various national securities exchanges. Industry market makers display bids and offers for particular stocks. Plaintiffs alleged that defendants had overcharged them for transactions that took place over those exchanges. The Seventh Circuit-affirming a lower court decision-concluded that plaintiffs had failed to bring their dispute before the SEC, and thereby failed to exhaust their administrative remedies-a precondition to filing suit in federal court. Plaintiffs then filed a petition before the SEC, seeking an order from the agency directing defendants to refund the overcharges. I began working on the matter in July 2016 when the petition was filed with the agency until my departure from the SEC. In my capacity as Deputy General Counsel, I supervised the drafting and issuance of the agency's opinion dismissing plaintiff's petition. The opinion-adopted unanimously by the SEC's Commissioners-concluded that the SEC lacked jurisdiction to hear a dispute between private parties or to award damages. Plaintiffs then appealed to the Seventh Circuit, which affirmed the SEC's decision. Plaintiffs refiled their claims against defendants in Illinois state court; the case was subsequently removed to the Northern District of Illinois. The district court dismissed plaintiffs' claims, on the grounds that as self-regulatory organizations, the defendants were entitled to immunity. Plaintiffs then declined to pursue their appeal to the Seventh Circuit.

<u>Judges</u> Hon. William J. Bauer Hon. Joseph M. Flaum Hon. Daniel A. Manion

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Counsel for Chicago Board Options Exchange Paul E. Dengel (formerly of Schiff Hardin LLP) (Current business contact information unavailable.)

 Ermini v. Vittori, No. 12 CIV. 6100, 2013 WL 1703590 (S.D.N.Y. Apr. 19, 2013), aff'd, 758 F.3d 153 (2d Cir. 2014).

Beginning in November 2012, and throughout her case, I represented Ms. Vittori, an indigent victim of domestic violence and mother of two children (one of whom is severely autistic), who was sued by her husband, Mr. Ermini, under the Hague Convention on the Civil Aspects of International Child Abduction. The family moved to the United States to seek treatment for their autistic child. Following a domestic violence incident, Mr. Ermini fled to Italy, and then sued under the Convention, alleging that Ms. Vittori had illegally retained their children in the United States. After a bench trial, the district court denied Mr. Ermini's claim, finding that returning the children to Italy would create a grave risk of harm. I led the firm's trial team, conducted witness examinations, and authored our proposed findings of fact and conclusions of law before the district court. Following respondent's victory at the district court, which found that her children could remain in the United States, petitioner appealed to the Second Circuit. I drafted our

client's appellate brief and presented oral argument. The court of appeals affirmed the decision below and granted the relief sought in our cross-appeal, namely that the petition for return of our client's children to Italy be denied with prejudice, instead of without prejudice. In ruling for our client on all issues, the court of appeals noted that the case presented "novel" and "significant" issues of "first impression" under the Hague Convention, including whether separation of a child from his treatment for severe autism constituted a grave risk sufficient under the Convention to preclude his return.

Judges

Hon. Laura Swain Hon. Guido Calabresi Hon. José Cabranes Hon. Debra Livingston

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Susanna Y. Chu (formerly of Kaye Scholer) Federal Energy Regulatory Commission, Office of General Counsel 888 First Street, Northeast Washington, DC 20426 (202) 502-6000 <u>Counsel for Amici Curiae Domestic Violence Legal Empowerment and Appeals Project,</u> <u>The Family Violence Appellate Project, and Professors King and Martin</u> Robert H. Smit (formerly of Simpson Thacher & Bartlett LLP) (Current business contact information unavailable)

6. *T-Jat Systems 2006 Ltd. v. Amdocs Software Systems Limited et al.*,13 CV 5356, 2013 WL 6409476 (S.D.N.Y. Dec. 9, 2013); 2015 WL 394075 (S.D.N.Y. Jan. 29, 2015).

