

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Kenly Kiya Kato
Kiya Kato

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

United States District Judge for the Central District of California

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 District Court for the Central District of California
3470 12th Street
Riverside, California 92501

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

1972; Los Angeles, California

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.

1993 – 1996, Harvard Law School; J.D. (*cum laude*), 1996

1995 – 1996, University of California, Berkeley, School of Law; no degree received (third-year exchange program)

1990 – 1993, University of California, Los Angeles; B.A. (*summa cum laude*), 1993

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.

2014 – present

United States District Court for the Central District of California
3470 12th Street
Riverside, California 92501
United States Magistrate Judge

2004 – 2014
Law Office of Kenly Kiya Kato
72960 Fred Waring Drive
Palm Desert, California 92260
Solo Practitioner

2003 – 2004
Liner Grode Stein Yankelevitz Sunshine Regenstreif & Taylor LLP (defunct)
1100 Glendon Avenue
Los Angeles, California 90024
Associate

1997 – 2003
Federal Public Defender's Office for the Central District of California
321 East Second Street
Los Angeles, California 90012
Deputy Federal Public Defender (1998 – 2003)
Research & Writing Attorney (1997 –1998)

1996 – 1997
United States District Court for the Central District of California
312 North Spring Street
Los Angeles, California 90012
Law Clerk to the Honorable Robert M. Takasugi

Summer 1996
United States Equal Employment Opportunity Commission
131 M Street, Northeast
Washington, DC 20507
Summer Extern

1995 – 1996
McCutchen Doyle Brown & Enersen LLP
Three Embarcadero Center
San Francisco, California 94111
Extern (1995 –1996)
Summer Associate (Summer 1995)

Summer 1994
Asian Law Caucus
55 Columbus Avenue

San Francisco, California 94111
Summer Extern

Other affiliations (uncompensated):

2014 – present
Federal Bar Association—Inland Empire
P.O. Box 42
Riverside, California 92502
Board Member

2005 – 2007
California Attorneys for Criminal Justice
P.O. Box 13038
Sacramento, California 95813
Board Member

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

I did not serve in the military. I 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.

Asian Pacific American Lawyers of the Inland Empire, Justice Stephen K. Tamura Award (2016)

Harvard Law School
Cum laude (1996)
Harvard Civil Rights-Civil Liberties Law Review, Editor (1994 –1995)

University of California, Los Angeles
Summa cum laude (1993)
Phi Beta Kappa (1993)

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

Asian Pacific American Lawyers of the Inland Empire

California Attorneys for Criminal Justice
Board Member (2005 – 2007)

Federal Bar Association—Inland Empire
Board Member (2014 – present)

Federal Magistrate Judges Association

Japanese American Bar Association

Los Angeles County Bar Association

National Association of Women Judges

United States District Court for the Central District of California
Judicial Conference Lawyer Representative (2005 – 2007)
Merit Selection Panel Member (2005 – 2011)
Standing Committee on Discipline Member (2006 – 2011)

10. **Bar and Court Admission:**

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

California, 1997

There have been no lapses in membership, but—as a United States Magistrate Judge—I am not considered a licensee of the California State Bar while in office.

- 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 Ninth Circuit, 1997
United States District Court for the Central District of California, 1997
United States District Court for the Eastern District of California, 2004
United States District Court for the Southern District of California, 2007
California, 1997

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.

Andulka Tennis Center (approximately 2014 – 2016)

Canyon Crest Country Club (2015 – 2017, 2020 – present)

Indian Wells Community Center, Ad Hoc Committee Member (2010 – 2011)

Indian Wells Tennis Garden (2012 – present)

Meals on Wheels, Volunteer (approximately 2009 – 2014)

Mission Hills Country Club, Tennis Member (approximately 2007 – 2012)

Victoria Club (2018 – 2020)

- 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.

I understand that, more than 20 years before I became a member, the Victoria Club may have had exclusionary member policies, but those policies were eliminated long before my membership began. To the best of my knowledge, none of the other organizations listed above currently discriminates or formerly discriminated on the basis of race, sex, religion, or national origin either through formal membership requirements or the practical implementation of membership policies.

12. Published Writings and Public Statements:

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

With Perry S. Chen, *The State of Asian America: Activism and Resistance in the 1990s*, 30 HARV. C.R.-C.L. L. REV. 279 (Winter 1995). Copy supplied.

With Gen Fujioka, *Questions for Breyer: Nominee Displayed Narrow Views on Fair Housing Act*, L.A. DAILY J. (July 15, 1994). Copy supplied.

- b. Supply four (4) copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

None.

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

Public Comment, Indian Wells City Council Meeting (June 2, 2011). Meeting minutes supplied.

Public Comment, Indian Wells City Council Meeting (May 19, 2011). Meeting minutes supplied.

- d. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

May 25, 2021: Administrator of Oath, California State Bar Swearing-In Ceremony, University of La Verne College of Law (virtual). Notes supplied.

January 20, 2021: Administrator of Oath, California State Bar Swearing-In Ceremony, University of La Verne College of Law (virtual). I administered the federal district court oath, gave brief advice, and congratulated the new bar members. I have no notes, transcript, or recording, but the speech would have been substantially similar to the one given on May 25, 2021, for which notes have been supplied. The address for the University of La Verne College of Law is 320 East D Street, Ontario, California 91764.

June 4, 2020: Administrator of Oath, California State Bar Swearing-In Ceremony,

University of La Verne College of Law (virtual). I administered the federal district court oath, gave brief advice, and congratulated the new bar members. I have no notes, transcript, or recording, but the speech would have been substantially similar to the one given on May 25, 2021, for which notes have been supplied. The address for University of La Verne College of Law is 320 East D Street, Ontario, California 91764.

December 3, 2019: Administrator of Oath, California State Bar Swearing-In Ceremony, University of La Verne College of Law, Ontario, California. I administered the federal district court oath, gave brief advice, and congratulated the new bar members. I have no notes, transcript, or recording, but the speech would have been substantially similar to the one given on May 25, 2021, for which notes have been supplied. The address for University of La Verne College of Law is 320 East D Street, Ontario, California 91764.

November 19, 2019: Presiding Judge, Naturalization Ceremony, United States District Court for the Central District of California, Riverside, California. Remarks supplied.

November 1, 2019: Speaker, Conviction and Sentence Alternative Program Graduation Ceremony, United States District Court for the Central District of California, Riverside, California. Remarks supplied.

October 3, 2019: Panelist, Judicial Diversity Program, Federal Bar Association—Inland Empire Chapter, Riverside, California. I spoke about diversity in the judiciary. I have no notes, transcript, or recording, but press coverage is supplied. The address for the Federal Bar Association—Inland Empire Chapter is P.O. Box 42, Riverside, California 92502.

May 7, 2019: Speaker, Sentence Abuse Treatment and Reentry Program Graduation, United States District Court for the Central District of California, Riverside, California. I gave welcome and closing remarks. I have no notes, transcript, or recording, but my remarks would have been substantially similar to those made on October 23, 2018, for which my remarks have been supplied. The address for the United States District Court for the Central District of California is 3470 12th Street, Riverside, California 92501.

November 8, 2018: Speaker, Investiture of San Bernardino Superior Court Judge Stephanie Thornton-Harris, Rancho Cucamonga, California. Speech supplied.

October 26, 2018: Speaker, Conviction and Sentence Alternative Program Graduation Ceremony, United States District Court for the Central District of California, Riverside, California. I gave closing remarks at the graduation ceremony congratulating the graduates. I have no notes, transcript, or recording, but the remarks would have been substantially similar to those made on November 1, 2019, for which my remarks have been supplied. The address for

the United States District Court for the Central District of California is 3470 12th Street, Riverside, California 92501.

October 23, 2018: Speaker, Sentence Abuse Treatment and Reentry Program Graduation, United States District Court for the Central District of California, Riverside, California. Remarks supplied.

June 12, 2018: Presiding Judge, Naturalization Ceremony, United States District Court for the Central District of California, Riverside, California. I administered the oath, gave brief remarks about the significance of citizenship, and congratulated the attendees. I have no notes, transcript, or recording, but the remarks would have been substantially similar to those made on November 19, 2019, for which my remarks have been supplied. The address for the United States District Court for the Central District of California is 3470 12th Street, Riverside, California 92501.

