

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Mary Kathleen (Mary Kay) Costello

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

United States District Court for the Eastern District of Pennsylvania

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

U.S. Attorney's Office
Eastern District of Pennsylvania
615 Chestnut Street, Suite 1250
Philadelphia, PA 19106

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

1968; Bristol, Pennsylvania

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

1998 – 2001, Temple University Beasley School of Law; J.D., 2001

1994 – 1998, Temple University; B.A., 1998

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

2008 – present
U.S. Attorney's Office
Eastern District of Pennsylvania
615 Chestnut Street, Suite 1250

Philadelphia, Pennsylvania 19106
Assistant United States Attorney

2004 – 2008
Akin Gump Strauss Hauer & Feld LLP
Two Commerce Square
2001 Market Street, Suite 4100
Philadelphia, Pennsylvania 19103
Litigation Associate (2004 – 2007)
Counsel (2007 – 2008)

2000 – 2004, Summer 2000
Saul Ewing LLP
Centre Square West
1500 Market Street, 38th Floor
Philadelphia, Pennsylvania 19102
Litigation Associate (2001 – 2004)
Law Clerk (2000 – 2001)
Summer Associate (Summer 2000)

Summer 1999
Office of Counsel
Temple University Health System
Boyer Pavilion, 9th Floor
3509 North Broad Street
Philadelphia, Pennsylvania 19140
Law Clerk

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

United States Air Force
1986 – 1994
E-5 (Staff Sergeant)
Honorable Discharge

I was not required to register for the selective service.

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

HHS Inspector General's Award (2023)

FBI Certificate of Recognition (2019)

United States Department of Justice Certificate of Commendation (2014)

HHS Inspector General's Award (2011)

Temple University Beasley School of Law

Magna Cum Laude (2001)

Temple University Law Faculty Scholarship (1998 – 2001)

Arthur G. Raynes Scholarship (2001)

Robert E. Lamberton Award (2001)

TASA Prize for Outstanding Performance in the Field of Evidence (2001)

West Publishing Company Award for Outstanding Academic Achievement (2001)

Temple Law Alumni Moot Court Award (2001)

Moot Court Honor Society (1999 – 2001)

Quarter Finalist – National Finals of the American College of Trial Lawyers National Moot Court Competition (2001)

Best Oral Advocate – Regional Finals of the American College of Trial Lawyers National Moot Court Competition (2000)

First Place – Stern Moot Court Competition (2000)

Barrister Award for Excellence in Trial Advocacy (1999)

Second Place – Polsky Moot Court Competition (1999)

Honorable Vincent A. Cirillo Scholarship (1999)

Alfred Sarowitz Scholarship (1999)

Temple University

Summa Cum Laude (1998)

President's Scholar (1998)

Golden Key National Honor Society (1994 – 1998)

Phi Alpha Theta (1998)

Political Science Scholastic Prize (1998)

Phi Beta Kappa (1997)

William C. Seyler Scholarship (1997)

Temple University Junior Scholarship (1996 – 1998)

Air Force Commendation Medal w/ 1 Oak Leaf Cluster (OLC) (1992, 1993)

Air Force Overseas Ribbon – Short (1993)

Air Force Outstanding Unit Award w/ 1 OLC (1992) (estimated)

John L. Levitow Honor Graduate – Space Command Airman Leadership School (1991)

Ralph E. Spraker Esprit de Corps Award – Space Command Airman Leadership School (1991)

Air Force Longevity Service Award (1991) (estimated)

Air Force Achievement Medal (1990)

National Defense Service Medal (1990) (estimated)

Air Force Organizational Excellence Award (1990) (estimated)

Air Force Good Conduct Medal (1990)

NCO Professional Military Education Ribbon (1990) (estimated)

John L. Levitow Honor Graduate – NCO Preparatory School (1990)

Air Force Training Ribbon (1986)

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

American Bar Association (approximately 2001 – 2009)

Montgomery Bar Association (2023 – present)

Diversity, Equity and Inclusion Committee (2023 – present)

Federal Court Practice Committee (2023 – present)

Women in the Law Committee (2023 – present)

Pennsylvania Bar Association (2001 – 2009; 2023 – present)

Philadelphia Bar Association (approximately 2001 – 2009)

10. **Bar and Court Admission:**

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

New Jersey, 2001

Pennsylvania, 2001

There have been no lapses in membership.

