UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Kyle Christopher Dudek

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

United States District Judge for the Middle District of Florida

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

United States Courthouse and Federal Building
2110 First Street
Fort Myers, Florida 33901

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

1985; Syracuse, New York

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.

2007 – 2010, Antonin Scalia Law School at George Mason University; J.D., 2010

2005 – 2007, Cornell University; B.S., 2007

2004, Cayuga Community College; no degree

2003, State University of New York at Albany; no degree

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.

2022 – present
United States District Court for the Middle District of Florida
United States Courthouse and Federal Building
2110 First Street
Fort Myers, Florida 33901
United States Magistrate Judge

2016 – 2022
Henderson Franklin Starnes & Holt P.A.
1715 Monroe Street
Fort Myers, Florida 33901
Partner (2021 – 2022)
Associate (2016 – 2021)

Spring 2019
Ave Maria School of Law
1025 Commons Circle
Naples, Florida 34119
Adjunct Professor

2014 – 2016
Honorable G. Steven Agee
United States Court of Appeals for the Fourth Circuit
Lewis F. Powell, Jr. Courthouse & Annex
110 East Main Street
Richmond, Virginia 23219
Law Clerk

2013 – 2014
Honorable James C. Cacheris
United States District Court for the Eastern District of Virginia
Albert V. Bryan United States Courthouse
401 Courthouse Square
Alexandria, Virginia 22314
Law Clerk

2012 – 2013
United States District Court for the Northern District of New York
James Hanley Federal Building & United States Courthouse
100 South Clinton Street
Syracuse, New York 13261
Staff Attorney

2011 – 2012
McGuireWoods, LLP
1750 Tysons Boulevard, Suite 1800

Tysons, Virginia 22102
Associate

2010 – 2011
Honorable Jonathan Thacher
19th Judicial Circuit of Virginia
4110 Chain Bridge Road
Fairfax, Virginia 22030
Law Clerk

Fall 2009
Finkelstein Thompson LLP
3201 New Mexico Ave NW, Suite 395
Washington, District of Columbia 20016
Intern

Summer 2009
McGuireWoods, LLP
1750 Tysons Boulevard, Suite 1800
Tysons, Virginia 22102
Summer Associate

2008 – 2009
Honorable Susan G. Braden
United States Court of Federal Claims
Howard T. Markey National Courts Building
717 Madison Place NW
Washington, District of Columbia 20439
Intern

Summer 2008
United States Commodity Futures Trading Commission
Three Lafayette Centre
1155 21st Street NW
Washington, District of Columbia 20581
Intern

Other Affiliations (uncompensated):

Southwest Florida Federal Court Bar Association
P.O. Box 264
Fort Myers, Florida 33902
Vice-President (2021 – 2022)
Pro-Bono Coordinator (2022 – 2022)
Board Member (2019 – 2021)

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

I have not served in the military. I registered for the selective service upon turning 18.

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

"Rising Star" by Florida Super Lawyers Magazine (2018, 2019, 2020, 2021)

Magna cum laude graduate of Antonin Scalia Law School at George Mason University (2010)

Magna cum laude graduate of Cornell University (2007)

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.

The Federalist Society for Law and Public Policy (2022 – present)

United States District Court for the Middle District of Florida (2019 – present)
- Bench Bar Committee (2019 – present)
- Space and Facilities Committee (2022 – present)
- Staff Attorney Committee (2022 – present)

Southwest Florida Federal Court Bar Association (2018 – present)
- Vice-President (2021 – 2022)
- Pro-Bono Coordinator (2022 – 2022)
- Board Member (2019 – 2021)

Calusa Inn of Courts (2017 – 2020, 2025 – present)

Florida Bar, Federal Rules & Practice Committee (2017 – 2022)
- Pro-Bono Subcommittee (2020 – 2022)
- Federal Guide Subcommittee (2020 – 2022)
- Rules Subcommittee (2017 – 2019)
- Federal Roundtable Subcommittee (2017 – 2019)

Collier County Bar Association (2016 – 2022)

Florida Defense Lawyers Association (2016 – 2022)

Lee County Bar Association (2016 – 2022)

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.

Virginia, 2010
New York, 2012
Florida, 2016

I surrendered my membership in the Virginia Bar in 2022 upon my appointment as a United States Magistrate Judge. While my withdrawal letter was in transit, the deadline for payment of the annual dues passed and I was placed on administrative suspension until my resignation became effective. Other than that, there have been no lapses in membership.

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

United States Court of Appeals for the Eleventh Circuit, 2016
United States District Court for the Middle District of Florida, 2016
Supreme Court of Virginia, 2010
New York State Court of Appeals, 2012
Supreme Court of the State of Florida, 2016

I did not maintain my admission to practice before the Eleventh Circuit and the Middle District of Florida after I became a Magistrate Judge and allowed those admissions to lapse. I surrendered my membership in the Virginia Bar in 2022. Other than that, 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.

Owasco Golf and Country Club (2012 – 2013)

Roanoke Golf and Country Club (2014 – 2016)

Animal Welfare League of Arlington (2012 – 2014)

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.

Neither of the organizations listed above discriminated on the basis of race, sex, religion or national origin during my membership period. I have no knowledge of the membership policies for these clubs before I joined, but my research revealed nothing to suggest that either had participated in discriminatory practices. Thus, to the best of my knowledge, neither organization has discriminated on the basis of race, sex, religion, or national origin, either through formal membership requirements or the practical implementation of membership policies.

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

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

What Florida employers need to know about the vaccine passport ban, Southwest Florida Business Blog, Oct. 25, 2021. Copy supplied.

Coming Back to Work-Common Coronavirus Questions by Employers, Southwest Florida Business Blog, May 4, 2021. Copy supplied.

Your Business Website Might Get You Sued, Southwest Florida Business Blog, Dec. 6, 2020. Copy supplied.

Eleventh Circuit Clarifies Standard for Retaliation under Title VII, Southwest Florida Business Blog, Apr. 7, 2020. Copy supplied.

The Latest ADA Shakedown: Website Compliance, Southwest Florida Business Blog, July 23, 2019. Copy supplied.

Supreme Court Decides Important Procedural Question under Title VII, Southwest Florida Business Blog, June 11, 2019. Copy supplied.

Federal Judge Rules that EEOC Must Collect Expanded Data on EE0-1 Forms, Southwest Florida Business Blog, Apr. 29, 2019. Copy supplied.

Supreme Court to Settle Dispute on LGBT Bias in the Workplace, Southwest Florida Business Blog, Apr. 24, 2019. Copy supplied.

Eleventh Circuit Clarifies the Test for Comparator Evidence under McDonnell Douglas ,

Southwest Florida Business Blog, Mar. 26, 2019. Copy supplied.

The Department of Education Proposes New Title IX Requirements for Colleges: Five Notable Changes, Henderson Franklin News and Insights, Nov. 19, 2018. Copy supplied.

Florida Supreme Court Curbs Discovery of Referral Relationship Between Plaintiff's Counsel and Treating Physicians, Henderson Franklin News and Insights, Apr. 14, 2017. Copy supplied.

With John Miller, *June 2015 – June 2016 Insurance and Tort Law Case Update,* Trial Advocate Quarterly, Vol. 35 No. 4, Fall 2016. Copy supplied.

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

None.

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

None.

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

I have not maintained a comprehensive list of speeches, talks, or public appearances. To my recollection and through searches of my records and publicly available databases, I have found the following responsive materials:

2022 – present: Judge, Bar Admissions Ceremonies, United States District Court for the Middle District of Florida, Fort Myers, Florida. I have presided over numerous admissions ceremonies for lawyers joining or re-joining the Middle District where I discuss my experience and role as a magistrate judge and the local bar associations available to practitioners. I have no notes, transcripts, or recordings. The address for the United States District Court for the Middle District of Florida is United States

Courthouse and Federal Building, 2110 First Street, Fort Myers, Florida 33901.

April 25, 2025: Speaker, "Everything You Always Wanted to Know: Checking all the Boxes," Attorney Wellness Initiative Committee of the Collier County Bar Association. I provided an update on case management procedures for matters filed in the Fort Myers Division of the Middle District of Florida. I also discussed pro bono representation and reimbursement of costs from the Court's bench-bar fund. I spoke from a general outline, a copy of which is attached.

March 25, 2024: Judge, Canterbury School Field Trip, United States District Court Middle District of Florida, Fort Myers, Florida. I spoke to a group of students from a local middle school about the federal court system and provided a tour of the courthouse. I also presided over a guilty plea hearing with the students in attendance. I have no notes, transcript, or recording. The address for the United States District Court for the Middle District of Florida is United States Courthouse and Federal Building, 2110 First Street, Fort Myers, Florida 33901.

March 11, 2025: Guest Instructor, Externship Credit Class, Ave Maria School of Law, Naples, Florida. I presented on legal ethics and the Florida Rules of Professional Conduct. I have no notes, transcript, or recording. The address for Ave Maria School of Law is 1025 Commons Circle Naples, Florida 34119.