Beginning in July 2013 until the case concluded, I represented Amdocs Software Systems Limited ("Amdocs") in an arbitration (which followed district court proceedings and a motion to compel arbitration) arising out of a software-licensing dispute. Claimant brought claims of breach of contract, trade secret and copyright infringement, and unfair competition against Amdocs. The technology at issue was an application used by customers of mobile-communications companies. I served as co-lead trial counsel in the two-week arbitration, and prepared and examined several witnesses. I also co-authored our pre-hearing and post-hearing submissions. The arbitrator issued a decision finding for the plaintiff on the breach of contract claim, and Amdocs on the other claims. Claimant brought a motion to vacate the award in the Southern District of New York, and Amdocs brought a cross-motion to confirm the arbitrator's decision. I co-authored our client's briefs in opposition to claimant's motions. The district court denied the motion to vacate and confirmed the award.

<u>Arbitrator</u> Toby Marzouk, Esq.

<u>Judges</u> Hon. Harold Baer Hon. Jesse Furman

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7. In re Houston Regional Sports Network, L.P., 505 B.R. 468 (Bankr. S.D. Tex. 2014)

Several creditors filed an involuntary Chapter 11 bankruptcy petition against the Houston Regional Sports Network (a television network formed by the Houston Astros and the Houston Rockets). I along with attorneys from WilmerHale and Davis Polk represented the creditors, including several subsidiaries of NBC-Universal and Comcast, which had loaned \$100 million to the Network. My participation lasted from case initiation in September 2013 until my departure from WilmerHale in 2015. The proceedings sought to determine whether the Network should be placed into bankruptcy and managed by a court-appointed trustee. In this phase of the proceedings, I defended the depositions of several creditors and took depositions of interested witnesses, including the former owner of the Houston Astros, and conducted witness examinations of the creditors during a bench trial, during which the Astros and other parties sought to dismiss the petition on the grounds that it was brought in bad faith and that the proposed reorganization of the Network was futile. The bankruptcy judge denied the motion to dismiss, and the Network was placed in Chapter 11 proceedings. Subsequent to these proceedings (and after my involvement in the case ceased), the bankruptcy court approved a plan of reorganization, but found that Comcast was not entitled to any recovery for its loan. The district court affirmed, but the Fifth Circuit reversed, and remanded to bankruptcy court for recalculation of Comcast's collateral. A settlement was eventually reached among the interested parties.

Judge Hon. Marvin Isgur

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In re A2P SMS Litigation, 12 CV 2656, 2013 WL 5202824 (S.D.N.Y. Sept. 16, 2013).

The case related to SMS ("short message service") messages which are short text messages, transmitted over a cellular network, and sent from businesses and institutions to wireless subscribers. WilmerHale's client, OpenMarket, Inc. ("OpenMarket"), along with 16 other parties, was sued by a group of putative class action plaintiffs for alleged violations of the Sherman Antitrust Act. I represented OpenMarket beginning in June 2012 until my departure from WilmerHale. OpenMarket is an "aggregator"-a company that serves as an intermediary between companies that create the messages and wireless carriers (such as Verizon and US Cellular) who transmit the content to wireless subscribers. OpenMarket, which had a contract with one of the named plaintiffs, moved to stay pending arbitration, arguing that the contract's arbitration clause required any claims to be brought in a non-class arbitration. I led the defense group responsible for developing the strategy in response to plaintiffs' claims against OpenMarket and other aggregator defendants. I also authored OpenMarket's briefs-which were filed jointly with another aggregator-seeking to stay the proceedings pending arbitration, and in the alternative, dismissing the antitrust claims as a matter of law. The district court granted in full the motions to compel arbitration, and ruled that any claims against defendants must be pursued in individual arbitrations on a non-class basis, and not in federal court. The case was stayed pending arbitration, and voluntarily dismissed by plaintiffs in 2016.

Judge

Hon. Alison J. Nathan

Co-Counsel for OpenMarket, Inc.