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

United States District Court for the District of New Jersey, 2001
United States District Court for the Eastern District of Pennsylvania, 2002

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.

Little Sisters of the Poor, Holy Family Home
Advisory Board (2005 – 2009)

National Constitution Center (2003 – present)

Schuylkill Center for Environmental Education (2012 – present)

World Affairs Council of Philadelphia (2005 – 2008)

- 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, the organizations listed above do not currently discriminate nor did they formerly discriminate on the basis of race, sex, religion, or national origin, either through formal membership requirements or the practical implementation of membership policies.

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

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

None.

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

None.

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

None.

- d. Supply an electronic copy, 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.

July 7, 2011: Panelist, Fraud Echo Event at the Philadelphia Asian Community Center, Centers for Medicare and Medicaid Services, Region 3, Philadelphia, Pennsylvania. Notes supplied.

November 9, 2006: Panelist, Corporate Liability for Identity Theft by Employees or Third Parties, Akin Gump Strauss, Hauer & Feld LLP, Philadelphia, Pennsylvania. I discussed federal statutes that govern the handling and dissemination of personal information. I have no notes, transcript, or recording. The address for Akin Gump is 1735 Market Street, 12th Floor, Philadelphia, Pennsylvania 19103.

- 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 an electronic copy of the clips or transcripts of these interviews where they are available to you.

Robert Moran, *Day-Care Founder Charged with Wire Fraud*, THE PHILADELPHIA INQUIRER (July 15, 2014). Copy supplied.

Mike DeNardo, *Local Doctor, 79, Gets Seven Years in Prison for Dealing*

Prescription Drugs, CBS Philadelphia (Jan. 29, 2013). Copy supplied.

David Sell, "Pill-mill" Doctor Gets Seven Years in Prison, *THE PHILADELPHIA INQUIRER* (Jan. 30, 2013). Copy supplied.

Michael Yoder, *Mt Grad Facing Federal Charges*, *Intelligencer Journal* (Lancaster, PA) (May 21, 2009). Copy supplied.

Kathryn Sosbe, *Man Seriously Burned When Model Airplane Bursts*, *The Gazette* (Colorado Springs, CO) (June 14, 1990). Copy supplied.

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

I have not served as a judge.

- a. Approximately how many cases have you presided over that have gone to verdict or judgment? _____
 - i. Of these, approximately what percent were:
 - ii. jury trials: _____%
 - bench trials: _____% [total 100%]
 - iii. civil proceedings: _____%
 - criminal proceedings: _____% [total 100%]
- b. Provide citations for all opinions you have written, including concurrences and dissents.
- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (3) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).
- d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.
- e. Provide a list of all cases in which certiorari was requested or granted.
- f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was

affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.

- g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.
 - h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.
 - i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.
14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

I have not held judicial office.

- a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;
- b. a brief description of the asserted conflict of interest or other ground for recusal;
- c. the procedure you followed in determining whether or not to recuse yourself;
- d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

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

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

None.

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

None.

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

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

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

I have not served as a clerk to a judge.

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

I have not practiced alone.

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

2001 – 2004
Saul Ewing LLP
Centre Square West
1500 Market Street, 38th Floor
Philadelphia, Pennsylvania 19102
Litigation Associate

2004 – 2008
Akin Gump Strauss Hauer & Feld LLP
Two Commerce Square
2001 Market Street, Suite 4100
Philadelphia, Pennsylvania 19103
Litigation Associate/Counsel

2008 – present
U.S. Attorney's Office
Eastern District of Pennsylvania
615 Chestnut Street, Suite 1250

Philadelphia, Pennsylvania 19106
Assistant United States Attorney

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

I have not served as a mediator or arbitrator in alternative dispute resolution proceedings.

b. Describe:

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

As an associate at Saul Ewing from 2001 until 2004, I handled various commercial litigation matters involving contracts, insurance issues, employment law, and commercial real estate.

I was a litigation associate and counsel at Akin Gump from 2004 until April 2008, practicing complex commercial litigation. I represented corporate clients and practiced class action defense involving antitrust, health care, and insurance matters and handled other complex commercial matters involving contracts and employment law.