March 6, 2025: Panelist, "Do's, Don'ts, & Donuts," Southwest Florida Federal Court Bar Association, Fort Myers, Florida. I participated in a panel discussion concerning trial techniques and procedures for federal trials in the Fort Myers Division of the Middle District of Florida. I have no notes, transcript, or recording. The address for the Southwest Florida Federal Court Bar Association is P.O. Box 264, Fort Myers, Florida 33902.

January 17, 2025: Judge, Ceremony for the New Board of the Lee County Bar Association, Old Lee County Courthouse, Fort Myers, Florida. I administered the oath of office to new members of the Lee County Bar Association and made a few remarks to recognize the incoming president. I have no notes, transcript, or recording. The address for the Lee County Bar Association is 2077 First Street, Suite 207, Fort Myers, Florida 33901.

December 5, 2024: Panelist, "Discussion on Removal and Remand," Southwest Florida Federal Court Bar Association, Fort Myers, Florida. I participated in a panel discussion on the procedures for removal of cases to federal court and the legal framework governing federal jurisdiction. I have no notes, transcript, or recording. The address for the Southwest Florida Federal Court Bar Association is P.O. Box 264, Fort Myers, Florida 33902.

March 22, 2024: Guest Instructor, Externship Credit Class, Ave Maria School of Law, Naples, Florida. I presented on legal ethics and the Florida Rules of Professional Conduct. I have no notes, transcript, or recording. The address for Ave Maria School of

Law is 1025 Commons Circle Naples, Florida 34119.

September 13, 2024: Judge, Constitution and Citizenship Day Celebration, United States District Court for the Middle District of Florida, Fort Myers, Florida. I presided over a naturalization ceremony in conjunction with a public event celebrating Constitution Day. Following the naturalization ceremony, I read a portion of the Constitution. I have no notes, transcript, or recording. The address for the United States District Court for the Middle District of Florida is United States Courthouse and Federal Building, 2110 First Street, Fort Myers, Florida 33901.

August 26, 2024: Panelist, "Florida Tort Amendments: One Year Later," Southwest Florida Federal Court Bar Association, Fort Myers, Florida. Video is available at https://www.flmd.uscourts.gov/cle-videos/florida-tort-amendments-one-year-later.

July 18, 2024: Judge, Naturalization Ceremony, United States District Court for the Middle District of Florida, Fort Myers, Florida. I administered the oath of citizenship to 25 applicants for naturalization. In conjunction with the ceremony, I offered general remarks on the role of the federal courts in our constitutional system. I have no notes, transcript, or recording. The address for the United States District Court for the Middle District of Florida is United States Courthouse and Federal Building, 2110 First Street, Fort Myers, Florida 33901.

June 20, 2024: Panelist, Federal Judicial Roundtable, Annual Convention, Florida Bar Association, Orlando, Florida. I spoke at a table with lawyers and other judges about federal practices and legal ethics. I have no notes, transcript, or recording. The address for The Florida Bar Association is 651 East Jefferson Street, Tallahassee, Florida 32399.

April 26, 2024: Speaker, "Everything You Always Wanted to Know: Checking all the Boxes," Attorney Wellness Initiative Committee of the Collier County Bar Association, Naples, Florida. I discussed recent updates to the Middle District of Florida's Local Rules and procedures with attorneys. I have no notes, transcript, or recording. The address of the Collier County Bar Association is 3315 Tamiami Trail East #505, Naples, Florida 34112.

March 27, 2024: Judge, Canterbury School Field Trip, United States District Court Middle District of Florida, Fort Myers, Florida. I spoke to a group of students from a local middle school about the federal court system and provided a tour of the courthouse. I also presided over a guilty plea hearing with the students in attendance. I have no notes, transcript, or recording. The address for the United States District Court for the Middle District of Florida is United States Courthouse and Federal Building, 2110 First Street, Fort Myers, Florida 33901.

March 19, 2024: Guest Instructor, Externship Credit Class, Ave Maria School of Law, Naples, Florida. I presented on legal ethics and the Florida Rules of Professional Conduct. I have no notes, transcript, or recording. The address for Ave Maria School of Law is 1025 Commons Circle Naples, Florida 34119.

January 31, 2024: Panelist, "Advanced Mediation & Settlement Strategies for Handling the Toughest Situations," Tampa Bay Chapter of the Federal Bar Association, Tampa, Florida. I spoke on a panel concerning mediation tactics and the role of a judge conducting settlement conferences. I have no notes, transcript, or recording. The address for the Tampa Bay Chapter of the Federal Bar Association is 201 North Franklin Street, Suite 3550, Tampa, Florida 33602.

January 25, 2024: Judge, Naturalization Ceremony, United States District Court for the Middle District of Florida, Fort Myers, Florida. I administered the oath of citizenship to 25 applicants for naturalization. In conjunction with the ceremony, I offered general remarks on the role of the federal courts in our constitutional system. I have no notes, transcript, or recording. The address for the United States District Court for the Middle District of Florida is United States Courthouse and Federal Building, 2110 First Street, Fort Myers, Florida 33901.

January 10, 2024: Speaker, "The Nuts & Bolts of the Judicial Internship/Post Graduate Clerkship Application Process," Ave Maria School of Law, Naples, Florida. I spoke to law students about the application process for clerkships and serving as a law clerk. I have no notes, transcript, or recording. The address for Ave Maria School of Law is 1025 Commons Circle Naples, Florida 34119.

October 23, 2023: Panelist, "Legal Writing Tips from the Pros," Southwest Florida Federal Court Bar Association, Naples, Florida. I participated in a panel discussion regarding legal writing and the impact of technology on how lawyers write. I have no notes, transcript, or recording. The address for the Southwest Florida Federal Court Bar Association is P.O. Box 264, Fort Myers, Florida 33902.

September 22, 2023: Judge, Bar Admission Ceremony, Ave Maria School of Law, Naples, Florida. I presided over an admissions ceremony and administered the oath of office to several new members of the Florida Bar. I have no notes, transcript, or recording. The address for Ave Maria School of Law is 1025 Commons Circle Naples, Florida 34119.

September 15, 2023: Judge, Constitution and Citizenship Day Celebration, United States District Court for the Middle District of Florida, Fort Myers, Florida. I presided over a naturalization ceremony in conjunction with a public event celebrating Constitution Day. Following the naturalization ceremony, I read a portion of the Constitution. I have no notes, transcript, or recording. The address for the United States District Court for the Middle District of Florida is United States Courthouse and Federal Building, 2110 First Street, Fort Myers, Florida 33901.

July 13, 2023: Panelist, Webinar "Pro Bono Nuts & Bolts," Florida Bar Association Federal Court Practice Committee. I participated in a panel discussion on serving as pro bono counsel in federal court. I outlined the various avenues to pursue pro bono service throughout Florida and highlighted the funding sources available for reimbursement of

costs incurred by pro bono attorneys. I have no notes, transcript, or recording. The address of the Florida Bar Association is 651 East Jefferson Street, Tallahassee, Florida 32399.

June 22, 2023: Panelist, Federal Judicial Roundtable, Annual Convention, Florida Bar Association, Boca Raton, Florida. I spoke at a roundtable with lawyers and other judges about federal practice and recent issues facing practitioners. I have no notes, transcript, or recording. The address for the Florida Bar Association is 651 East Jefferson Street, Tallahassee, Florida 32399.

June 8, 2023: Speaker, "Appraisals and Automatic Discovery: The Federal Court's Plan for Processing Ian Claims," Southwest Florida Federal Court Bar Association, Fort Myers, Florida. This event introduced a new scheduling order developed in the Fort Myers Division to handle lawsuits stemming from insurance claims following Hurricane Ian. I spoke about the scheduling order's requirements and fielded questions from practitioners. I have no notes, transcript, or recording. The address for the Southwest Florida Federal Court Bar Association is P.O. Box 264, Fort Myers, Florida 33902.

May 18, 2023: Judge, Naturalization Ceremony, United States District Court for the Middle District of Florida, Fort Myers, Florida. I administered the oath of citizenship to 25 applicants for naturalization. In conjunction with the ceremony, I offered general remarks on the role of the federal courts in our constitutional system. I have no notes, transcript, or recording. The address for the United States District Court for the Middle District of Florida is United States Courthouse and Federal Building, 2110 First Street, Fort Myers, Florida 33901.

April 11, 2023: Panelist, "Judicial Panel on SWFL Federal Trial Practice," Southwest Florida Federal Court Bar Association, Naples, Florida. Along with other members of the federal bench from the Fort Myers Division, I discussed insights, tips, and developments in federal trial practice. I also fielded questions from attendees. I have no notes, transcript, or recording. The address for the Southwest Florida Federal Court Bar Association is P.O. Box 264, Fort Myers, Florida 33902.

February 2, 2023: Speaker, "The Nuts & Bolts of the Judicial Internship/Post Graduate Clerkship Application Process," Ave Maria School of Law, Naples, Florida. I spoke to law students about the application process for clerkships and serving as a law clerk. I have no notes, transcript, or recording. The address for Ave Maria School of Law is 1025 Commons Circle Naples, Florida 34119.

January 19, 2023: Judge, Naturalization Ceremony, United States District Court for the Middle District of Florida, Fort Myers, Florida. I administered the oath of citizenship to 25 applicants for naturalization. In conjunction with the ceremony, I offered general remarks on the role of the federal courts in our constitutional system. I have no notes, transcript, or recording. The address for the United States District Court for the Middle District of Florida is United States Courthouse and Federal Building, 2110 First Street, Fort Myers, Florida 33901.