April 18, 2018: Panelist, Civil Practice Seminar, Federal Bar Association—Inland Empire Chapter, Riverside, California. I introduced the panel and provided an overview of federal practice. I have no notes, transcript, or recording. The address for the Federal Bar Association—Inland Empire Chapter is P.O. Box 42, Riverside, California 92502.

September 8, 2017: Speaker, Conviction and Sentence Alternative Program Graduation Ceremony, United States District Court for the Central District of California, Riverside, California. I gave closing remarks at the graduation ceremony congratulating the graduates. I have no notes, transcript, or recording, but the remarks would have been substantially similar to those made on November 1, 2019, for which my remarks have been supplied. The address for the United States District Court for the Central District of California is 3470 12th Street, Riverside, California 92501.

August 31, 2017: Panelist, ADR: A Case Management Tool & An Opportunity for Parties to Have Their Day in Court—Inland Empire Chapter, Riverside, California. I spoke about my role in and approach to settlement conferences. I have no notes, transcript, or recording. The address for the Federal Bar Association—Inland Empire Chapter is P.O. Box 42, Riverside, California 92502.

April 20, 2017: Panelist, Civil Practice Seminar, Federal Bar Association—Inland Empire Chapter, Riverside, California. I introduced the panel and provided an overview of federal practice. I have no notes, transcript, or recording. The address for the Federal Bar Association—Inland Empire Chapter is P.O. Box 42, Riverside, California 92502.

December 1, 2016: Administrator of Oath, California State Bar Swearing-In Ceremony, University of La Verne College of Law, Ontario, California. I administered the federal district court oath, gave brief advice, and congratulated

the new bar members. I have no notes, transcript, or recording, but the speech would have been substantially similar to the one given on May 25, 2021, for which notes have been supplied. The address for the University of La Verne College of Law is 320 East D Street, Ontario, California 91764.

June 29, 2016: Speaker, Asian Pacific American Lawyers of the Inland Empire Annual Dinner, Riverside, California. Notes supplied.

April 20, 2016: Panelist, Civil Practice Seminar, Federal Bar Association—Inland Empire Chapter, Riverside, California. I introduced the panel and provided an overview of federal practice. I have no notes, transcript, or recording. The address for the Federal Bar Association—Inland Empire Chapter is P.O. Box 42, Riverside, California 92502.

November 17, 2015: Presiding Judge, Naturalization Ceremony, United States District Court for the Central District of California, Riverside, California. I administered the oath, gave brief remarks about the significance of citizenship, and congratulated the attendees. I have no notes, transcript, or recording, but the remarks would have been substantially similar to those made on November 19, 2019, for which my remarks have been supplied. The address for the United States District Court for the Central District of California is 3470 12th Street, Riverside, California 92501.

August 21, 2015: Speaker, Conviction and Sentence Alternative Program Graduation Ceremony, United States District Court for the Central District of California, Riverside, California. I gave closing remarks at the graduation ceremony congratulating the graduates. I have no notes, transcript, or recording, but the remarks would have been substantially similar to those made on November 1, 2019, for which my remarks have been supplied. The address for the United States District Court for the Central District of California is 3470 12th Street, Riverside, California 92501.

April 8, 2015: Panelist, Civil Practice Seminar, Federal Bar Association—Inland Empire Chapter, Riverside, California. I introduced the panel and provided an overview of federal practice. I have no notes, transcript, or recording. The address for the Federal Bar Association—Inland Empire Chapter is P.O. Box 42, Riverside, California 92502.

March 9, 2015: Panelist, Federal Practice—Riverside's U.S. Magistrate Judges, Federal Bar Association—Inland Empire Chapter and Riverside County Bar Association, Riverside, California. I provided an overview of the role and responsibilities of magistrate judges. I have no notes, transcript, or recording. The address for the Federal Bar Association—Inland Empire Chapter is P.O. Box 42, Riverside, California 92502. The address for the Riverside County Bar Association is 4129 Main Street, Suite 100, Riverside, California 92501.

November 14, 2014: Presiding Judge, Naturalization Ceremony, United States District Court for the Central District of California, Riverside, California. I administered the oath, gave brief remarks about the significance of citizenship, and congratulated the attendees. I have no notes, transcript, or recording, but the remarks would have been substantially similar to those made on November 19, 2019, for which my remarks have been supplied. The address for the United States District Court for the Central District of California is 3470 12th Street, Riverside, California 92501.

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

Tiffany L. Nocon, *Judicial Profile: Judge Kenly Kato*, RIVERSIDE LAW. (May 2021). Copy supplied.

Kristine May Santos, *Comment: The Luxury of Rehabilitation: Why District Courts Should Implement Federal Veterans Treatment Courts*, 40 U. LA VERNE L. REV. 176 (Spring 2019). Copy supplied.

Laurinda Keys, *Profile: U.S. Magistrate Judge Kenly Kiya Kato*, L.A. DAILY J. (Feb. 25, 2016). Copy supplied.

Mariecar Mendoza, *Petition Seeks to Restore Indian Wells Mayoral Rotation*, DESERT SUN (July 2, 2011). Copy supplied.

Mariecar Mendoza, *Even He Agrees: Hanson Shaking Up Indian Wells*, DESERT SUN (June 29, 2011). Copy supplied.

Debra Gruszecki, *Indian Wells May Up Tax*, DESERT SUN (May 31, 2011). Copy supplied.

Indian Wells Community Center Debate Causing a Rift, DESERT SUN (Mar. 29, 2011). Copy supplied.

Council Halts Talks on Community Center, DESERT SUN (Mar. 4, 2011). Copy supplied.

Council Takes Heat Over 2 Projects at Thursday Meeting, DESERT SUN (Nov. 5, 2010). Copy supplied.

Ciaran McEvoy, *No Title in Original*, CITY NEWS SERVICE (Apr. 17, 2008). Copy supplied.

Jason Kandel, *Family Claims Police Kidnapping in Pursuit of Kin*, DAILY NEWS

(Aug. 21, 2005). Copy supplied.

Gretchen Wenner, *Mother Files Lawsuit Over Police-Involved Shooting*, BAKERSFIELD CALIFORNIAN (Feb. 19, 2005). Copy supplied.

Ben Ehrenreich, *Operation Tarnish*, LA WEEKLY (Oct. 23, 2002). Copy supplied.

Gabriel Lerner, *Mejora Situación de Acusados en Operación Tarmac*, LA OPINIÓN (Oct. 4, 2002). Copy supplied.

Gabriel Lerner & Jorge Luis Macias, *Indocumentados Rechazan Cargos Criminales*, LA OPINIÓN (Oct. 1, 2002). Copy supplied.

Matt Krasnowski, *Cruise Ship Rape Cases Dropped—Women Claimed 2 Workers Assaulted Them During Trip*, DAILY BREEZE (May 24, 2000). Copy supplied.

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

Since 2014, I have served as a United States Magistrate Judge for the Central District of California. I was appointed to that position by the district's district judges on July 1, 2014. The district court has jurisdiction over civil matters based on federal question or diversity jurisdiction, as well as federal criminal proceedings. As a magistrate judge, I have both a civil and criminal docket.

My civil docket is largely composed of state and federal habeas petitions, civil rights matters where the plaintiff is unrepresented by counsel, and Social Security disability appeals. I also preside over discovery proceedings and conduct settlement conferences in various other types of civil cases. Additionally, with the consent of the parties in select civil actions, I preside over the action in full, including if the case proceeds to trial.

My criminal docket includes both felony and misdemeanor matters. I handle initial phases of felony proceedings, including reviewing and approving search warrants and complaints and presiding over initial appearances, arraignments, and bail hearings. For misdemeanor offenses, including Class A misdemeanors where the parties consent, I preside over all proceedings, including trial and sentencing.

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

Approximately ten of the cases I have presided over have gone to verdict or judgment following a trial.

- i. Of these cases, approximately what percent were:

jury trials: 20%
bench trials: 80%

ii. Of these cases, approximately what percent were:

civil proceedings: 10%
criminal proceedings: 90%

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

See attached list of opinions.