I joined the U.S. Attorney's Office in April 2008. As an Assistant United States Attorney in the criminal division, I prosecute suspected violations of federal criminal law. I am currently assigned to the public corruption and civil rights unit. From September 2010 until October 2022, I was assigned to the health care fraud and government fraud unit. From April 2008 until September 2010, I was assigned to the consumer and commercial fraud unit. During my career, I have prosecuted criminal cases involving bribery, health care fraud, drug diversion schemes, schemes to defraud the government, and other matters.

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

As an Assistant United States Attorney, I prosecute criminal cases on behalf of the United States. As a civil litigator at both Saul Ewing and Akin Gump, I represented corporate clients and handled various commercial litigation matters.

- 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.

The entirety of my practice has been in litigation. As an Assistant United States Attorney since April 2008, I have appeared in court frequently for hearings, oral arguments, and jury trials. As a litigation associate at Akin Gump from 2004 to April 2008, I appeared in court infrequently and most of my court appearances were as associate counsel. As a litigation associate at Saul Ewing from 2001 until 2004, I appeared in court occasionally. I participated in various hearings and was lead counsel in a jury trial in state court, which ultimately settled while the jury was deliberating.

i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|-----|
| 1. federal courts: | 90% |
| 2. state courts of record: | 10% |
| 3. other courts: | 0% |
| 4. administrative agencies: | 0% |

ii. Indicate the percentage of your practice in:

- | | |
|--------------------------|-----|
| 1. civil proceedings: | 20% |
| 2. criminal proceedings: | 80% |

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

I have tried 11 cases to verdict. I was sole counsel in seven of those cases, lead counsel in one, and co-counsel in three.

i. What percentage of these trials were:

- | | |
|--------------|------|
| 1. jury: | 100% |
| 2. non-jury: | 0% |

e. Describe your practice, if any, before the Supreme Court of the United States. Supply an electronic copy of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

I have not practiced before the Supreme Court.

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

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

1. *United States v. Ren*, Criminal No. 21-380 (E.D. Pa.)

On behalf of the United States, I was sole counsel in the trial of Mr. Ren, a building owner who was charged with bribery of an OSHA inspector. The case was indicted in September 2021 and trial commenced in December 2021. The Honorable Mark A. Kearney presided. This case presented some challenging trial issues, including poor quality audio recordings and foreign language issues. In addition, this case was tried during the COVID-19 pandemic. Trial lasted three days and I presented, among other things, the opening statement and closing argument, six witnesses, and several undercover recordings of conversations in both English and Chinese with translated transcripts synced to the recordings. The jury returned a guilty verdict, and the defendant was sentenced to three months' incarceration. The defendant did not appeal his conviction.

Defense Counsel:

A. Charles Peruto, Jr. (Trial)
2016 Spruce Street
Philadelphia, PA 19103
(215) 735-1010

Louis T. Savino, Jr. (Post-trial)
Two Penn Center, Suite 1516
Philadelphia, PA 19102
(215) 568-1300

2. *United States v. Hutton*, Criminal No. 20-83 (E.D. Pa.)

On behalf of the United States, I was sole counsel in the trial of Mr. Hutton who was charged with possession of a firearm by a felon. I obtained an indictment in February 2020, defended a motion to suppress over the summer, and tried the case in October 2020 during the COVID-19 pandemic. The Honorable Wendy Beetlestone presided. The evidence at trial showed that when police approached the defendant in response to a radio call reporting a man with a gun, the defendant tried to hide the firearm he was carrying in a bystander's car and then engaged in a physical struggle with responding officers. In addition to the opening statement and closing argument, I presented three witnesses and cross examined the defendant. The jury returned a guilty verdict. The defendant was sentenced to 60 months' incarceration. The defendant did not appeal his conviction.