December 2, 2022: Panelist, "Litigation Skills CLE," Florida Bar Association Labor and Employment Section, Tampa, Florida. I participated in a panel discussion covering ethical and effective discovery techniques, with a focus on deposition objections, written discovery, and discovery objections. I also fielded questions from attendees. I have no notes, transcript, or recording. The address for the Florida Bar Association is 651 East Jefferson Street, Tallahassee, Florida 32399.

September 16, 2022: Judge, Constitution and Citizenship Day Celebration, United States District Court for the Middle District of Florida, Fort Myers, Florida. I presided over a naturalization ceremony in conjunction with a public event celebrating Constitution Day. Following the naturalization ceremony, I read a portion of the Constitution. I have no notes, transcript, or recording. The address for the United States District Court for the Middle District of Florida is United States Courthouse and Federal Building, 2110 First Street, Fort Myers, Florida 33901.

September 8, 2022: Speaker, Investiture of the Honorable Kyle C. Dudek as United States Magistrate Judge, United States District Court for the Middle District of Florida, Fort Myers, Florida. Transcript supplied.

July 14, 2022: Judge, Naturalization Ceremony, United States District Court for the Middle District of Florida, Fort Myers, Florida. I administered the oath of citizenship to 20 applicants for naturalization. In conjunction with the ceremony, I offered general remarks on the role of the federal courts in our constitutional system. I have no notes, transcript, or recording. The address for the United States District Court for the Middle District of Florida is United States Courthouse and Federal Building, 2110 First Street, Fort Myers, Florida 33901.

September 10, 2020: Panelist, "28th Annual HR Law & Solutions Seminar," Henderson Franklin Starnes & Holt P.A., Fort Myers, Florida. I participated in a panel discussion on recent developments in employment law, including the expansion of sexual orientation and gender identity protections, the scope and applicability of protections against religious discrimination, the status of pregnancy discrimination laws, and the Equal Pay Act. I also fielded questions from the audience. I have no notes, transcript, or recording. The address for Henderson Franklin Starnes & Holt P.A. is 1715 Monroe Street, Fort Myers, Florida 33901.

March 29, 2019: Speaker, "27th Annual HR Law & Solutions Seminar," Henderson Franklin Starnes & Holt P.A., Fort Myers, Florida. I provided an update on notable court decisions, including cases addressing contentious employment policies and contract provisions. I have no notes, transcript, or recording. The address for Henderson Franklin Starnes & Holt P.A. is 1715 Monroe Street, Fort Myers, Florida 33901.

September 26, 2017: Speaker, "Florida Adjuster's 5 Hours Law and Ethics Course," Henderson Franklin Starnes & Holt P.A., Fort Myers, Florida. I spoke on regulatory issues facing insurance adjusters and insurance companies, such as licensing termination,

ethical duties, advertising, and recordkeeping. I have no notes, transcript, or recording. The address for Henderson Franklin Starnes & Holt P.A. is 1715 Monroe Street, Fort Myers, Florida 33901.

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 copies of the clips or transcripts of these interviews where they are available to you.

Judge Kyle Dudek, 5 Things You Don't Know About Me, Res Gestea, Oct. 2022. Copy supplied.

Henderson Franklin Elects Kyle Dudek Stockholder, Henderson Franklin, Jan. 22, 2021. 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.

On July 1, 2022, I was appointed to be a United States Magistrate Judge in the Fort Myers Division of the United States District Court for the Middle District of Florida. The authority and jurisdiction of a United States Magistrate Judge derives primarily from the Federal Magistrates Act of 1968 (28 U.S.C. §§ 631-639) and is further delineated in the Federal Rules of Criminal and Civil Procedure, particularly Fed. R. Crim. P. 58 and 59 and Fed. R. Civ. P. 72 and 73. I preside over consent jury and bench trials in civil cases and Class A misdemeanors; consent Social Security appeals; and preliminary criminal matters, including initial appearances, preliminary hearings, and detention hearings. I also review and issue search warrants, arrest warrants, and criminal complaints; conduct proceedings on felony guilty pleas; handle a broad range of non-dispositive motions, including discovery motions, motions to withdraw, and motions to strike; and issue reports and recommendations on a full range of dispositive motions referred by the district court. I regularly hold settlement conferences in civil cases that survive dispositive motions.

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

I have presided over 160 civil consent cases that have gone to judgment by way of settlement, dispositive motion, or trial. Only one of those cases has gone to verdict, which is reflected in the percentages below.

i. Of these cases, approximately what percent were:

jury trials:	0%
bench trials:	100%

ii. Of these cases, approximately what percent were:

civil proceedings: 100%
criminal proceedings: 0%

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

A list of citations to my opinions as of May 28, 2025 is provided.

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

1. *Wyse v. Caloosa River, Inc.*, No. 2:23-CV-1083-KCD, 2024 WL 3553297, at *1 (M.D. Fla. July 26, 2024).

Plaintiff, who is deaf, brought this case under the Americans with Disabilities Act, seeking injunctive relief against a boat rental company. He alleged defendant had refused his business because of his disability. The parties consented to my jurisdiction, so I conducted the bench trial. After hearing the evidence, I dismissed the case for lack of standing because plaintiff had not shown he would be affected by the allegedly unlawful conduct in the future—a prerequisite to obtaining the requested relief. No appeal was filed.

Counsel for Plaintiff:

Justin C. Carlin
The Carlin Law Firm, PLLC
1401 East Broward Boulevard, Suite 101
Fort Lauderdale, FL 33301
(954) 440-0901

Counsel for Defendant:

Jason L. Gunter
Gunterfirm
2165 West First Street
Suite 104
Fort Myers, FL 33901
(239) 334-7017

2. *Hutchinson v. Pyros*, No. 2:24-CV-201-KCD, 2024 WL 4025233 (M.D. Fla. Sept. 3, 2024).

In this case, plaintiffs—an attorney and his wife—alleged defendants wrongfully

terminated his employment and broke several commitments (such as to buy the couple a home) after the husband raised concerns about allegedly unlawful conduct in defendants' business. From the start, I was asked to determine whether the law firm representing plaintiffs should be disqualified, since its attorneys had allegedly discussed representing defendants in another matter. I denied the motion, finding Florida's Rules of Professional Conduct did not require disqualification. Soon after, the parties agreed to have me preside over the rest of the case. As the presiding judge, I ruled on requests for protective orders, motions to quash non-party subpoenas, and defendants' motion to dismiss. The parties settled during discovery.

Counsel for Plaintiffs:

Ernest A. Ricci
The Boatman Law Firm, PA
3021 Airport Pulling Road North, Suite 202
Naples, FL 34105
(239) 330-1494

Counsel for Defendants:

Kristina Lynn Marsh
Gordon Rees Scully Mansukhani
100 South Ashley Drive, Suite 1290
Tampa, FL 33602
(813) 444-9700

Elizabeth E. Shuman
Gordon Rees Scully Mansukhani
100 South Ashley Drive, Suite 1290
Tampa, FL 33602
(813) 523-4934

3. *Dero Roofing, LLC v. Triton, Inc.*, 344 F.R.D. 566, 570 (M.D. Fla. 2023).

In this products liability case, plaintiff used defendant's chemical spray to repair roof tiles on several condominium buildings. According to plaintiff, the product did not perform as advertised and caused significant damage. I handled several pretrial motions, including a request to strike plaintiff's damages expert. Although the expert's testimony was essential to plaintiff's case, I granted the motion after determining that the expert's repair estimates did not satisfy Rule 26 of the Federal Rules of Civil Procedure. The case was closed following a notice of settlement.

Counsel for Plaintiff:

Sarah Marie Murray
Murray & Associates PA

1645 Palm Beach Lakes Boulevard. #1210
West Palm Beach, FL 33401
(561) 344-0813

Counsel for Defendants:

Philip Bubb
Fredrikson & Byron
111 East Grand Avenue
Suite 301
Des Moines, IA 50309
(515) 242-8900

4. *Clockwork PH3, LLC v. Clear Blue Specialty Ins. Co.*, No. 2:23-CV-407-SPC-KCD, 2023 WL 6247595, at *1 (M.D. Fla. Sept. 26, 2023).

In this insurance case, plaintiff moved to compel appraisal as allowed under the parties' insurance contract. Defendant responded that plaintiff had not complied with the policy's post-loss conditions, which is a condition precedent to appraisal. The parties' arguments raised an unsettled question about the standard used to determine compliance with post-loss conditions. Following an evidentiary hearing to address factual disputes about plaintiff's actions after the loss, I sent the case to appraisal. The parties later reported a settlement, and the matter was closed.

Counsel for Plaintiff:

David J. Pettinato
Older Lundy Alvarez & Koch
1000 West Cass Street
Tampa, FL 33606
(813) 254-8998

Counsel for Defendant:

Gina Sciortino Glasgow
Glasgow Law Firm
941 West Morse Boulevard, Suite 100
Winter Park, FL 32789
(407) 347-6464

5. *United States v. Colon-Ocasio*, No. 23-cr-41-TPB-KCD (M.D. Fla.).