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. *Zhang v. A-Z Realty and Investment Corp.*, No. EDCV 19-887-KK, 2020 WL 7495427 (C.D. Cal. Dec. 21, 2020) (order denying renewed motion to dismiss), 2020 WL 8135535 (C.D. Cal. Dec. 23, 2020) (order denying motion to amend cross-complaint)

Ms. Zhang filed a civil complaint pursuant to Racketeer Influenced and Corrupt Organizations Act (“RICO”) arising out of an allegedly fraudulent lease application and a “sophisticated criminal marijuana farming operation” involving defendants. Defendants Realty One Group, Inc. (“Realty One”) and Ms. Luo filed a cross-complaint seeking equitable indemnity and contribution from codefendants A-Z Realty & Investment Corp. (“A-Z Realty”), Ms. Zheng, Ms. Whelan, Mr. Chen, and Mr. Lam. After the parties consented to my handling of the case for all purposes, defendants Realty One and Ms. Luo filed a motion for leave to amend their cross-complaint to add Ms. Zhang as a cross-defendant, claiming they “are being sued” by co-defendants because of Ms. Zhang’s “wrongful conduct” and “are entitled to indemnity and contribution from [Ms. Zhang] for the costs of defending themselves[.]” I denied the motion to amend the cross-complaint, finding defendants Realty One and Ms. Luo had not demonstrated good cause to amend their cross-complaint to add Ms. Zhang as a cross-defendant after the deadline set forth in the Civil Trial Scheduling Order. Defendants A-Z Realty, Ms. Zheng, and Ms. Whelan also filed a renewed motion to dismiss the complaint arguing the RICO claim was not adequately pled. I denied the renewed motion to dismiss the complaint because defendants failed to set forth any new or different facts or circumstances warranting relief. The parties have now filed all of their pretrial documents and I have ruled on all motions in limine. The case is set for trial before me on August 15, 2022.

Counsel for Plaintiff:

Scott B. Lieberman
T. Kevin Roosevelt
Finlayson Toffer Roosevelt and Lilly LLP
15615 Alton Parkway, Suite 270
Irvine, CA 92618
(949) 759-3810

Counsel for Defendants A-Z Realty and Investment Corp., Zheng, Whelan:

John F Mansour
Steven Gilbert Candelas
Mansour Law Group
8241 White Oak Avenue
Rancho Cucamonga, CA 91730
909-941-1611

Counsel for Defendants Realty One Group, Inc., Luo:

Jonathan C Bond
Tamara M Heathcote
Lynberg and Watkins APC
1100 Town and Country Road, Suite 1450
Orange, CA 92868
714-937-1010

Counsel for Defendant Chen:

RoseAnn Frazee
Frazee Law Group
5133 Eagle Rock Boulevard
Los Angeles, CA 90041
323-274-4287

Counsel for Defendant Lam:

Gregory Williams Patterson
Gregory W. Patterson Law Offices
1230 Rosecrans Avenue, Suite 300
Manhattan Beach, CA 90266
310-376-0010

2. *United States v. Baariu*, No. EDCR 18-36-KK, Dkt. 81 (C.D. Cal. Jan. 3, 2019) (judgment and commitment order supplied)

Defendant Mr. Baariu was stopped on Fort Irwin Army Base property while driving under the influence of alcohol with his five-year-old son sleeping in a car seat without a seat belt fastened. Mr. Baariu was then charged in a five-count criminal information with (i) driving under the influence of alcohol, (ii) driving under the influence of alcohol with a blood alcohol content of 0.08% or greater,

(iii) driving under the influence of alcohol with a blood alcohol content of 0.01% or greater while on probation for a California Vehicle Code violation, (iv) reckless driving, and (v) failure to properly secure a child passenger under eight years of age. With the parties' consent, I presided over a two-day jury trial involving five witnesses, including two United States Army officers and a forensic scientist. The jury convicted Mr. Baariu on all counts. On December 19, 2018, after over an hour-long sentencing hearing, I sentenced Mr. Baariu to thirty days in prison and one year of supervised release. Mr. Baariu did not appeal.

Counsel for Prosecution:

David H. Chao
Sharon Kay McCaslin
United States Attorney's Office for the Central District of California
312 North Spring Street, 11th Floor
Los Angeles, CA 90012
(213) 894-2400

Counsel for Defendant:

Young J. Kim
Federal Public Defender's Office for the Central District of California
3801 University Avenue, Suite 700
Riverside, CA 92501
(951) 276-6346

3. *Bd. of Trs. of Cal. Ironworkers Field Pension Tr. v. Negrete, Inc.*, No. EDCV 17-437-KK, 2018 WL 3326679 (C.D. Cal. Mar. 22, 2018)

The plaintiffs—trustees of a group multiemployer trust fund created and maintained pursuant to Section 302(c) of the Labor Management Relations Act of 1947—filed this suit against Kirk Negrete, Inc., doing business as United Steel Placers (“USP”), a union employer that employed union ironworkers on construction projects. The plaintiffs alleged that USP breached a written collective bargaining agreement and related trust agreements in violation of Section 515 of the Employee Retirement Income Security Act of 1974, based on USP's failure to timely pay contributions, interest, and penalties. With the parties' consent, I presided over all proceedings in this case.

Most notably, I adjudicated the plaintiffs' motion for summary judgment. The plaintiffs argued that they were entitled to judgment as a matter of law because there was no genuine issue as to the material facts establishing USP's liability for failing to submit timely contributions to the trust funds. The plaintiffs sought payment of outstanding contributions, liquidated damages, accrued interest, attorney's fees, litigation costs, and audit fees, as well as an order requiring USP to submit to an audit of its books and records. USP opposed the plaintiffs' summary judgment motion, contending that there were triable issues of fact regarding (a) the amount of unpaid contributions, (b) the amount of liquidated

damages due, (c) whether the contractual liquidated damages provisions were impermissible penalties, and (d) whether the parties' course of conduct altered the agreements' provisions regarding when contributions were due.

I granted in part and denied in part the plaintiffs' summary judgment. I granted the motion, in part, by concluding there were no triable issues of fact regarding USP's liability for untimely contributions, the amount of unpaid contributions, the amount of interest on unpaid and untimely contributions, audit costs, and liquidated damages for contributions that remained unpaid at the time the action was filed. I denied the motion in part, by concluding plaintiffs had failed to satisfy their burden to establish as a matter of law that they were entitled to liquidated damages for contributions that were late but paid before the action was filed. The plaintiffs subsequently withdrew that remaining claim, and I entered judgment in favor of the plaintiffs on all other counts. USP initially appealed but then voluntarily dismissed the appeal before briefing or argument.

Counsel for Plaintiffs:

Valentina S. Mindirgasova
Kerry Kessler Fennelly
Kraw Law Group APC
1017 East Grand Avenue
Escondido, CA 92025
(760) 747-1100

Counsel for Defendant:

Matthew L. Taylor
Law Office of Matthew L. Taylor
8301 Utica Avenue, Suite 201
Rancho Cucamonga, CA 91730
(909) 989-7774

4. *Conan v. City of Fontana*, No. EDCV 16-1261-KK, Dkt. 195 (C.D. Cal. Nov. 20, 2017) (judgment supplied)

Mr. and Mrs. Conan filed this case alleging violations of their civil rights under 42 U.S.C. § 1983 and state tort claims following an incident where a City of Fontana police officer purportedly assaulted Mr. Conan as he was being escorted out of a bar. With the parties' consent, I presided over the matter for all purposes. I ruled on various pre-trial motions, including a motion to amend the complaint, motions to compel discovery, motions in limine, and a motion to bifurcate the trial. I then presided over a four-day jury trial involving seven witnesses and a motion for judgment as a matter of law at the close of the plaintiffs' case. Ultimately, the jury returned a special verdict in favor of the defendants on all claims, and I entered judgment accordingly. Mr. and Mrs. Conan did not appeal.