Defense Counsel:

Laurence A. Narcisi, III (Trial)
1910 Land Title Building
Philadelphia, PA 19110
(267) 228-8280

Luis A. Ortiz (Post-trial)
121 South Broad Street 18th FL
Philadelphia, PA 19107
(215) 858-3787

3. *United States v. Kamra*, Criminal No. 18-253 (E.D. Pa.) *aff'd*. No. 21-1615, 2022 WL 4998978 (3d Cir. Oct. 3, 2022)

On behalf of the United States, I was lead counsel in the trial of Mr. Kamra. The defendant, a pharmacy employee, was charged with conspiracy to distribute oxycodone for no legitimate medical purpose. The evidence proved that the defendant illegally distributed thousands of oxycodone pills to drug users by knowingly filling fake oxycodone prescriptions written in sham “patient” names. The trial, which lasted two weeks, took place in 2019 before the Honorable R. Barclay Surrick. As lead counsel, I presented most of the government witnesses, including a cooperating witness, individuals whose names were used on fraudulent prescriptions, a financial analyst, and the case agent. I also cross examined the defendant, the defendant’s wife, the chief pharmacist where the defendant worked, and several character witnesses. In addition, I presented the closing argument. The jury returned a guilty verdict. The defendant was sentenced to 18 months’ incarceration. The defendant appealed and I assisted with the appeal. The defendant’s conviction was affirmed.

Co-counsel:

Amanda Reinitz
Eastern District of Pennsylvania
615 Chestnut Street, Suite 1250
Philadelphia, PA 19106
(215) 861-8496

Defense Counsel:

James A. Funt
Greenblatt Pierce Funt & Flores LLC
123 South Broad Street, Suite 2500
Philadelphia, PA 19109
(215) 241-7708

Susan M. Lin
Kairys Rudovsky Messing Feinberg & Lin LLP
718 Arch Street, Suite 501 South
Philadelphia, PA 19106

(215) 925-4400

4. *United States v. Glades*, Criminal No. 12-623 (E.D. Pa.) *aff'd*, 643 F. App'x. 153 (3d. Cir. 2016)

On behalf of the United States, I was co-counsel in the trial of Mr. MacInnes and Mr. Keszey, who were charged with conspiracy to traffic in protected animals that were illegally collected from the wild. The trial took place in 2013 before the Honorable Juan R. Sanchez. The evidence showed that the defendants violated federal law by taking threatened snakes out of the wild in Pennsylvania and New Jersey and transporting them to Florida to be sold through their business, Glades Herp Farm, Inc. I presented the opening statement and handled approximately half of the government's witnesses, including a government cooperator. I also cross examined a defense expert. After a trial that lasted approximately one week, the jury returned guilty verdicts. MacInnes was later sentenced to 18 months in prison. Keszey received a sentence of 12 months' imprisonment. The convictions were affirmed on appeal.

Co-counsel:

Patrick Duggan
U.S. Department of Justice
Environment and Natural Resources Division
Environmental Crimes Section
950 Pennsylvania Avenue, Northwest
Washington, DC 20530
(202) 305-0366

Defense Counsel:

Robert E. Goldman (for MacInnes)
535 Hamilton Street, Suite 302
Allentown, PA 18101
(610) 841-3876

Felicia Sarnier (for Keszey)
1835 Market Street, Suite 1215
Philadelphia, PA 19103
(215) 802-5003

5. *United States v. Joseph*, Criminal No. 09-673 (E.D. Pa.), *aff'd*, 730 F.3d 336 (3d Cir. 2013)

On behalf of the United States, I was sole counsel in the trial of Mr. Joseph. I also handled the appeal, including oral argument before the U.S. Court of Appeals for the Third Circuit. Joseph was charged with passing and possessing counterfeit currency at a "gentlemen's club" in Philadelphia. The trial took place in 2012 before the Honorable Gene E.K. Pratter. In addition to the opening statement and closing argument, I presented six government witnesses over two days, including expert testimony on the

identification of counterfeit currency. The jury found the defendant guilty, and the defendant was sentenced to ten months in prison.

Prior to trial, I successfully opposed the defendant's suppression motion. After the defendant was convicted, he appealed the denial of his suppression motion, arguing for the first time that police officers lacked probable cause for his arrest because they had insufficient evidence of his intent when he passed the counterfeit currency. I wrote the brief for the appellee and in 2013 successfully argued the appeal before the Honorable Marjorie O. Rendell, the Honorable D. Brooks Smith, and the Honorable Patty Shwartz. In its decision, the court clarified and reinforced its strict precedent holding that any suppression argument not made in the district court is waived on appeal, absent a showing of good cause.