In this multi-count felony case, defendant was charged with possession of child pornography and related charges. With the parties' consent, I presided over jury selection. The process was challenging given the nature of the charges and the personal feelings of several jurors. After taking care to ensure the juror's statements and counsel's

objections did not taint the process, I was able to seat a jury. Defendant was found guilty after a multi-day trial. Defendant filed an appeal, which remains pending.

Counsel for United States:

Yolande G. Viacava
United States Attorney's Office for the Middle District of Florida
2110 First Street
For Myers, FL 33901
(239) 461-2200

Counsel for Defendant:

Allen S. Kaufman
Law Offices of Allen S. Kaufman, PA, Suite A-150
950 South Pine Island Road
Plantation, FL 33324
(954) 727-8165

6. *Warrington v. Patel*, No. 2:22-CV-77-JES-KCD, (M.D. Fla.). Decisions supplied.

This case concerns a shareholder dispute. Plaintiff sought to sell his minority interest in the company but was allegedly refused access to the company's financial records to value his shares. He also claims to have discovered fraud and self-dealing by the company's majority shareholder. The case has been highly contentious, requiring me to take an active role in managing discovery. To date, I have issued nearly thirty orders of varying complexity and held over fifteen hours of oral argument. The case remains pending.

Counsel for Plaintiff:

Francis Caruso
C&A Advisory
9595 Six Pines Drive, Suite 8210
Spring, TX 77380
(512) 566-2637

Jose Antonio Ortiz
Homer Bonner Jacobs Ortiz
1441 Brickell Avenue, Suite 1200
Miami, FL 33131
(305) 779-8100

Counsel for Defendants:

Alex R. Figares
Coleman, Yovanovich & Koester, PA

4001 Tamiami Trail North, Suite 300
Naples, FL 34103
(239) 682-3242

Michael J. Edney
Hunton Andrews Kurth LLP
2200 Pennsylvania Avenue, NW
Washington, DC 20037
(202) 778-2204

7. *Davis v. Evanston Ins. Co.*, 644 F. Supp. 3d 1009 (M.D. Fla. 2022).

This case grew out of a personal injury lawsuit where plaintiff obtained a judgment against a tortfeasor in state court. To satisfy the judgment, plaintiff brought supplementary proceedings against the tortfeasor's insurance company. Because it was located outside Florida, the insurance company removed the case to federal court citing diversity jurisdiction. Plaintiff moved for remand, which presented the novel question of whether the initiation of proceedings supplementary against a diverse defendant can trigger federal jurisdiction. After thorough briefing, I remanded the case because the removal statute (28 U.S.C. § 1441) only covers claims that could have been brought under the court's original jurisdiction, which does not encompass proceedings supplementary. The district court upheld my order over defendant's objections.

Counsel for Plaintiff:

Alexander Brockmeyer
Boyle & Leonard PA
9111 West College Pointe Drive
Fort Myers, FL 33919
(239) 337-1303

Counsel for Defendant:

Francesco J. Palanda
Hinshaw & Culbertson, LLP
2811 Ponce de Leon Boulevard, Suite 1000
Coral Gables, FL 33134
(305) 428-5027

8. *Las Brisas Condo. Homes Condo. Ass'n, Inc. v. Empire Indem. Ins. Co.*, No. 2:21-CV-41-KCD, (M.D. Fla.). Decisions supplied.

This insurance bad-faith case arose from Hurricane Irma. Plaintiff suffered roof damage during the storm, and its insurer allegedly delayed the adjustment process and mishandled the claim. The parties consented to my jurisdiction after several contentious discovery hearings. Both parties moved for summary judgment and filed evidentiary motions that I

addressed through substantive orders. The parties ultimately resolved the case a few days before trial.

Counsel for Plaintiff:

Shaun J. Marker
Merlin Law Group
One North Clematis Street, Suite 510
West Palm Beach, FL 33401
(561) 855-2120

Robert H. Gregory, III
Merlin Law Group
One North Clematis Street
Suite 510
West Palm Beach, FL 33401
(561) 855-2120

Counsel for Defendant:

Edward Noah Krakauer
Galloway, Johnson, Tompkins, Burr & Smith
110 East Broward Boulevard, Suite 1890
Fort Lauderdale, FL 32502
(954) 951-2200

9. *Bartholomew v. Lowe's Home Centers, LLC*, No. 2:19-CV-695-JLB-KCD (M.D. Fla.). Decisions supplied.

This class action was brought after defendant changed the compensation structure of its sales associates to eliminate commissions. According to plaintiffs, the new pay scale discriminated against older associates. I addressed a motion disputing the adequacy of defendant's privilege log. The parties then consented to my jurisdiction for the remainder of the case, which included approving a proposed collective under the Age Discrimination in Employment Act and reviewing the parties' eventual settlement.

Counsel for Plaintiffs:

John Paul Salas
Salas Law Firm, P.A.
2601 East Oakland Boulevard, Suite 406
Fort Lauderdale, FL 33306
(305) 807-7765

Counsel for Defendant:

Elena D. Marcuss
McGuire Woods LLP
500 East Pratt Street, Suite 1000
Baltimore, MD 21202
(410) 659-4454

10. *Schwartz v. ADP, Inc.*, No. 2:21-CV-283-SPC-KCD (M.D. Fla.). Decisions supplied.

Plaintiff sued his former employer for allegedly hacking his personal accounts and intercepting emails and other communications. After addressing several discovery motions, I conducted a settlement conference with the parties that was unsuccessful. Defendant ultimately prevailed on summary judgment and sought attorneys' fees. I issued a report and recommendation denying defendant's fee request. The district judge adopted my recommendation.

Counsel for Plaintiff:

Robert Henry Goodman
Parrish & Goodman, PLLC
13031 McGregor Boulevard, Suite 8
Fort Myers, FL 33919
(813) 643-4529

Counsel for Defendant:

Christopher B. Hopkins
Hopkins PA
516 South Dixie Highway, Suite 227
West Palm Beach, FL 33401
(561) 635-3397

Craig Stuart Distel
McDonald Hopkins LLC
501 South Flagler Drive, Suite 200
West Palm Beach, FL 33401
(561) 472-2121

d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.

1. *Geico Marine Ins. Co. v. Amzim Marine Servs.*, LLC, 641 F. Supp. 3d 1292 (M.D. Fla. 2022)

Counsel for Plaintiff:

Robert Mark Borak
Spector Rubin, PA, Suite 405
3250 Mary Street
Miami, FL 33133
(305) 537-2006

Counsel for Defendants:

Marcus Mahfood
Chartwell Law Offices, LLP
100 SE 2nd Street, Suite 2150
Miami, FL 33131
(305) 372-9044

Krista Fowler Acuna
Hamilton Miller & Birthisel, LLP
150 SE 2nd Avenue, Suite 1200
Miami, FL 33131
(305) 379-3686

2. *Davis v. Evanston Ins. Co.*, 644 F. Supp. 3d 1009 (M.D. Fla. 2022)

Counsel for Plaintiff:

Alexander Brockmeyer
Boyle & Leonard PA
9111 West College Pointe Drive
Fort Myers, FL 33919
(239) 337-1303

Counsel for Defendant:

Francesco J. Palanda
Hinshaw & Culbertson, LLP
2811 Ponce de Leon Boulevard
Coral Gables, FL 33134
(305) 428-5027

3. *Warrington v. Patel*, No. 2:22-CV-77-JES-KCD, 2025 WL 785155 (M.D. Fla. Mar. 12, 2025)

Counsel for Plaintiff:

Francis Caruso

C&A Advisory
9595 Six Pines Drive, Suite 8210
Spring, TX 77380
(512) 566-2637

Jose Antonio Ortiz
Homer Bonner Jacobs Ortiz
1441 Brickell Avenue, Suite 1200
Miami, FL 33131
(305) 779-8100

Counsel for Defendants:

Alex R. Figares
Coleman, Yovanovich & Koester, PA
4001 Tamiami Trail North, Suite 300
Naples, Florida 34108
(239) 682-3242

Michael J. Edney
Hunton Andrews Kurth LLP
2200 Pennsylvania Avenue, NW
Washington, DC 20037
(202) 778-2204

4. *McFalls v. NCH Healthcare Sys., Inc.*, No. 2:23-CV-572-SPC-KCD, 2025 WL 714143 (M.D. Fla. Feb. 18, 2025)

Counsel for Plaintiffs:

Anna P. Prakash
Nichols Kaster, PLLP
4600 IDS Center
80 South Eighth Street, Suite 4700
Minneapolis, MN 55402
(612) 256-3291

Brian W. Warwick
Varnell and Warwick PA
400 North Ashley Drive, Suite 1900
Tampa, FL 33602
(352) 753-8600

Counsel for Defendants:

Christopher Carlton Johnson

FordHarrison LLP
401 East Jackson Street, Suite 2500
Tampa, FL 33602
(813) 261-7800

Melany Hernandez
Ford Harrison, LLP, Suite 2500
401 East Jackson Street
Tampa, FL 33602
(813) 261-7800

5. *Hutchinson v. Pyros*, No. 2:24-CV-201-KCD, 2024 WL 4025233 (M.D. Fla. Sept. 3, 2024)