Counsel for Plaintiffs:

Marjorie Barrios
Law Offices of Marjorie Barrios
P.O. Box 500
San Bernardino, CA 92401
(909) 888-6000

Counsel for Defendants:

S. Frank Harrell
Jesse Kennon Cox
Lynberg & Watkins APC
1100 Town and Country Road, Suite 1450
Orange, CA 92868
(714) 937-1010

5. *Cody v. Gower*, No. EDCV 15-1497-FMO (KK), 2016 WL 3033694 (C.D. Cal. Mar. 22, 2016), *R&R adopted*, 2016 WL 3025343 (C.D. Cal. May 26, 2016)

Mr. Cody, proceeding *pro se*, filed a habeas corpus petition pursuant to 28 U.S.C. § 2254, challenging his state court conviction for first degree felony murder with the special circumstances that it was committed while Mr. Cody was engaged in the crimes of burglary and robbery. The special circumstance made Mr. Cody eligible for a sentence of life without the possibility of parole. The Eighth Amendment otherwise prohibits imposition of this felony murder with special circumstances for a defendant who aids and abets a felony in the course of which a murder is committed by others but who does not himself kill, attempt to kill, or intend that a killing take place or that lethal force will be employed. The jury, however, was not instructed that if they found Mr. Cody was not the person who committed the act that caused the death of another, then in order to find the special circumstance true, they must also find he intended to kill or his involvement in the crime began before the killing, he was a major participant in the crime, and he acted with reckless indifference to human life. I found there was insufficient evidence to support the jury's finding that Mr. Cody strangled the victim and, therefore, insufficient evidence to support the jury's special circumstance finding under the theory on which the trial court instructed the jury – that in order to find the special circumstance true, the jury had to find Mr. Cody did an act that caused the death of another person. Therefore, the failure to instruct the jury regarding the mental state required to find the special circumstance true with respect to non-killers violated Mr. Cody's due process rights. I issued a Report and Recommendation to deny the Petition as to the underlying murder conviction but grant the Petition as to the special circumstance finding based on insufficient evidence and instructional error. District Judge Fernando M. Olguin issued an order accepting my report and recommendation, entered judgment accordingly, and ordered that the State of California either grant Mr. Cody a new trial on the special circumstance allegation, or vacate the special circumstance finding and sentence of life without the possibility of parole and

resentence Mr. Cody. No appeal was filed. Mr. Cody was subsequently resented in state court and remains in state custody.

Counsel for Respondent:

David Delgado-Rucci (formerly with Office of Attorney General of California)
P.O. Box 33461
San Diego, California 92163
(phone number unavailable)

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6. *Safeco Ins. Co. of Am. v. Monroe*, No. EDCV 15-1471-RGK (KKx) (C.D. Cal. July 5, 2016)

This case involved a dispute over insurance coverage for underlying wrongful death lawsuits proceeding simultaneously in state court. In the underlying state court actions, the decedent's sons (Mr. Monroe and Mr. Dalton) and the decedent's mother (Ms. Monroe) alleged that the decedent was lawfully on Ms. Kavanagh-Shiershke's property when he fell into an open and uncovered deep water well and died. Ms. Kavanagh-Shiershke's insurer, Safeco Insurance Company of America ("Safeco"), filed a complaint for declaratory judgment and restitution seeking a determination that it had no duty to defend or indemnify Ms. Kavanagh-Shiershke or to pay any portion of her defense costs in the underlying state court actions. After ruling on a discovery motion permitting Plaintiff to inspect Ms. Kavanagh-Shiershke's property, I presided over a full-day settlement conference. Following significant discussion and consultation, the parties reached a global settlement of both the federal and underlying state court.

Counsel for Plaintiff:

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Counsel for Mr. Dalton & Mr. Monroe:

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Counsel for Ms. Monroe:

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Counsel for Ms. Kavanagh-Shiershke:

Barbara J. Mandell
Mandell, Damon & Associates, LLP
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7. *Gevorgyan v. Infinity Select Ins. Co.*, No. CV 15-3803-KK, Dkt. 31 (C.D. Cal. Nov. 23, 2016) (decision supplied)

Mr. Gevorgyan filed a complaint alleging breach of contract and breach of the implied covenant of good faith and fair dealing after Infinity Select Insurance Company (“Infinity Select”) denied him insurance coverage for damage to his 2003 Ferrari that allegedly occurred while the vehicle was at a repair shop. With the parties’ consent, I presided over all proceedings in this matter.

Most notably, I adjudicated Infinity Select’s motion for summary judgment. Infinity Select argued that the insurance contract was void, the damage to Mr. Gevorgyan’s car was not covered under the insurance contract, Infinity Select did not act unreasonably in denying Mr. Gevorgyan’s insurance claim, and there was insufficient evidence to support Mr. Gevorgyan’s claim for punitive damages. I granted in part and denied in part Infinity Select’s summary judgment motion. I concluded that there were triable issues of fact regarding whether the insurance contract was void. I also held that the damage to Mr. Gevorgyan’s car was covered under the insurance contract, and that Infinity Select acted unreasonably in denying Mr. Gevorgyan’s insurance claim. I concluded, however, that there was no evidence to support a jury award for punitive damages. The parties subsequently filed a joint motion to dismiss, which I granted on November 23, 2016.

Counsel for Plaintiff:

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Asatryan Law, Inc.
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(818) 781-0179

Counsel for Defendant:

Peter H. Klee
John D. Edson
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8. *Moore v. Gutierrez*, No. CV 14-5816-VBF (KK), 2016 WL 4726562 (C.D. Cal. July 14, 2016), *R&R adopted*, 2016 WL 4721993 (C.D. Cal. Sept. 8, 2016).

Ms. Moore, proceeding *pro se*, filed a civil rights complaint pursuant to 42 U.S.C. § 1983, alleging that the defendant police officers violated her Fourth Amendment rights when they seized and searched her cell phone, which had been in her fiancé's possession at the time of his arrest. The defendants filed a motion to dismiss, arguing that Ms. Moore lacked standing, the defendants were entitled to qualified immunity, and Ms. Moore's claims failed as a matter of law. In opposition, Ms. Moore argued that the U.S. Supreme Court's decision in *Riley v. California*, 134 S. Ct. 2473 (2014), made clear that police generally may not, without a warrant, examine the digital information stored on a cell phone seized incident to arrest. *Riley* represented a change in controlling law in California, however. At the time of the search here, *People v. Diaz*, 51 Cal. 4th 84 (2011), allowed the warrantless search of the contents of a phone seized incident to arrest, even when there were no exigent circumstances. Accordingly, I recommended that the defendants' motion to dismiss be granted based on qualified immunity. District Judge Valerie Baker Fairbank adopted my report and recommendation and entered judgment dismissing the action with prejudice. Ms. Moore did not appeal.

Counsel for Defendants:

Kelly N. Kades
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Los Angeles, CA 90012
(213) 978-7034

9. *Vanek v. Wofford*, No. CV 14-4427-AG (KK), 2016 WL 6783340 (C.D. Cal. July 26, 2016), *R&R adopted*, 2016 WL 6781086 (C.D. Cal. Nov. 15, 2016)

Mr. Vanek, proceeding *pro se*, filed a habeas corpus petition pursuant to 28 U.S.C. § 2254, challenging his state court conviction for willful child abuse with an enhancement for great bodily injury. Mr. Vanek's conviction was largely based on the uncontested testimony of the prosecution's expert witness on "Shaken Baby Syndrome." Mr. Vanek was accused of shaking his girlfriend's sister's three-month-old son such that the child suffered traumatic brain injury. Mr. Vanek's habeas corpus petition set forth claims for ineffective assistance of trial counsel, prosecutorial misconduct, erroneous admission of evidence in violation of due process, and cumulative error. I granted Mr. Vanek's request for counsel after considering the complexity of Mr. Vanek's claims and declarations filed by his direct appeal counsel and the chief deputy of the Federal Public Defender Office's Capital Habeas Unit. Following full briefing on the merits of Mr. Vanek's petition, I recommended that the petition be granted as to the claim of ineffective assistance of trial counsel, concluding that Mr. Vanek's trial counsel's failure to investigate the State's medical case, consult with a medical expert, or retain and present such an expert was deficient and prejudicial under *Strickland v. Washington*, 466 U.S. 668 (1984). District Judge Michael W. Fitzgerald adopted my report and recommendation, entered judgment accordingly, and ordered that Mr. Vanek be retried or released within ninety days. No appeal was filed. Mr. Vanek was subsequently retried and convicted in state court.