Defense Counsel:

Trial Counsel: Dave Kozlow (deceased)/Nancy MacEoin

Appellate Counsel: Keith M. Donoghue

Federal Community Defender Office

The Curtis Center Building

601 Walnut Street, Suite 540 West

Philadelphia, PA 19106

(215) 928-1100

6. *United States v. Konrad*, 730 F.3d 343 (3d Cir. 2013)

On behalf of the United States, I handled an appeal brought by Mr. Konrad involving qualification for court-appointed counsel, including whether funds in IRA accounts should be considered in calculating ability to pay, and the method for calculating the repayment of funds when a court later determines that a defendant should not have qualified. I wrote the brief for the appellee and in 2013 successfully argued the appeal before the Honorable Anthony J. Scirica, the Honorable Thomas L. Ambro, and the Honorable Julio M. Fuentes. The court held that: (a) in assessing eligibility for appointed counsel, the court may consider the defendant's individual retirement funds and jointly held bank accounts; and (b) the district court did not abuse its discretion in ordering Konrad to repay the market value of his legal representation rather than the hourly rate paid to an attorney appointed under the Criminal Justice Act.

Defense Counsel:

Brett G. Sweitzer

Federal Community Defender Office

The Curtis Center Building

601 Walnut Street, Suite 540 West

Philadelphia, PA 19106

(215) 928-1100

7. *United States v. Minicozzi*, Criminal No. 11-184 (E.D. Pa.)

On behalf of the United States, I was sole counsel in the trial of Mr. Minicozzi. The trial took place in 2012 before the Honorable J. Curtis Joyner. The defendant, a physician, and his office assistant ran a pill mill out of the defendant's "medical" office. They were charged with conspiracy to distribute alprazolam, hydrocodone, and oxycodone. The defendant was also charged with 18 substantive counts of distribution. In addition to presenting the opening statement and closing argument, I presented the testimony of 16 witnesses. This trial posed several challenges, including dealing with and presenting testimony of confidential sources, presenting expert testimony on medical standard of care and handwriting, and presenting testimony from reluctant cooperating witnesses. The jury returned guilty verdicts on the conspiracy count and 17 of the 18 substantive counts. The defendant was sentenced to 84 months in prison.

Defense Counsel:
Jeffrey M. Miller
94 Daylesford Boulevard
Berwyn, PA 19312
(610) 644-4376

8. *United States v. Mundy*, 621 F.3d 283 (3d Cir. 2010)

On behalf of the United States, I handled an appeal brought by Mr. Mundy involving the propriety of a search of a closed container during the inventory search of a car. Mundy was convicted after a jury trial before U.S. District Court for the Eastern District of Pennsylvania Judge J. Curtis Joyner of possession of 500 grams or more of cocaine with intent to distribute and of possession with intent to distribute 500 grams or more of cocaine in a protected area. Mundy was sentenced to six years and five months' imprisonment and eight years of supervised release. I wrote the brief for the appellee and in 2009 successfully argued the appeal before the Honorable Michael A. Chagares, the Honorable Thomas M. Hardiman, and the Honorable Thomas Selby Ellis III. In affirming the denial of the suppression motion, the court held that an inventory search of a legally seized vehicle permissibly included a closed container in the trunk under the Fourth Amendment. The court also found that the Philadelphia "Live Stop" policy provided sufficient criteria governing the practice and scope of such an inventory search, even though it did not specifically refer to "closed containers." The court further held that the fact that investigating officers may be motivated by a desire to find evidence of crimes does not invalidate an inventory search which is performed for legitimate custodial purposes based on standardized procedures.