Counsel for Plaintiffs:

Ernest A. Ricci
The Boatman Law Firm, PA
3021 Airport Pulling Rd North, Suite 202
Naples, FL 34105
(239) 330-1494

Counsel for Defendants:

Kristina Lynn Marsh
Gordon Rees Scully Mansukhani
100 South Ashley Drive, Suite 1290
Tampa, FL 33602
(813) 444-9700

Elizabeth E. Shuman
Gordon Rees Scully Mansukhani
100 South Ashley Drive, Suite 1290
Tampa, FL 33602
(813) 523-4934

6. *Tracy v. Comm'r of Soc. Sec.*, No. 2:23-CV-415-JES-KCD, 2024 WL 2874648 (M.D. Fla. Apr. 30, 2024)

Counsel for Plaintiff:

Sarah Elizabeth Atkins
Martin, Jones, & Piemonte
123 North McDonough Street
Decatur, GA 30030
(404) 373-3116

Counsel for Defendant:

Jill Simone Periera Cain
6401 Security Boulevard
1520 Annex
Baltimore, MD 21235
(404) 562-1075

7. *Wilcox v. TMCFM, Inc.*, No. 2:22-CV-349-JLB-KCD, 2023 WL 6376384 (M.D. Fla. Sept. 29, 2023)

Counsel for Plaintiff:

Benjamin H. Yormak
Yormak Employment & Disability Law
27200 Riverview Center Boulevard, Suite 109
Bonita Springs, FL 34134
(239) 985-9691

Counsel for Defendant:

Jason L. Gunter
Gunterfirm
2165 West First Street, Suite 104
Fort Myers, FL 33901
(239) 334-7017

8. *Graziano v. Jeffrey S. Schelling, P.A.*, No. 2:22-CV-34-SPC-KCD, 2023 WL 8004431 (M.D. Fla. Nov. 17, 2023)

Counsel for Plaintiff:

Scott Randall Rost
Brennan, Manna & Diamond, P.L.
255 South Orange Avenue, Suite 700
Orlando, FL 32801
(407) 634-4590

Michael Keith Blankenship
Da Vinci's Notebook, LLC
9000 Mike Garcia Drive
No. 52
Manassas, VA 20109
(703) 581-9562

Counsel for Defendant:

Richard J. Hollander
Miller, Hollander & Jeda
5278 Golden Gate Parkway, Suite 2
Naples, FL 34116
(239) 775-2000

9. *In re Alpine Partners (BVI) L.P.*, No. 2:24-MC-5-SPC-KCD, 2024 WL 2868393 (M.D. Fla. Apr. 15, 2024)

Counsel for Petitioner:
Duane L. Loft
Pallas Partners (US) LLP
75 Rockefeller Plaza
New York, NY 10019
(212) 970-2300

Lawrence Joseph Dougherty
Johnson Pope Bokor Ruppel & Burns LLP
400 North Ashley Drive, Suite 3100
Tampa, FL 33602
(813) 225-2500

Counsel for Respondent:

Brandt Henslee
Freshfields Bruckhaus Deringer US LLP
3 World Trade Center
175 Greenwich Street, 51st Floor
New York, NY 10007
(212) 284-4979

Brian C. Porter
Greenberg Traurig, P.A
101 East Kennedy Boulevard, Suite 1900
Tampa, FL 33602
(352) 246-8248

10. *DAK Prop. Holdings, Inc. v. Indep. Specialty Ins. Co.*, No. 2:23-CV-497-SPC-KCD, 2023 WL 5748473 (M.D. Fla. Aug. 2, 2023)

Counsel for Plaintiff:

David Benjamin
DeMiles Law

2700 North 29th Avenue, Suite 106
Hollywood, FL 33020
(954) 367-6029

James Angelo DeMiles
DeMiles Law
2700 North 29th Avenue, Suite 106
Hollywood, FL 33020
(954) 367-6029

Counsel for Defendants:

Wesley Christian Page
Rolfes Henry Co., LPA
3165 McCrory Place, Suite 174
Orlando, FL 32803
(407) 284-4990

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

I know of no cases where 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.

Riley v. Marceno, No. 2:23-cv-981-JLB-KCD, 2024 U.S. Dist. LEXIS 115692, at *2 (M.D. Fla. July 1, 2024), *report and recommendation adopted in part and rejected in part* 2024 U.S. Dist. LEXIS 159639 (M.D. Fla. Sep. 5, 2024). Plaintiff brought this civil rights lawsuit after he was arrested for drug possession, but the case was dismissed because the drugs were planted by an angry neighbor with the help of a sheriff's deputy. In addition to the deputy, plaintiff sued the sheriff, who moved to dismiss the complaint on numerous grounds. The sheriff's motion to dismiss was referred to me, and pertinent here, I recommended that plaintiff's false arrest and unlawful seizure claims should survive because he had alleged sufficient facts to establish liability under a ratification theory. I relied on a published decision from the Sixth Circuit that addressed a similar factual scenario. The district court judge rejected that portion of my report and recommendation, concluding the Eleventh Circuit requires more than the facts alleged.

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

As a United States Magistrate Judge, many of my opinions are not selected for publication. I estimate that in my several years as a judge, I have issued about 300

unreported opinions, representing approximately 35 percent of my total opinions. All reported and unreported decisions I have issued are filed and stored on CM/ECF, the federal court Case Management/Electronic Case Files system. Also, if I rule from the bench on a motion, a docket entry reflecting that ruling is entered in CM/ECF.

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 never sat by designation on a federal court of appeals.

14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;

b. a brief description of the asserted conflict of interest or other ground for recusal;

c. the procedure you followed in determining whether or not to recuse yourself;

d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

As a United States Magistrate Judge, I have sought to comply with the recusal statute (28 U.S.C. § 455) and Code of Conduct for United States Judges. If required by law, or to ensure impartiality and the appearance of impartiality by the court, I disclose any potential conflict and recuse myself. My court does not use an automatic recusal system, so I review each case that is assigned to me. I also continue to review cases as they proceed to determine whether a conflict has arisen.

In all of the cases where I have recused myself, I have done so because I owned stock in a party, had a personal conflict, worked on the case as a lawyer, or my former colleagues

were counsel of record. I have voluntarily recused myself in the following matters:

Scoma Chiropractic, P.A. v. National Spine and Pain Centers LLC, 2:20-cv-430-JLB-NPM (M.D. Fla.)

Ramirez v. The City of Fort Myers, Fla., No. 2:21-cv-651-NPM (M.D. Fla.)

Garcia Hembree v. Rojas, No. 2:22-cv-562-SPC-NPM (M.D. Fla.)

Dame v. Wal-Mart Stores East, LP, No. 2:22-cv-656-JLB-NPM (M.D. Fla.)

Cruz v. Wal-Mart Stores East, LP, No. 2:22-cv-693-SPC-NPM (M.D. Fla.)

Laporta v. Wal-Mart Stores East, LP, No. 2:22-cv-720-JLB-NPM (M.D. Fla.)

Avila v. Wal-Mart Stores East, LP, No. 2:22-cv-723-SPC-NPM (M.D. Fla.)

Justice v. Wal-Mart Stores East, LP, No. 2:22-cv-589-SPC-NPM (M.D. Fla.)

Maimoni v. Wal-Mart Stores East, LP, No. 2:22-cv-436-SPC-NPM (M.D. Fla.)

4075 Edison St., LLC v. Beacon Sales Acquisition, Inc., No. 2:22-cv-688-JLB-NPM (M.D. Fla.)

Hernandez v. Walmart Stores East LP, No. 2:22-cv-710-JLB-NPM (M.D. Fla.)

Agile Journeys LLC v. The Walt Disney Company, No. 2:22-cv-766-SPC-NPM (M.D. Fla.)

Shaw v. The Lee County Sheriff Dept., No. 2:22-cv-791-SPC-NPM (M.D. Fla.)

Shaw v. Healthpark Medical Center LLC, No. 2:22-cv-798-SPC-NPM (M.D. Fla.)

Gilbert v. Walmart Stores East, LP, No. 2:23-cv-4-JLB-NPM (M.D. Fla.)

Levitsky v. Sam's East, Inc., No. 2:23-cv-177-SPC-NPM (M.D. Fla.)

Naines et al v. First Protective Insurance Company, No. 2:23-cv-194-JLB-NPM (M.D. Fla.)

Contreras v. Walmart Stores East, LP, No. 2:23-cv-208-SPC-NPM (M.D. Fla.)

Neal v. Walmart Stores East, LP, No. 2:23-cv-229-JES-NPM (M.D. Fla.)

Walker v. Blaze, No. 2:22-cv-414-SPC-NPM (M.D. Fla.)

Oswald v. Diggs, No. 2:22-cv-247-SPC-NPM (M.D. Fla.)

Losito v. First Protective Insurance Company, No. 2:23-cv-210-JLB-NPM (M.D. Fla.)

Kerekes v. Walmart Stores East, LP, No. 2:23-cv-243-SPC-NPM (M.D. Fla.)

Duran v. Walmart Stores East, LP, No. 2:23-cv-327-JLB-NPM (M.D. Fla.)

Younger v. Molson Coors Beverage Company, No. 2:23-cv-344-JLB-NPM (M.D. Fla.)