Molly Boast (now retired)

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<u>Counsel for Vibes Media, LLC</u> Basileios Katris (formerly of Horwood Marcus & Berk) Blank Rome 444 West Lake Street, Suite 1650 Chicago, IL 60606 (312) 776-2584

 Miller v. Santilli et al., No. 06-1225, 2006 WL 4959567 (Jul. 1, 2006 C.P. Philadelphia County, Penn.); No. 06-3587, 2007 WL 839981 (E.D. Pa. Mar. 15, 2007); No. 07-4506, 2008 WL 355516 (E.D. Pa. Feb. 7, 2008); No. 06-1225, 2009 WL 3712750 (Sept. 16, 2009 C.P. Philadelphia County, Penn.).

This litigation involved claims by a Chapter 7 Trustee of American Business Financial Services (ABFS), a mortgage lender and servicer, against various financial institutions an accounting firm, a law firm, and the company's former officers and directors—related to the company's securitization of mortgages in the early to mid-2000s. Beginning in mid-2008 until the settlement of the case in 2009, I along with other attorneys from WilmerHale represented Credit Suisse, which—along with other financial institutions had underwritten and assisted in the securitization. The trustee brought state common law claims of fraud and breach of fiduciary duty, among others, against defendants. I took and defended depositions and co-authored briefs for summary judgment, motions in limine and to strike the trustee's jury demand. Prior to the settlement of the case on the eve of trial, I had been scheduled to serve as associate trial counsel.

Judge Hop Mark Ber

Hon. Mark Bernstein

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Counsel for Defendant J.P. Morgan Kevin H. Marino John D. Totorella John A. Boyle Marino Totorella & Boyle, P.C. 437 Southern Boulevard Chatham, NJ 07928 (973) 824-9300

Loral Space & Communic 'ns Holdings Corp. v. Rainbow DBS Holdings, Inc., No. 603175/05, 2007 WL 3236191 (N.Y. Sup. Ct. Mar. 30, 2007); 2007 WL 3236190 (N.Y. Sup. Ct., May 2, 2007), aff'd, 852 N.Y.S.2d 77 (App. Div. 2008).

Plaintiff Loral Space & Communications Holdings Corporation ("Loral") sued Cablevision Systems Corporation ("Cablevision") and a number of its subsidiaries for breach of contract, alleging that Cablevision failed to pay \$51 million under a joint venture agreement. I represented Loral in the dispute and, following a trial in New York State Supreme Court, the jury found that Cablevision breached the contract. Cablevision's motions to set aside the verdict, its appeal before the New York Appellate Division, and its motion for leave to appeal before the New York Court of Appeals were all denied. I drafted the original complaint, managed the case discovery, and took and defended depositions. I served as associate trial counsel during the jury trial. Following trial, I co-authored the briefs in response to Cablevision's motions challenging the jury verdict and Loral's responses to the Cablevision's appeals, including before the Appellate Division and New York Court of Appeals. I represented Loral from case initiation in September 2005 until the case concluded in 2008.

Judge

Hon. Helen Freedman

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Steven C. Bennett (formerly of Jones Day) (deceased)

18. <u>Legal Activities</u>: 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.)

As an associate, counsel, and partner at WilmerHale, my practice was focused primarily on litigation, including preparing clients for testimony and representing them at trials in federal and state court and arbitration. I also devoted a significant portion of time to large internal investigations on behalf of Fortune 50 companies, financial institutions, and accounting firms, to represent them or their employees before the SEC and DOJ. In some cases those representations led to government agencies declining to bring civil enforcement proceedings or criminal charges. At the SEC, besides participating in public litigation on behalf of the agency, largely in federal courts of appeals, I provided strategic and counseling advice on securities law issues to internal clients, primarily the Chair and Commissioners of the agency. As a federal magistrate judge, besides presiding over a docket of civil and criminal matters, I am involved in a variety of court-governance related activities. Those duties including co-chairing the local rules committee of the Eastern and Southern Districts of New York and serving on the Judicial Conference's Committee on the Administration of the Magistrate Judges System.

I have not engaged in lobbying activity and I have never registered as a lobbyist.

19. <u>Teaching</u>: 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.