Defense Counsel:
Sarah S. Gannett
Federal Community Defender Office
The Curtis Center Building
601 Walnut Street, Suite 540 West
Philadelphia, PA 19106
(215) 928-1100

9. *United States v Garraud*, Criminal No. 07-427 (E.D. Pa.) *aff'd*. 434 F. App'x. 132 (3d Cir. 2011)

On behalf of the United States, I was co-counsel in the trial of Mr. Garraud, who was charged with bank robbery. The trial took place in 2009 and the Honorable R. Barclay Surrick presided. The evidence showed that Garraud stole approximately \$22,343 from a bank in Philadelphia. During the robbery Garraud brandished a semi-automatic handgun, which he pointed at bank employees. Based on data from two GPS tracking devices that were included with the cash by bank tellers, Garraud was apprehended by Philadelphia police officers minutes after the robbery, driving a car that contained, among other things, the stolen cash with the embedded GPS trackers, the clothing worn during the robbery, and a firearm. As co-counsel, I presented approximately half of the government's trial witnesses, including the responding police officers and a cell site technology expert, and the closing argument. After a week-long trial, the jury found the defendant guilty, and he was sentenced to 138 months in prison. The conviction was affirmed on appeal.

Defense Counsel:

Chris Furlong
22 East Third Street
Media, PA 19063
(484) 621-0050

Co-counsel:

Andrea Foulkes (retired)

10. *United States v. Bruteyn*, Criminal No. 08-170 (E.D. Pa.) *aff'd*. 373 F. App'x. 247 (2010)

On behalf of the United States, I was sole counsel in the trial of Mr. Bruteyn, who was charged with making a false statement in a passport application. The trial took place in 2009 before the Honorable Cynthia M. Rufe. The evidence at trial showed that Bruteyn falsely stated in a passport application that he previously had been issued a passport and it had been lost. In fact, Bruteyn had surrendered his old passport a few months earlier in connection with a securities fraud investigation in Texas. He then obtained a new passport in Philadelphia under false pretenses. In addition to the opening statement and closing argument, I presented witness testimony from passport office personnel and the FBI agent and prosecutor involved in the Texas securities fraud investigation. The jury found the defendant guilty, and he was sentenced to 13 months in prison. The defendant appealed. I wrote the brief for the appellee and the conviction was affirmed.

Defense Counsel:

Todd Henry
1500 Walnut Street #22
Philadelphia, PA 19102
(215) 545-7100

18. **Legal Activities:** Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

In addition to the matters described above, I have been involved in prosecuting dozens of criminal cases that have been resolved prior to trial, including cases involving health care fraud and kickback schemes, federal program bribery, loan fraud schemes, schemes to defraud federally funded programs, embezzlement from an ERISA benefit plan, false statements to government officials, tax fraud, conspiracies to illegally distribute opioids, and various cases involving violent crimes. These matters involved significant investigative and grand jury work, legal analysis, plea negotiations, and various hearings.

I have also handled several appeals in addition to those described above, including various appeals affirming the denial of suppression motions and an appeal affirming the substantive reasonableness of a district court's sentence in an opioid trafficking case.

In addition to these and other prosecutions, I have also supported the mission of the U.S. Attorney's Office by serving as the stimulus fraud coordinator and as a member of the hiring committee.

I have not registered as a lobbyist or been engaged in any lobbying activities.

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

None.

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

None.

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

None.

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

When my nomination is formally submitted to the Senate, I will file my Financial Disclosure Report and will supplement this Questionnaire with a copy of that Report.

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

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

- a. Identify the family members or other persons, parties, categories of litigation, and financial arrangements that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

If confirmed, I would recuse myself from cases in which I have ever played a role. I also anticipate recusing in all criminal cases handled by other members of the public corruption unit at the U.S. Attorney's Office while I worked there. I will evaluate any other real or potential conflict, as well as any relationship that could give rise to the appearance of such a conflict, on a case-by-case basis and determine appropriate action with the advice of the parties and their counsel, including by recusing where necessary or appropriate.

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

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

25. **Pro Bono Work:** An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.

Since 2008, I have served the public as an Assistant United States Attorney. While I was in private practice, I regularly participated in pro bono matters, including representing underprivileged children in family court proceedings as a volunteer attorney for the Support Center for Child Advocates and representing indigent defendants in administrative and state court proceedings. I also served on Akin Gump's pro bono committee from approximately 2004 to 2008.

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.

On November 14, 2023, I submitted an application to the District Commission for Senators Bob Casey and John Fetterman. On January 24, 2024, I interviewed with the District Commission. On April 16, 2024, I interviewed with Senator Casey and members of his staff. On April 19, 2024, I interviewed with Senator Fetterman and members of his staff. On that same date, I also interviewed with attorneys from the White House Counsel's Office. Since then, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On June 12, 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.