Desimone et al v. First Protective Insurance Company, No. 2:23-cv-392-SPC-NPM (M.D. Fla.)

Carpio et al v. First Protective Insurance Co., No. 2:23-cv-421-JLB-NPM (M.D. Fla.)

Blanchard v. Southern-Owners Insurance Company, No. 2:23-cv-585-JLB-NPM (M.D. Fla.)

McCluskey v. Walmart Stores East, LP, No. 2:23-cv-594-JLB-NPM (M.D. Fla.)

Florida Gas Transmission Company, LLC v. Clemons, No. 2:23-cv-611-JLB-NPM (M.D. Fla.)

Florida Gas Transmission Company, LLC v. +/- 1.211 Acres of Land in Charlotte County, Florida, No. 2:23-cv-612-SPC-NPM (M.D. Fla.)

Florida Gas Transmission Company, LLC v. +/- 2.523 Acres of Land in Charlotte County, Florida, No. 2:23-cv-613-SPC-NPM (M.D. Fla.)

Patterson v. Walmart Stores East, LP, No. 2:23-cv-632-SPC-NPM (M.D. Fla.)

Etienne v. Auto Owners Insurance Company, No. 2:23-cv-681-JLB-NPM (M.D. Fla.)

Peralta-Najera v. Sam's East, Inc., No. 2:23-cv-681-JLB-NPM (M.D. Fla.)

James v. Walmart Stores East, LP, No. 2:23-cv-743-JLB-NPM (M.D. Fla.)

Carlson v. Walmart Stores East, LP, No. 2:23-cv-759-JLB-NPM (M.D. Fla.)

Levine v. Walmart Stores East, LP, No. 2:23-cv-837-JES-NPM (M.D. Fla.)

Mack v. Walmart Stores East, LP, No. 2:23-cv-860-JLB-NPM (M.D. Fla.)

Antoine v. ESPN Enterprises, Inc., No. 2:23-cv-887-JLB-NPM (M.D. Fla.)

Shave v. Southern-Owners Insurance Company, No. 2:23-cv-949-SPC-NPM (M.D. Fla.)

Knouse et al v. Sam's East, Inc., No. 2:23-cv-1054-SPC-NPM (M.D. Fla.)

Gaines v. Auto-Owners Insurance Company, No. 2:23-cv-1155-JES-NPM (M.D. Fla.)

Smitherman v. Quaintance, No. 2:23-cv-1185-JES-NPM (M.D. Fla.)

Joe v. Walmart Stores East, LP, No. 2:23-cv-1191-JLB-NPM (M.D. Fla.)

Holcomb et al v. Safety Specialty Insurance Company, No. 2:24-cv-181-JES-NPM (M.D. Fla.)

Roberson v. Sam's East, Inc., No. 2:24-cv-208-JLB-NPM (M.D. Fla.)

Feeley-Welch v. Wal-Mart Stores East, LP, No. 2:24-cv-226-JLB-NPM (M.D. Fla.)

Brannan v. The School Board of Collier Cnty. Fla., No. 2:24-cv-590-JES-NPM (M.D. Fla.)

Ayala et al v. Lee County Sheriff Department, No. 2:24-cv-1166-SPC-NPM (M.D. Fla.)
Corbett v. Vargas, No. 2:25-cv-132-JLB-NPM (M.D. Fla.)

A search of the court's records revealed four cases where a party sought my recusal based on my experience as a private attorney or because of dissatisfaction with an order. I declined to recuse myself in each because there was no statutory or ethical basis to do so:

Saito v. Lewis, No. 2:23-cv-266-SPC-KCD (M.D. Fla.). The pro se plaintiffs sought my recusal because they believed I was biased based on prior rulings against them. I declined to recuse myself, citing case law that establishes dissatisfaction with rulings is an insufficient basis for recusal.

Corbin v. Prummell, No. 2:22-cv-394-JES-KCD (M.D. Fla.). The plaintiff sought my recusal based on my history of having defended law enforcement officers and municipalities in other civil rights cases before taking the bench. I declined to recuse myself, citing case law that prior knowledge of legal issues or a particular practice area is not a ground for recusal. The district judge upheld my recusal order.

Saito v. Collier Cnty. Municipal Corp., No. 2:22-cv-740-JLB-KCD (M.D. Fla.). The pro se plaintiffs sought my recusal because they believed I was biased based on prior rulings against them. I declined to recuse myself, citing case law that establishes dissatisfaction with rulings is an insufficient basis for recusal.

Noshirvan v. Couture, No. 2:23-cv-1218-JES-JCD (M.D. Fla.). A non-party sought my recusal because of rulings made during an oral hearing. I did not address the motion because the district judge struck it as frivolous.

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

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

I have not held public office other than the judicial position I currently occupy.

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

I have not held office in a political party or campaign. In 2020, I volunteered on the congressional campaign of Randy Henderson, who ran in the Republican primary for Florida District 19. I stuffed envelopes, manned phone lines, and occasionally hand-delivered campaign literature.

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

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

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

I served as a law clerk to the Honorable G. Steven Agee on the United States Court of Appeals for the Fourth Circuit from 2014 to 2016.

I served as a law clerk to the Honorable James C. Cacheris on The United States District Court for the Eastern District of Virginia, Alexandria Division from 2013 to 2014.

I served as a law clerk to the Honorable Jonathan Thacher on the 19th Judicial Circuit of Virginia from 2010 to 2011.

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

I have never practiced law alone.

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

2016 – 2022
Henderson Franklin Starnes & Holt P.A.
1715 Monroe Street
Fort Myers, Florida 33901
Partner (2021 – 2022)
Associate (2016 – 2021)

2019 – 2020
Ave Maria School of Law
1025 Commons Circle
Naples, Florida 34119
Adjunct Professor

2011 – 2012
McGuireWoods, LLP
1750 Tysons Boulevard, Suite 1800
Tysons, Virginia 22102
Associate

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 never served as a mediator or arbitrator in alternative dispute resolution proceedings while in private practice.

b. Describe:

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

From 2016 until my appointment as a United States Magistrate Judge, I worked as a private lawyer at Henderson Franklin Starnes & Holt P.A. in Fort Myers, Florida. My practice focused on defending civil rights lawsuits brought under 42 U.S.C. § 1983. I litigated claims involving the First, Fourth, Fifth, Eighth, and Fourteenth Amendments to the United States Constitution. I also defended employment-related claims under Title VII and the ADA.

The nature of my practice required involvement from a case's inception to conclusion. I drafted dispositive, pretrial, and post-trial motions. I also conducted initial client interviews, met with opposing counsel to prepare case management reports, drafted discovery, took and defended depositions, reviewed expert reports, participated in mediations, appeared for court proceedings, and took cases to trial when necessary.

My time at Henderson Franklin included appellate work. I brought and defended appeals before the United States Court of Appeals for the Eleventh Circuit and Florida appellate courts. Issues I litigated on appeal included qualified immunity for individual government officers, summary judgment on supervisory claims against police departments, and preliminary injunctions involving free speech rights under the First Amendment.

I also worked in private practice from 2011 to 2012 as a litigation associate at McGuireWoods LLP. My practice group primarily represented businesses involved in commercial disputes. The cases I worked on involved various fields of law, including employment, fraud, breach of fiduciary duty, trade secrets, partnership disputes, and shareholder derivative actions. My assignments typically encompassed discovery disputes, but I also assisted in drafting dispositive motions and attending hearings.

The rest of my legal career, which covers 2010 through 2011 and 2012 through 2016, I served as a judicial law clerk. In these roles I conducted legal research, drafted memoranda, and assisted in preparing judicial opinions. My trial court clerkships also included frequent time observing civil and criminal trials.

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

In private practice, my typical clients were local governments, public officials, police officers, and prison guards sued for civil rights violations. I also represented small businesses and corporations in employment-related matters. Most of my work was defense, but I also occasionally represented plaintiffs in business disputes.

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

My entire career has been spent in litigation. I frequently appeared in federal court for civil rights cases. My court appearances ranged from attending preliminary pretrial conferences to arguing motions for summary judgment and preliminary injunctions.

i. Indicate the percentage of your practice in:

1.	federal courts:	70%
2.	state courts of record:	25%
3.	other courts:	0%

4. administrative agencies: 5%

ii. Indicate the percentage of your practice in:

1. civil proceedings: 100%
2. criminal proceedings: 0%

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

I have tried six cases to verdict. I was sole counsel in one, chief counsel in one, and associate counsel in four.

i. What percentage of these trials were:

1. jury: 67%
2. non-jury: 33%

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

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

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

a. the date of representation;

b. the name of the court and the name of the judge or judges before whom the case was litigated; and

c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

1. *Harris v. Wingo*, No. 2:18-cv-17-JES-MRM (M.D. Fla., Judge John Steele), *aff'd*, 2023 WL 3221640 (11th Cir. May 3, 2023) (Circuit Judges Adalberto J. Jordan, Elizabeth L. Branch, and Jill A. Pryor)

Plaintiff brought this civil rights suit against several law enforcement officers after he was detained for trespassing outside a storage facility. The complaint included claims for

false arrest, First Amendment retaliation, and excessive force. I was co-counsel for one of the officers and spearheaded the discovery process. I also handled summary judgment briefing and an interlocutory appeal to the Eleventh Circuit. The case eventually proceeded to a three-day jury trial. I drafted several pre-trial motions in limine, prepared jury instructions, and questioned witnesses during trial. The jury returned a defense verdict, which I successfully defended on appeal as chief appellate counsel. The dates of my representation were 2018 to 2022.