Counsel for Petitioner:

Margaret A. Farrand
Mark Drozdowski
Federal Public Defender's Office for the Central District of California
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Los Angeles, CA 90012
(213) 894-2854

Counsel for Respondent:

Susan S. Kim
Office of the Attorney General, California Department of Justice
300 South Spring Street, Suite 1702
Los Angeles, CA 90013
(213) 620-6449

10. *Hudson v. Franco*, No. CV 14-1247-JLS (KK), 2016 WL 2993959 (C.D. Cal. Jan. 27, 2016), *R&R adopted*, 2016 WL 2993948 (C.D. Cal. May 22, 2016)

Mr. Hudson, a state prisoner proceeding *pro se*, filed a civil rights complaint pursuant to 42 U.S.C. § 1983, alleging that the defendant deputies used excessive force against him in violation of his Eighth and Fourteenth Amendment rights. According to Mr. Hudson, the defendants shoved, pushed, choked, and dragged

him across the floor while he was handcuffed at his preliminary hearing. The defendants moved for summary judgment, arguing that the Eighth Amendment does not apply to pretrial detainees, the defendants' use of force was objectively reasonable, and the defendants were entitled to qualified immunity. I recommended granting the defendants' motion as to Mr. Hudson's Eighth Amendment claim because the Eighth Amendment is not applicable to pre-trial detainees, but recommended the district court deny the motion as to his Fourteenth Amendment claim because genuine issues of material fact existed as to whether the defendants' use of force was objectively reasonable under the circumstances. District Judge Josephine L. Staton adopted my report and recommendation, and the case was set for jury trial. The matter subsequently settled, and the action was dismissed with prejudice.

Counsel for Defendants:

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Ani Tolmoyan
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- 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. *McKenzie v. Martinez*, No. EDCV 20-1419-VAP (KK), 2021 WL 971067 (C.D. Cal. Jan. 12, 2021)

Counsel for Petitioner:

The petitioner appeared *pro se*.

Counsel for Respondent:

Rachel Nechama Agress
United States Attorney's Office for the Central District of California
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Los Angeles, CA 90012
(213) 894-0487

2. *Bd. of Trs. of Cal. Ironworkers Field Pension Tr. v. Negrete, Inc.*, No. EDCV 17-437-KK, 2018 WL 3326679 (C.D. Cal. Mar. 22, 2018)

Counsel for Plaintiffs:
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Counsel for Defendant:
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(909) 989-7774

3. *Gevorgyan v. Infinity Select Ins. Co.*, No. CV 15-3803-KK, Dkt. 31 (C.D. Cal. Nov. 23, 2016) (opinion supplied in response to Question 13c)

Counsel for Plaintiff:
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Counsel for Defendant:
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4. *Cody v. Gower*, No. EDCV 15-1497-FMO (KK), 2016 WL 3033694 (C.D. Cal. Mar. 22, 2016), *R&R adopted*, 2016 WL 3025343 (C.D. Cal. May 26, 2016)

Counsel for Petitioner:
The petitioner appeared *pro se*.

Counsel for Respondent:
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5. *Vanek v. Wofford*, No. CV 14-4427-AG (KK), 2016 WL 6783340 (C.D. Cal. July 26, 2016), *R&R adopted*, 2016 WL 6781086 (C.D. Cal. Nov. 15, 2016)

Counsel for Petitioner:

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6. *Moore v. Gutierrez*, No. CV 14-5816-VBF (KK), 2016 WL 4726562 (C.D. Cal. July 14, 2016), *R&R adopted*, 2016 WL 4721993 (C.D. Cal. Sept. 8, 2016)

Counsel for Plaintiff:

The plaintiff appeared *pro se*.

Counsel for Defendants:

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7. *Hudson v. Franco*, No. CV 14-1247-JLS (KK), 2016 WL 2993959 (C.D. Cal. Jan. 27, 2016), *R&R adopted*, 2016 WL 2993948 (C.D. Cal. May 22, 2016)

Counsel for Plaintiff:

The plaintiff proceeded *pro se*.

Counsel for Defendants:

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8. *Moreno v. Ives*, No. CV 17-8497-FMO (KK), 2018 WL 5911758 (C.D. Cal. Jan. 22, 2018)

Counsel for Petitioner:

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Counsel for Respondent:

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9. *Lavenant v. City of Palm Springs*, No. EDCV 17-2267-KK, 2018 WL 3807944 (C.D. Cal. Aug. 8, 2018)

Counsel for Plaintiff:

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Counsel for Defendants:

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(714) 937-1010

10. *Warner v. Midland Credit Mgmt., Inc.*, No. EDCV 19-2378-KK, 2021 WL 2154615 (C.D. Cal. May 19, 2021)

Counsel for Plaintiff:

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Counsel for Defendants:

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Pittsburg, PA 15222

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

To the best of my knowledge, certiorari was requested or granted in only two of my cases:

Flores v. Montgomery, 139 S. Ct. 283 (2018) (cert. denied).

Brandon v. Saul, 141 S. Ct. 2646 (2021) (cert. denied).

- 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.

Scott v. Carson Sheriff Dep't, No. CV 18-6221-JLS (KK), 2019 WL 7821473 (C.D. Cal. Aug. 23, 2019), *R&R adopted in part and rejected in part*, 2020 WL 509392 (C.D. Cal. Jan. 30, 2020). In this *pro se* civil rights case, the plaintiff alleged that a police officer broke his hand during an arrest and that another defendant was deliberately indifferent to the plaintiff's resulting pain, in violation of his Eighth and Fourteenth Amendment rights. I recommended that the defendants' motions to dismiss be denied. The district court dismissed the plaintiff's Eighth Amendment excessive force claim against the arresting officer, but otherwise affirmed the conclusions in my report and recommendation.

Smith v. Oreol, No. EDCV 17-1135-JFW (KK), 2019 WL 2932536 (C.D. Cal. May 21, 2019), *R&R adopted*, 2019 WL 2918137 (C.D. Cal. July 8, 2019), *rev'd*, 830 F. App'x 212 (9th Cir. 2020). In this *pro se* civil rights action, the plaintiff, a civilly-committed detainee, alleged that the defendant, an employee of the state mental hospital where the plaintiff was detained, used excessive force in violation of the Fourteenth Amendment during a basketball game. I recommended that the defendant's motion for summary judgment be granted, concluding that while there was a genuine issue of material fact as to whether the defendant used excessive force, the defendant was entitled to qualified immunity because the law was not clearly established in the context of a contact sport in which the plaintiff voluntarily participated. The district court adopted my report and recommendation, but the Ninth Circuit reversed and remanded, holding that the defendant was not entitled to qualified immunity under the circumstances of the case.

Mood v. County of Orange, No. SACV 17-762-SVW (KK), 2019 WL 301734 (C.D. Cal. Jan. 2, 2019), *R&R adopted*, 2019 WL 296198 (C.D. Cal. Jan. 22, 2019), *rev'd*, 2019 WL 13036027 (C.D. Cal. July 25, 2019), *aff'd*, 830 F. App'x 923 (9th Cir. 2020). In this *pro se* civil rights action, the plaintiff alleged that the

local jail had a policy and practice of employing excessive force on handcuffed inmates. Following discovery, the defendant moved for summary judgment. I recommended denying the motion on the ground that a genuine issue of material fact existed as to whether the defendant had such a policy and practice. The district court initially adopted my report and recommendation. Later, however, the district court reversed the decision *sua sponte* and ordered the motion for summary judgment granted, and the United States Court of Appeals for the Ninth Circuit affirmed.

Miller v. Foreman, No. CV 14-7524-GW (KK), 2018 WL 7501156 (C.D. Cal. Dec. 28, 2018), *R&R adopted with modification*, 2019 WL 4736237 (C.D. Cal. Sept. 20, 2019), *rev'd*, No. 19-56276, 2020 WL 6495089 (9th Cir. Aug. 7, 2020). In this *pro se* civil rights action, the plaintiff alleged that prison officials violated his First Amendment rights by preventing him from filing inmate grievances. I recommended that the defendant's motion for summary judgment be granted, concluding that there is no free-standing First Amendment right to file inmate grievances. The district court concluded that an inmate has a First Amendment right to file grievances, but that the plaintiff had not sufficiently alleged such a claim in this case. On appeal, the Ninth Circuit reversed and remanded, holding that the district court should have permitted the plaintiff to allege a First Amendment retaliation claim. On remand, the plaintiff did not attempt to allege such a claim and instead voluntarily dismissed the matter.