St. John's Law School, Securities Litigation (Spring 2024; Spring 2023; Spring 2022; Spring 2021); Remedies (Fall 2021; Fall 2019). Syllabi supplied.

Brooklyn Law School, Securities Litigation (Spring 2020). Syllabus supplied.

Trial Advocacy Workshop, Harvard Law School (Fall 2023) (Professor Ronald Sullivan). Guest Instructor for Week 1. Syllabus supplied.

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

Other than compensation as an adjunct professor, I have no anticipated future benefits or contracts with previous business relationships or employers.

21. <u>Outside Commitments During Court Service</u>: 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.

Besides any teaching commitments as an adjunct professor (which is subject to annual renewal), I have no plans, commitments, or agreements to pursue outside employment.

22. <u>Sources of Income</u>: 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 formally submitted to the Senate, I will file my Financial Disclosure Report and will supplement this Questionnaire with a copy of that Report.

23. <u>Statement of Net Worth</u>: 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.

As I currently do as a magistrate judge, I would, on a case-by-case basis, review each case to determine whether any financial arrangement or party presented a conflict-of-interest, and apply the generally applicable rules of ethical conduct for judges and Code of Conduct for United States Judges to determine whether recusal is appropriate. I would recuse myself from any case where I had a sufficiently close personal or professional relationship with the litigants or lawyers such that my ability to be impartial could reasonably be called into doubt, including any case that I previously worked on while in private practice or while at the SEC. I am not aware of any category of litigation that would present a potential conflict of interest.

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

In resolving any real or potential conflict of interest, I will continue to apply the Code of Conduct for United States Judges, interpretative guidance for the Code, and other applicable ethical rule.

25. <u>Pro Bono Work</u>: 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.

As a magistrate judge, I am unable to provide pro bono legal services to clients. However, I regularly emphasize to lawyers the importance of providing such services, including during bar admission ceremonies. Separately, I regularly participate in civic education exercises held at our courthouse and routinely serve as a judge in high school and law school moot court and mock trial tournaments.

Prior to joining the SEC and taking the bench, I spent well over 2,000 hours on pro bono matters in a wide variety of cases. While at Munger Tolles & Olsen, I served as counsel to a prisoner on death row in Nevada in connection with his state habeas corpus proceedings. At WilmerHale, I supervised a number of lawyers handling pro bono asylum, immigration, and prisoners' rights cases in federal courts, and served on the firm's Pro Bono Committee.

In addition, I served as counsel to an inmate on death row in Virginia in connection with his challenge to the state's lethal injection protocol, and his challenge to his conviction before the United States Supreme Court. In 2006, before the 9th Circuit, I successfully represented a prisoner challenging the dismissal of his complaint alleging that the State of Washington and prison officials denied him necessary medical care. In 2009, I led a trial team representing a prisoner who sued various individuals for use of excessive force.

I also led WilmerHale's representation of a victim of domestic violence and mother of a severely autistic child, who had been sued by her husband. I represented her at trial and on appeal. In addition, I coordinated the effort of various public interest organizations that submitted amicus briefs in the Second Circuit. I twice received an award from Sanctuary for Families in recognition of this work.

In a separate case, I represented another victim of domestic violence whose ex-husband had kidnapped their child from the United States. As a result of our work, the child was reunited with her mother, and the father was prosecuted by the U.S. Attorney's Office for the Southern District of New York for international kidnapping. I again received an award from Sanctuary for Families for this representation.

26. Selection Process:

a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination. In January 2021, I submitted an application to Senator Charles Schumer's Judicial Screening Committee. On March 31, 2021, I interviewed with the Committee. On December 22, 2023, I interviewed with Senator Schumer and members of his staff. On January 4, 2024, I was informed by Senator Schumer's staff that he would be recommending me to the White House for nomination for a position in the Eastern District of New York. On January 4, 2024, I interviewed with attorneys from the White House Counsel's office. Since that date, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On February 7, 2024, the President announced his intent to nominate me.

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.