Opposing Counsel:

Dawn L. Drellos-Thompson
Compass Law Firm, PA
9990 Coconut Road, Suite 210
Bonita Springs, FL 34135
(239) 390-1295

Colleen J. MacAlister
Law Offices of Colleen J. MacAlister, PA
5051 Castello Drive, Suite 217
Naples, FL 34103
(239) 262-3760

Co-Counsel:

Robert C. Shearman, Esq.
410 Keenan Avenue
Fort Myers, FL 33919
(239) 841-9240

Bruce R. Bogan
Hilyard, Bogan & Palmer, PA
105 East Robinson Street, Suite 201
Orlando, FL 32802
(407) 425-4251

2. *Thorkelson v. Marceno*, No. 2:19-CV-263-FTM-38-MRM (Judge Sheri Polster Chappell), 2020 WL 4428474, at *4 (M.D. Fla. July 31, 2020), *aff'd*, 849 F. App'x 879 (11th Cir. 2021) (Circuit Judges William H. Pryor, Jr., Charles R. Wilson, and Barbara Lagoa)

This case stemmed from an officer-involved shooting. Following an hour-long standoff between plaintiff and sheriff deputies, plaintiff emerged from her home with a rifle. A nearby officer shot and killed her. It was then discovered that she was holding a BB-gun. Plaintiff's estate brought claims for excessive force and battery. I represented the sheriff and several deputies. Discovery included numerous depositions and technical experts to recreate the shooting. The case was eventually dismissed on summary judgment. I drafted

the prevailing brief and defended the ruling on appeal to the Eleventh Circuit. The dates of my representation were 2019 to 2021.

Opposing Counsel:

Stuart N. Kaplan
The Law Offices of Stuart N Kaplan, P.A.
3399 PGA Boulevard, Suite 150
Palm Beach Gardens, FL 33410
(561) 296-7900

Co-Counsel:

Robert C. Shearman, Esq.
410 Keenan Avenue
Fort Myers, FL 33919
(239) 841-9240

3. *Clewiston Commons LLC v. City of Clewiston*, No. 2:18-CV-339-JLB-NPM (M.D. Fla.) (Sheri Polster Chappell, United States District Judge, John L. Badalamenti, United States District Judge (on re-assignment)); *Clewiston Commons LLC v. City of Clewiston*, No. 262021CA000305 (Hendry Ct. Cir. Ct.) (James D. Sloan, Circuit Court Judge)

This dispute involved a city's efforts to shut down plaintiff's mobile home park for violating its zoning laws. The case started in federal court, but after years of discovery and dispositive motion practice, it was paused for the parties to exhaust administrative remedies in state court. I represented the city and was responsible for drafting and arguing the city's substantive motions, which included defending against a preliminary injunction. I also acted as chief counsel in a three-day trial before a special magistrate, and an appeal of that decision in state court. The case ultimately settled after an unfavorable summary judgment ruling for plaintiff once the case returned to federal court. The dates of my representation were 2018 to 2022.

Opposing Counsel:

Karen Berger
Office of the Attorney General
110 SE 6th Street, Floor 10
Fort Lauderdale, FL 33301
(954) 712-4600

Yasir Billoo
International Law Partners LLP
2122 Hollywood Boulevard
Hollywood, Florida 33020
(954) 374-7722

Co-Counsel:

Richard Barton Akin , II
Henderson, Franklin, Starnes & Holt, P.A.
1715 Monroe Street
Fort Myers, FL 33901
(239) 344-1182

4. *Pass-A-Grille Beach Cmty. Church, Inc. v. City of St. Pete Beach*, Fla., 515 F. Supp. 3d 1226 (M.D. Fla. 2021) (Judge Thomas P. Barber)

I represented the city in this case brought under the Religious Land Use and Institutionalized Persons Act (RLUIPA). Plaintiff, who operated a church adjacent to Pass-A-Grille beach, claimed it was entitled to a religious exemption from the city's ordinance that prohibited using the property as a public parking lot. Plaintiff allowed beach parking on the weekends and collected donations for the service. The case presented a difficult question about whether the city could apply a neutral law of general applicability against the church. I defended the city against plaintiff's request for a preliminary injunction, which included drafting a substantive response brief and appearing for oral argument. The case eventually settled. The dates of my representation were 2018 to 2022.

Opposing Counsel:

Lawrence Opalewski
Dalton & Tomich, PLC
The Chrysler House
719 Griswold Street
Detroit, MI 48226
(313) 859-6000

Daniel P. Dalton
Dalton & Tomich, PLC
The Chrysler House
719 Griswold Street
Detroit, MI 48226
(313) 859-6000

Co-Counsel:

Robert C. Shearman, Esq.
410 Keenan Avenue
Fort Myers, FL 33919
(239) 841-9240

5. *Estate of Esteban Manuel Ernesto v. Gulf Coast Farms, Inc.*, 16-CA-204 (Lee Cty. Cir. Ct. 2019) (Judge Keith R. Kyle), *aff'd*, No. 2D2020-0598 (Fla. 2d DCA 2021)

I served as co-counsel for defendant in this wrongful death case stemming from a farming accident. I drafted several dispositive motions that narrowed the claims plaintiff could raise. Following a five-day trial, the jury entered judgment for defendant. My role at trial included questioning witnesses, raising evidentiary objections, and oral argument on jury instructions. I also defended the judgment on appeal, authoring the merits brief before the Florida appellate court. The dates of my representation were 2019 to 2021.

Opposing Counsel:

Brent L. Probinsky
Probinsky & Cole
3414 Magic Oak Lane
Sarasota, FL 34232
(941) 371-8800

Co-Counsel:

John M. Miller
Boy Agnew Potanovic Miller PLLC
23 Barkley Circle
Fort Myers, FL 33907
(239) 208-6542

6. *Chaikin v. Parker Waichman LLP*, 253 So. 3d 640 (Fla. 2d DCA 2017) (Judges Edward C. LaRose, Douglas A. Wallace, Nelly Khouzam)

I served as appellate counsel challenging the trial court's order sending defendant's counterclaims to arbitration. The issue presented was whether plaintiff waived the right to compel arbitration because its complaint included claims covered by the arbitration clause it later sought to invoke against defendant. The appeals court agreed with my argument that by pursuing relief in the trial court based on the contract with the arbitration clause, plaintiff waived its right to compel arbitration of all related claims. I drafted the merits brief and defended the decision on certiorari to the Florida Supreme Court. The dates of my representation were 2016 to 2022.

Opposing Counsel:

Michael T. Landen
Kluger Katzen Silverman Katzen & Levine
201 South Biscayne Boulevard, 27th Floor
Miami, FL 33131
(305) 379-9000

Co-Counsel:

Traci T. McKee
Faegre Drinker Biddle & Reath LLP
1500 Jackson Street
Fort Myers, FL 33901-2939
(239) 286-6910

7. *Andrews v. Marshall*, No. 2:16-CV-814-FTM-SPC-MRM, 2019 WL 11638833, at *1 (M.D. Fla. May 8, 2019) (Judge Sheri Polster Chappell), *aff'd*, 845 F. App'x 849 (11th Cir. 2021) (Circuit Judges William H. Pryor, Jr., Charles R. Wilson, and Barbara Lagoa)

Plaintiff brought this civil rights suit following a traffic stop where she was arrested after refusing to identify herself or answer questions. She argued, among other things, that the officers lacked probable cause to question her. She also claimed the officers admitted the stop was retaliatory. Plaintiff's allegations presented a noteworthy question about the role of the officers' subjective beliefs in assessing probable cause. I represented the officers and prevailed on summary judgment. I also defended the trial court order on appeal. The dates of my representation were 2016 to 2021.

Opposing Counsel:

James Roscoe Tanner
Tanner Law Group PLLC
P.O. Box 130662
Tampa, FL 33681
(813) 322-3565

Kennan George Dandar
Dandar & Dandar, Esq.
P.O. Box 24597
Tampa, FL 33623
(813) 289-3858

Co-Counsel:

Robert C. Shearman, Esq.
410 Keenan Avenue
Fort Myers, FL 33919
(239) 841-9240

8. *Pinto v. Rambosk*, No. 2:19-CV-551-JLB-MRM, 2021 WL 3406253 (M.D. Fla. Aug. 4, 2021) (Judge John L. Badalmenti), *aff'd sub nom. Pinto v. Collier Cnty.*, No. 21-13064, 2022 WL 2289171 (11th Cir. June 24, 2022)

This civil rights case concerned allegations of excessive force and selective enforcement.

I represented two sheriff deputies who arrested plaintiff outside a nightclub. According to plaintiff, he was targeted because of his ethnicity despite doing nothing wrong. The record was dense, with multiple witness statements unfavorable to the deputies. But using surveillance footage, we were to show that plaintiff was arguing with a bouncer before his apprehension, thus creating probable cause for the deputies to intervene. The case was dismissed on summary judgment. I drafted the summary judgment brief and successfully defended the trial court's ruling on appeal. The dates of my representation were 2019 to 2022.