Top Lighting Corp. v. Linco Inc., No. EDCV 15-1589-JVS (KK), Dkt. 85 (C.D. Cal. Dec. 29, 2016). In this patent infringement case, I issued an order denying the plaintiff's *ex parte* application to withdraw admissions, finding that the plaintiff failed to justify using an *ex parte* application and that the defendant would be prejudiced if the plaintiff was permitted to withdraw admissions so close to trial. Upon review, the district court reversed (Dkt. 97), granting the plaintiff's request to withdraw admissions and permitting additional discovery and a continuance of the trial date. Decisions supplied.

Konstantelos v. Los Angeles County, No. CV 09-6476-GHK (KK), 2016 WL 9782504 (C.D. Cal. Nov. 1, 2016), *R&R adopted*, 2017 WL 4586931 (C.D. Cal. June 9, 2017), *rev'd*, 741 F. App'x 425 (9th Cir. 2018). In this *pro se* civil rights action, the plaintiffs alleged that Department of Children and Family Services employees retaliated against them by initiating a false child abuse report and then subsequently failing to properly investigate the false report, because of the plaintiffs' previous complaint that law enforcement had failed to enforce a restraining order against their neighbor. I recommended that the defendants' motion for summary judgment be granted and the case dismissed, except as to one defendant. The district court adopted my report and recommendation, but the Ninth Circuit reversed, concluding that all of the defendants were entitled to qualified immunity.

Yoon v. Lee, No. CV 11-6792-VAP (KK), 2016 WL 11654400 (C.D. Cal. Apr. 6,

2016), *R&R adopted*, 2016 WL 6407354 (C.D. Cal. Oct. 26, 2016), *judgment entered*, 2016 WL 6440550 (C.D. Cal. Oct. 26, 2016), *aff'd in part, vacated in part, and remanded*, 709 F. App'x 450 (9th Cir. 2017). In this *pro se* civil rights action, the plaintiff's third amended complaint alleged that a staff dentist at the prison where the plaintiff was housed repeatedly refused to provide dental treatment, violating the plaintiff's Eighth Amendment right to adequate medical care, his Fourteenth Amendment right to equal protection, and his First Amendment right to access the courts. I recommended that the defendant's motion for summary judgment be granted, and the district court adopted my report and recommendation. The Ninth Circuit affirmed in part, vacated in part and remanded. The Ninth Circuit agreed with me that the plaintiff had failed to state the Eighth, Fourteenth, and First Amendment claims asserted in his third amended complaint. The Ninth Circuit concluded, however, that the plaintiff had alleged an Eighth Amendment deliberate indifference to safety claim in a prior complaint against various prison guards that was not addressed in my report and recommendation. The Ninth Circuit accordingly remanded for further proceedings on this claim only.

Boyce v. United States, No. EDCV 13-01885-DSF (KK), 2015 WL 4041523 (C.D. Cal. May 15, 2015). In this *pro se* civil rights action, the plaintiff prisoner alleged that the defendant prison officials were deliberately indifferent to his medical condition. I recommended that the action be dismissed without prejudice for failure to prosecute because the plaintiff had failed to file a status report as previously ordered. The district court declined to adopt my recommendation (Dkt. 34), but the action was ultimately dismissed with prejudice based on the plaintiff's failure to comply with court orders when the plaintiff again failed to file the status report. Decision supplied.

Dandridge-Barnett v. Barnes & Noble, Inc., No. EDCV 14-2254-JLS (KK), 2015 WL 3605368 (C.D. Cal. Mar. 16, 2015), *R&R adopted*, 2015 WL 3605406 (C.D. Cal. June 4, 2015), *aff'd*, 671 F. App'x 452 (9th Cir. 2016). In this *pro se* civil rights action, the plaintiff alleged that two retail employees wrongly accused her of using a Barnes & Noble store's restroom without purchasing anything. I recommended that the action be dismissed without prejudice for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b) because the plaintiff declined to file a second amended complaint after the first amended complaint was dismissed with leave to amend. The district court adopted my report and recommendation. The Ninth Circuit affirmed the dismissal, but on the ground that the plaintiff failed to state a claim, and not under Rule 41(b).

- 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.

Most of my opinions are published in official reporters or made available on Westlaw or Lexis. All of my decisions are filed on the docket in our court's

electronic filing system.

- 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.

Cody v. Gower, No. EDCV 15-1497-FMO (KK), 2016 WL 3033694 (C.D. Cal. Mar. 22, 2016), *R&R adopted*, 2016 WL 3025343 (C.D. Cal. May 26, 2016)

Vanek v. Wofford, No. CV 14-4427-AG (KK), 2016 WL 6783340 (C.D. Cal. July 26, 2016), *R&R adopted*, 2016 WL 6781086 (C.D. Cal. Nov. 15, 2016)

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

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

14. **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.

The United States District Court for the Central District of California maintains an automated conflict checking system that precludes cases with attorneys or parties on the conflict list from being assigned to the identified judge. I include my spouse, who is an attorney; any spouse/partner of a law clerk, who is an attorney; and any company in which I or an immediate family member has a financial interest on my conflict list.

To the best of my knowledge, no attorney has ever moved for my recusal. While I do not maintain a list of cases, I have *sua sponte* recused myself from approximately 5 to 10 cases that were identified by the district court’s automated conflict checking system

where the spouse of a law clerk was one of the attorneys or an immediate family member had a financial interest in one of the parties. In addition, while *pro se* litigants asked the district court to recuse me in the following cases, their recusal motions were based solely on my ruling adversely to them, and all the motions were denied as meritless:

Moon v. Johnson, No. CV 12-1514-UA (KK), Dkt. 16 (C.D. Cal. May 29, 2018)

Rhodes v. Preiffer, No. CV 14-7687-JGB (KK), Dkt. 205 (C.D. Cal. Sept. 14, 2018)

Rhodes v. Swarth, No. CV 17-5211-JGB (KK), Dkt. 35 (C.D. Cal. May 14, 2018)

Michelman v. City of Los Angeles, No. CV 20-1259-DOC (KK), Dkt. 25 (C.D. Cal. July 28, 2020)

O'Donnell v. Chase Bank USA NA, No. ED CV 14-2074-JGB (KK), Dkt. 68 (C.D. Cal. June 26, 2015)

Raiser v. City of Murrieta, No. ED CV 19-183-DSF (KK), Dkt. 85 (C.D. Cal. Jan. 10, 2020)

Raiser v. City of Temecula, No. ED CV 19-1465-DSF (KK), Dkt. 28 (C.D. Cal. Jan. 7, 2020)

Malak v. Doe, No. ED CV 20-322-JWH (KK), Dkt. 27 (C.D. Cal. May 15, 2020)

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 never held any public office other than judicial office.

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

In the Fall of 2008, I volunteered for approximately ten to 15 hours for Julie Bornstein's campaign for the United States House of Representatives. As a volunteer, I primarily participated in phone banking activities.

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

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

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

From 1996 to 1997, I served as a law clerk to the Honorable Robert M. Takasugi on the United States District Court for the Central District of California.