Opposing Counsel:

Victor Adam Ruiz
Victor A. Ruiz, P.A
8660 West Flagler Street, Suite 100
Miami, FL 33144
(305) 7784445

Samuel Christopher DePaola
Sim & DePaola, LLP
42-40 Bell Boulevard, Suite 405
Bayside, NY 11361
(718) 281-0400

Co-Counsel:

Robert C. Shearman, Esq.
410 Keenan Avenue
Fort Myers, FL 33919
(239) 841-9240

9. *Ware v. City of Fort Myers*, No. 2:19-cv-148-SPC-UAM (M.D. Fla. June 10, 2019) (Judge Sheri Polster Chappell)

Plaintiff brought this civil rights case after his guilty plea to a drug charge was vacated because of undisclosed impeachment evidence. He claimed that defendants violated the Constitution when they withheld the impeachment evidence, thus triggering civil liability. The district court rejected plaintiff's theory, agreeing with my argument that there is no constitutional requirement for the government to disclose impeachment evidence in advance of a guilty plea. I drafted the prevailing motion to dismiss. The dates of my representation were 2019 to 2020.

Opposing Counsel:

Elroy Marcel John, Jr.
Florida Justice Law Firm, PLLC
101 NE 3rd Avenue, Suite 1500

Fort Lauderdale, FL 33301
(954) 860-8434

John Phillip Fischer
Fischer Redavid, PLLC
3325 Hollywood Boulevard, Suite 500
Hollywood, FL 33021
(954) 860-8434

Co-Counsel:

Robert C. Shearman, Esq.
410 Keenan Ave
Fort Myers, FL 33919
(239) 841-9240

10. *Carmine Marceno, as Sheriff of Lee Cnty. v. Barge*, No. 21-CC-1978 (Lee Cnty. Court 2021) (Judge Nicole Lynn Mirra)

In this pro bono matter, I represented petitioner in an action to seize two abused dogs. The dogs were rescued from a hot car in a parking lot while their owners were inside a shopping center. The case proceeded to a one-day bench trial. The evidence included expert testimony about the dogs' condition and their likelihood of future injury. The court ordered that the dogs be surrendered, and they made a full recovery.

Opposing Counsel:

None—defendants appeared *pro se*

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

In addition to my typical judicial tasks as a United States Magistrate Judge, I regularly hold settlement conferences in cases assigned to me or assigned to other judges in the Fort Myers Division. These proceedings allow me to engage with litigants and counsel on a personal level and in a non-adversarial setting. Not only have I found the settlement conferences rewarding, but they have been very successful in resolving cases and alleviating the court's burgeoning trial docket. Recently, I had the opportunity to act as a settlement judge in several cases from a multi-district litigation concerning Chinese drywall. All the cases were resolved without needing to expend significant trial resources.

My role as a federal judge has also offered the opportunity to serve my community as an

educator, liaison, and ambassador for the Court. In this capacity, I have given numerous presentations, sat on panels for local bar associations, and served as a judge for moot court competitions. Beyond these community events, I have served as a mentor for many young law students who join the court each summer through our intern program.

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 copies to the committee.

In 2019, I taught a law school course titled "Federal Civil Rights Litigation" at Ave Maria School of Law. The class examined the substantive law that allowed individuals to seek relief against government actors for violating the Constitution. Also discussed were the individual rights protected through these civil remedies. 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.

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.

I have no such plans.

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

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

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

See attached Net Worth Statement.

24. **Potential Conflicts of Interest**:

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

If confirmed, I will continue to recuse myself in any litigation where I have ever played a role, cases involving Disney since I own common stock in that company, and cases where my close friends, who are also former colleagues, are counsel of record. I will evaluate any other real or potential conflict, or relationship that could give rise to appearance of conflict, on a case-by-case basis and determine appropriate action with the advice of parties and their counsel, including recusal where necessary.

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

If confirmed, I will carefully consider any real or potential conflicts of interest by following 28 U.S.C. § 455, Canon 3 of the Code of Conduct for United States Judges, and local custom. I would err on the side of recusing myself to avoid even the appearance of impropriety.

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.

Currently, as a United States Magistrate Judge, I cannot engage in pro bono legal services. So I have worked in other ways to make a positive impact on the legal system and the administration of justice. I frequently volunteer for speaking engagements and public ceremonies. I also host schoolchildren at the courthouse for tours and lectures about the role of the federal judiciary in our constitutional system. I regularly speak to students at Ave Maria School of Law about the legal profession and federal clerkships.

When I was a private attorney, my practice area often presented conflicts with taking pro bono cases. I thus found other avenues to help those in need. For several years, I served as the pro bono coordinator for the Southwest Florida Federal Court Bar Association. In this role, I worked to secure local attorneys for indigent litigants. I also created a webpage on the Bar Association's website for individuals to request pro bono counsel. I monitored the webpage for requests, and if needed, started the process for finding a volunteer attorney.

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 19, 2024, I contacted Senator Rick Scott's office about consideration for a vacancy on the United States District Court for the Middle District of Florida. I provided Senator Scott's staff a copy of my resume. I then spoke with Senator Scott's general counsel, John P. Heekin, on January 24, 2025. On February 20, 2025, I was contacted by the White House Counsel's Office about an interview for the vacancy. I interviewed with several officials from the White House Counsel's Office on February 28, 2025. On April 11, 2025, I was informed by the White House Counsel's Office that appropriate clearance processes would commence on my possible nomination. Since then, I have been in contact with officials from the White House Counsel's office and the Office of Legal Policy at the Department of Justice. On May 27, 2025, I met with President Trump at the White House where my potential nomination was discussed.

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

No.

FINANCIAL STATEMENT

NET WORTH

Provide a complete, current financial net worth statement which itemizes in detail all assets (including bank accounts, real estate, securities, trusts, investments, and other financial holdings) all liabilities (including debts, mortgages, loans, and other financial obligations) of yourself, your spouse, and other immediate members of your household.

ASSETS				LIABILITIES			
Cash on hand and in banks		80	631	Notes payable to banks-secured (auto)			
U.S. Government securities				Notes payable to banks-unsecured			
Listed securities – see schedule		496	632	Notes payable to relatives			
Unlisted securities				Notes payable to others			
Accounts and notes receivable:				Accounts and bills due			
Due from relatives and friends				Unpaid income tax			
Due from others				Other unpaid income and interest			
Doubtful				Real estate mortgages payable see schedule		426	719
Real estate owned – see schedule		874	490	Chattel mortgages and other liens payable			
Real estate mortgages receivable				Other debts-itemize:			
Autos and other personal property		42	000				
Cash value-life insurance							
Other assets itemize:							
– Federal Thrift Saving Plan 1		86	612				
Federal Thrift Savings Plan 2		167	944				
				Total Liabilities		426	719
				Net Worth	1	321	590
Total Assets	1	748	309	Total Liabilities and Net Worth	1	748	309
CONTINGENT LIABILITIES				GENERAL INFORMATION			
As endorser, comaker or guarantor				Are any assets pledged? (Add schedule)	No		
On leases or contracts				Are you defendant in any suits or legal actions?	No		
Legal Claims				Have you ever taken bankruptcy?	No		
Provision for Federal Income Tax							
Other special debt							

FINANCIAL STATEMENT

NET WORTH SCHEDULES

Listed Securities	
SPDR S&P 500 ETF	$56,197
SPDR Portfolio S&P 500 Growth ETF	21,005
SPDR Dow Jones Industrial Average ETF	7,422
Disney Stock	32,058
Take-Two Interactive Software Stock	9
Nividia Stock	1,499
DOGE Crypto	156
American Funds the Growth Fund of America Class C Mutual Fund	9,259
American Funds Global Growth Portfolio Mutual Fund	42,191
Franklin Templeton Clearbridge Growth Class C Mutual Fund	4,039
Franklin Templeton Clearbridge Growth Class A Mutual Fund	15,906
Fidelity Advisor Growth Opportunities Fund Class C Mutual Fund	8,366
American New Perspective Fund Class C Mutual Fund	15,852
American Funds New Perspective Fund Class A Mutual Fund	8,035
Fidelity Large Cap Growth Fund II Fee Class R1 Mutual Fund	94,087
Fidelity 500 Index Fund	64,469
Fidelity Target Date 2050 R6 Mutual Fund	4
New York College Investing Plan 529, Age-Based Portfolio 1	44,777
New York College Investing Plan 529, Age-Based Portfolio 2	41,300
New York College Investing Plan 529, Age-Based Portfolio 3	30,001
Total Listed Securities	$496,632

Real Estate Owned	
Personal Residence	$874,490
Total Real Estate Owned	$874,490

Real Estate Mortgages Payable	
Personal Residence – Mortgage	$426,719
Total Real Estate Mortgages Payable	$426,719

AFFIDAVIT

I, Kyle C. Dudek, do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

5/22/25
(DATE)

(NAME)

Courtney Ward
(NOTARY)

COURTNEY WARD
Commission # HH 350789
Expires February 24, 2027