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

2003 – 2006 (approximately)
Law Office of Kenly Kiya Kato
468 North Camden Drive
Beverly Hills, California 90210

2006 – 2007 (approximately)
Law Office of Kenly Kiya Kato
600 Playhouse Alley
Pasadena, California 91101

2007 – 2009 (approximately)
Law Office of Kenly Kiya Kato
1901 Avenue of the Stars, Suite Two
Los Angeles, California 90067

2009 – 2014 (approximately)
Law Office of Kenly Kiya Kato
72960 Fred Waring Drive
Palm Desert, California 92260

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;

Summer 1996
United States Equal Employment Opportunity Commission
131 M Street, Northeast
Washington, DC 20507
Summer Extern

1997 – 2003
Federal Public Defender's Office for the Central District of California
321 East Second Street

Los Angeles, California 90012
Research & Writing Attorney (1997 – 1998)
Deputy Federal Public Defender (1998 – 2003)

2003 – 2004
Liner Grode Stein Yankelevitz Sunshine Regenstreif & Taylor LLP
1100 Glendon Avenue
Los Angeles, California 90024
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 have not served as a mediator or arbitrator outside of my role as a United States Magistrate Judge.

b. Describe:

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

After completing my clerkship with Judge Takasugi, from 1997 to 2003 I worked as a Research & Writing Attorney and then a Deputy Federal Public Defender at the Federal Public Defender's Office for the Central District of California. My entire practice was devoted to representing indigent individuals accused of committing federal crimes. I regularly appeared in federal court in connection with a wide range of federal criminal matters, including drug offenses, bank robbery, and fraud. I represented hundreds of clients in preliminary hearings, detention hearings, plea hearings, sentencing hearings, pretrial motions, bench and jury trials, probation violations, and supervised release hearings. I also occasionally briefed and argued cases before the United States Court of Appeals for the Ninth Circuit.

In 2003, I entered private practice and worked for approximately one year at a mid-size law firm, Liner Grode Stein Yankelevitz Sunshine Regenstreif & Taylor LLP. During my time at the firm, I represented individual and corporate defendants in criminal proceedings in both state and federal court. I also represented individual, municipal, and corporate clients in civil litigation, including in the areas of civil rights, securities, and general business litigation. Additionally, I was a member of the Central District of California's Criminal Justice Act Panel, through which I continued to represent indigent individuals accused of committing federal crimes.

In 2004, I started my own private practice. As a solo practitioner, I focused on representing individuals accused of committing federal crimes. I also continued my membership on the Central District of California's Criminal Justice Act Panel, and I worked on civil rights and employment litigation in both state and federal court.

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

During my time at the Federal Public Defender's Office, my typical clients were indigent defendants accused of committing federal crimes in the United States District Court for the Central District of California. I also occasionally represented indigent defendants before the Ninth Circuit in federal criminal matters.

During my time at Liner, my clients were individual, municipal, and corporate clients involved in both civil and criminal litigation. While working at Liner, I also continued to represent indigent defendants charged with federal crimes through my membership on the Criminal Justice Act Panel.

After starting my own law practice, I represented both retained clients and indigent clients I was appointed to represent pursuant to the Criminal Justice Act. My paid and appointed clients were mainly individuals charged in federal court with a variety of offenses, including fraud, money laundering, and drug trafficking. I also represented plaintiffs in civil rights actions in both pre-litigation matters and federal court litigation and both plaintiffs and defendants in employment 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.

While an attorney, virtually all of my practice was in litigation. At the Federal Public Defender's Office, the entirety of my practice involved criminal litigation in federal court. I typically appeared in federal district court five to ten times a week, handling all aspects of criminal proceedings, including, arraignment, detention hearings, motion hearings, trial, and sentencing. I occasionally handled appeals before the Ninth Circuit, including both briefing and oral argument.

During my time at Liner, my practice was split about evenly between federal and state courts and between criminal and civil litigation. I typically appeared in court one to two times a month. With respect to criminal litigation, I handled all aspects of the proceedings, including, arraignment, detention hearings, motion hearings, trial, and sentencing. With respect to civil litigation, I appeared for status conferences, discovery disputes, motion hearings, and status conferences.

As a solo practitioner, my practice involved approximately 90 percent federal criminal litigation and approximately 10 percent civil litigation. I typically appeared in court two to five times a month. With respect to criminal litigation, I handled all aspects of the proceedings, including, arraignment, detention hearings, motion hearings, trial, and sentencing. With respect to civil litigation, I appeared for settlement conferences, discovery disputes, motion hearings, and status conferences.

i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|-----|
| 1. federal courts: | 85% |
| 2. state courts of record: | 15% |
| 3. other courts: | 0% |
| 4. administrative agencies: | 0% |

ii. Indicate the percentage of your practice in:

- | | |
|--------------------------|-----|
| 1. civil proceedings: | 15% |
| 2. criminal proceedings: | 85% |

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.

As an attorney, I tried approximately 15 criminal cases to verdict, judgment, or final decision. I was sole counsel in about 11 of those cases, lead counsel in two cases, and co-counsel in two cases.

i. What percentage of these trials were:

- | | |
|--------------|-----|
| 1. jury: | 60% |
| 2. non-jury: | 40% |

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

I have not practiced 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. *United States v. Scharf*, No. CR 07-1292-PSG (C.D. Cal. Apr. 18, 2008) (Gutierrez, J.)

Mr. Scharf was charged in a two-count indictment with unlawful importation of a machinegun and smuggling. From 2007 to 2008, I served as sole counsel for Mr. Scharf. In that capacity, I was responsible for every aspect of the proceeding, including investigating the case, preparing for trial, and briefing and arguing several pretrial motions. At trial, I handled all proceedings, including jury selection, opening statement, direct and cross-examination, and closing argument. Following the trial, the jury acquitted Mr. Scharf of both counts.

Opposing Counsel:

Daniel Benjamin Levin (formerly with United States Attorney's Office)
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2. *United States v. Lamothe*, No. CR 03-176-ABC (C.D. Cal. June 5, 2003) (Collins, J.)

Mr. Lamothe was charged with making a false statement, based on allegations that he made a false statement in acquiring a firearm. From February to June 2003, I served as sole counsel for Mr. Lamothe. In that capacity, I handled every aspect of the proceeding, including investigating the case, preparing for trial, and briefing and arguing several pretrial motions. At trial, I handled all proceedings, including jury selection, opening statement, direct and cross-examination, and closing argument. Following the trial, the jury hung. The case was subsequently dismissed.

Opposing Counsel:

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3. *United States v. Oberholtzer*, No. CR 02-322-CAS (C.D. Cal. Oct. 2, 2003) (Snyder, J.)

Mr. Oberholtzer was charged with aiding and assisting in the preparation of false tax returns. From 2002 to 2003, I served as co-lead counsel for Mr. Oberholtzer. In that capacity, I worked with co-counsel to investigate the case, prepare for trial, and brief and argue several pretrial motions. At trial, I, along with co-counsel, handled jury selection, opening statement, direct and cross-examination, and closing argument. Following the trial, the jury found Mr. Oberholtzer guilty. At sentencing, I, along with co-counsel, was responsible for the briefing and argument. Thereafter, the district court sentenced Mr. Oberholtzer to fifteen months in custody and a one-year term of supervised release.

Co-Counsel:

Jeffrey H. Rutherford (formerly with Federal Public Defender's Office)
Kendall Brill & Kelly LLP
10100 Santa Monica Boulevard, Suite 1725
Los Angeles, CA 90067
(310) 556-2700

Opposing Counsel:

Darwin Thomas (formerly with United States Attorney's Office)
281 Stratford Court
Del Mar, CA 92014
(phone number unavailable)

4. *United States v. Washington*, No. CR 02-594-CBM (C.D. Cal. Aug. 6, 2003)
(Marshall, J.)

Mr. Washington was originally charged with felony offenses of embezzlement of public funds and bank fraud based on allegations he embezzled money while employed by the United States Post Office. From 2002 to 2003, I served as sole counsel for Mr. Washington. In that capacity, I worked on all aspects of the proceedings, including investigating the case and plea negotiations. While Mr. Washington was originally charged with felony offenses, I was able to negotiate a disposition in which Mr. Washington pleaded guilty to a misdemeanor charge of conversion of money of the United States, and the felony charges were dismissed. I also collected and presented substantial mitigation evidence on Mr. Washington's behalf at sentencing. Based on that significant mitigation work, the district court sentenced Mr. Washington to three years of probation.

Opposing Counsel:

Bonnie Hobbs (formerly with United States Attorney's Office)
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(310) 726-2700

5. *United States v. Montgomery*, No. CR 01-1130-MMM (C.D. Cal. Sept. 3, 2002)
(Morrow, J.)

Mr. Montgomery was charged with making a false statement in acquiring a firearm. From January to September 2002, I served as sole counsel for Mr. Montgomery. In that capacity, I handled every aspect of the proceeding, including investigating the case, preparing for trial, and briefing and arguing several pretrial motions. At trial, I handled all proceedings, including jury selection, opening statement, direct and cross-examination, and closing argument. Following the trial, the jury hung, and the case was dismissed.

Opposing Counsel:

Honorable Sally L. Meloch (formerly with United States Attorney's Office)
(deceased)

6. *United States v. Friday*, No. CR 01-685-ABC (C.D. Cal. Oct. 11, 2001) (Collins, J.)

Mr. Friday was charged with making a false statement in acquiring a firearm. From July to October 2001, I served as sole counsel for Mr. Friday. In that capacity, I was responsible for every aspect of the proceeding, including investigating the case, preparing for trial, and briefing and arguing several pretrial motions. At trial, I handled all proceedings, including jury selection, opening statement, direct and cross-examination, and closing argument. Following the trial, the jury acquitted Mr. Friday.

Opposing Counsel:

Jason DeBretteville (formerly with United States Attorney's Office)
Stradling Yocca Carlson & Rauth
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Newport Beach, CA 92660
(949) 725-4094

7. *United States v. Moore*, No. CR 01-522-RSWL (C.D. Cal. Nov. 4, 2002) (Lew, J.)

Ms. Moore was charged with bank robbery. From May to October 2001, I served as sole counsel for Mr. Moore. In that capacity, I handled all aspects of the proceeding, including investigating the case and leading plea bargaining negotiations. Ms. Moore eventually pleaded guilty to the charges. However, I conducted substantial mitigation work, including interviewing witnesses, collecting medical records, and retaining an expert. Based on that significant mitigation work, the district court sentenced Ms. Moore to three years of probation.

Opposing Counsel:

Kevin M. Lally (formerly with United States Attorney's Office)
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8. *United States v. Bonas*, No. CR 01-334-RMT (C.D. Cal. Feb. 6, 2004) (Takasugi, J.), *rev'd*, 344 F.3d 945 (9th Cir. 2003) (Kozinski, Nelson, Restani, JJ.)

Mr. Bonas, a lawyer at the time, was charged with making threats to injure in interstate commerce based on allegations that he made various threats against opposing counsel. From 2001 to 2004, I served as sole counsel for Mr. Bonas before both the United States District Court for the Central District of California and the United States Court of Appeals for the Ninth Circuit. In that capacity, I handled every aspect of the proceeding, including investigating the case, preparing for trial, and briefing and arguing several pretrial motions. I handled all aspects of the trial, including jury selection, opening statement, and direct and cross-examination. In the middle of trial, the district court declared a mistrial after several jurors claimed an inability to proceed, and ordered the case retried. I filed a motion in district court, arguing retrial would violate the Double Jeopardy Clause. The district court denied the motion and Mr. Bonas filed an interlocutory appeal on the ground that his retrial would violate the Double Jeopardy Clause. I briefed and argued the case before the Ninth Circuit. The Ninth Circuit reversed the district court's judgment and remanded for dismissal of the indictment.

Opposing Counsel (Trial):

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Opposing Counsel (Appeal):

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9. *United States v. Magana*, No. CR 99-1187-NM (C.D. Cal. Mar. 7, 2000) (Manella, J.)

Ms. Magana was charged with possession with intent to distribute methamphetamine. From 1999 to 2000, I served as sole counsel for Ms. Magana. In that capacity, I was responsible for all aspects of the matter, including investigating the case and briefing and arguing several pretrial motions. Most notably, I successfully moved to suppress drug evidence seized from Ms. Magana during an unconstitutional traffic stop. After that suppression motion was granted, the government moved to dismiss the case, and the case was dismissed in its entirety.

Counsel for Co-Defendant:

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Opposing Counsel:

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10. *United States v. Alexander*, No. CR 99-14-RSWL (C.D. Cal. Apr. 17, 2000) (Lew, J.)

Mr. Alexander and his brother were charged with interference with housing rights, aiding and abetting, and conspiracy, based on allegations that they had harassed individuals living in their neighborhood. From 1999 to 2000, I served as lead counsel for Mr. Alexander. In that capacity, I was responsible for investigating the case, preparing for trial, and briefing and arguing several pretrial motions. I handled all aspects of the trial, including jury selection, opening statement, and direct and cross-examination. Following the trial, the jury was unable to reach a verdict. I then requested, and the government agreed, that Mr. Alexander be allowed to participate in a diversion program. Mr. Alexander successfully completed the program, and the case was dismissed.

Counsel for Co-Defendant:

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Opposing Counsel:

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

In addition to the extensive litigation experience and courtroom duties in criminal and civil matters described above, I have volunteered for many years to serve as a judicial officer for the Central District of California's Conviction and Sentence Alternatives

(“CASA”) and Substance Abuse Treatment and Reentry (“STAR”) programs.

The CASA program is an intensive post-guilty plea diversion program that offers a blend of treatment, sanction alternatives, and incentives to address behavior, rehabilitation, and the safety of the community. Since becoming involved with CASA in 2015, I—along with Pretrial Services Officers, Deputy Federal Public Defenders, and Assistant United States Attorneys—meet monthly with program participants to discuss their progress and help provide them support and access to resources. As one of the judicial officers, I also counsel participants and impose goals and sanctions for the participants, in consultation with other team members. The goal of the CASA program is to provide an alternative pathway for individuals who demonstrate their ability to address the issues that brought them into the federal criminal justice system.

Since 2017, I have also volunteered as a judicial officer for the STAR program. The STAR program is a reentry initiative that offers individuals with long histories of substance abuse, and often significant criminal histories, an opportunity to participate in an intensive program in order to achieve and maintain sobriety. I—along with Probation Officers, Federal Public Defenders, Assistant United States Attorneys, and treatment providers, and judicial officers—meet weekly with program participants to discuss their progress and help provide them support and access to resources. We also reach out telephonically on an individual basis to participants. In addition, as one of the judicial officers, I also counsel participants and impose goals and sanctions for the participants, in consultation with other team members. The STAR program aims to help individuals address longstanding substance abuse issues and thereby enable them to reenter their communities as sober, responsible people.

Additionally, I have represented clients, in both criminal and civil matters, that were resolved without litigation; for example, where settlements were reached prior to formal charges being filed or litigation being commenced. I have also represented individuals who have appeared as witnesses before grand juries.

I have not performed any lobbying activities or registered as a lobbyist.

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

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).

See attached Financial Disclosure Report.

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

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

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

The Central District of California, where I currently serve as a magistrate judge, maintains an automated conflict checking system that precludes cases with attorneys or parties on the conflict list from being assigned to the identified judge. On my list I include my spouse, who is an attorney; any spouse/partner of a law clerk, who is an attorney; and any company in which me or an immediate family member has a financial interest. I am not aware of any other family member or other persons, parties, categories of litigation, or financial arrangements that are likely to present potential conflicts-of-interests if I am confirmed to the position to which I have been nominated.

- 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 as a United States District Judge, I would continue to resolve any potential conflict of interest by adhering to the Code of Conduct for United States Judges, 28 U.S.C. § 455, other relevant ethical canons and rules, and all applicable policies and procedures of the United States Courts.

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.

During my tenure with the Federal Public Defender's Office, my entire practice was devoted to serving indigent criminal defendants. Throughout my time in private practice, I continued my commitment to providing indigent criminal defendants with quality legal representation by serving as a member of the Criminal Justice Act panel for the Central District of California. Additionally, I regularly participated in other legal services programs, including "Adoption Day" events where I helped families navigate the legal processes involved in adoption.

26. **Selection Process:**

- a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

In November 2020, I submitted an application for a position on the United States District Court for the Central District of California to Senator Dianne Feinstein's judicial selection committee. In February 2021, I submitted an application to Senator Alex Padilla's judicial selection committee. On April 9, 2021, I interviewed with Senator Padilla's committee. On April 23, 2021, I interviewed with Senator Feinstein's committee. On May 13, 2021, I interviewed with Senator Feinstein's statewide chairperson. On August 24, 2021, I interviewed with attorneys from the White House Counsel's Office. Since that time, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On December 15, 2021, my nomination was submitted to the Senate.

- 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.