

**UNITED STATES SENATE  
COMMITTEE ON THE JUDICIARY**

**QUESTIONNAIRE FOR JUDICIAL NOMINEES**

**PUBLIC**

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

Stephen Henley Locher

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

United States District Judge for the Southern District of Iowa

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 Southern District of Iowa  
123 East Walnut Street  
Des Moines, Iowa 50309

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

1978; Mason City, Iowa

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.

2000 – 2003, Harvard Law School; J.D., 2003

1996 – 2000, University of Notre Dame; B.A. (*magna cum laude*), 2000

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.

2021 – present

United States District Court for the Southern District of Iowa  
123 East Walnut Street  
Des Moines, Iowa 50309  
United States Magistrate Judge

2013 – 2021  
Belin McCormick, P.C.  
666 Walnut Street, Suite 2000  
Des Moines, Iowa 50309  
Partner

2008 – 2013  
United States Attorney's Office for the Southern District of Iowa  
111 East Court Avenue, Suite 286  
Des Moines, Iowa 50309  
Assistant United States Attorney

2010 – 2011  
PowerScore, Inc.  
634 Marina Drive, Suite B  
Charleston, South Carolina 29492  
LSAT Prep Course Instructor

2004 – 2008  
Goldberg Kohn Bell Black Rosenbloom & Moritz LLP (now Goldberg Kohn)  
55 East Monroe Street, Suite 3300  
Chicago, Illinois 60603  
Litigation Associate

2003 – 2004  
United States Court of Appeals for the Eighth Circuit  
400 East Ninth Street  
Kansas City, Missouri 64106  
Law Clerk to the Honorable John R. Gibson

Summer 2003  
Winthrop & Weinstine, P.A.  
225 South Sixth Street  
Minneapolis, Minnesota 55402  
Summer Associate

Fall 2001 – Spring 2003  
Harvard University Department of Economics  
1805 Cambridge Street  
Cambridge, Massachusetts 02138  
Ec10 Section Leader

Summer 2002  
Belin McCormick, P.C.  
666 Walnut Street, Suite 2000

Des Moines, Iowa 50309  
Summer Associate

Summer 2002  
Goldberg Kohn Bell Black & Rosenbloom LLP (now Goldberg Kohn)  
55 East Monroe Street, Suite 3300  
Chicago, Illinois 60603  
Summer Associate

Summer 2001, Summer 2002  
Jenner & Block LLP  
353 North Clark Street  
Chicago, Illinois 60654  
Summer Associate

Spring 2001  
Harvard Law School  
1563 Massachusetts Avenue  
Cambridge, Massachusetts 02138  
Research Assistant to Professor Jon Hanson

Summer 2000  
City of Mason City, Iowa, Parks & Recreation Department  
100 South Federal Avenue  
Mason City, Iowa 50401  
Swimming Pool Manager

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

I did not serve in the military. I registered for 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.

Super Lawyers (2018, 2019, 2020, 2021)

Federal Bureau of Investigation, special recognition for work performed while an Assistant United States Attorney (2013)

United States Attorney's Office for the Southern District of Iowa, Time Off Award for outstanding service (2010, 2011, 2012)

Harvard University

Bok Center Certificate of Distinction in Teaching (June 2003)  
Bok Center Certificate of Distinction in Teaching (January 2003)  
Harvard Negotiation Law Review, Editorial Staff (2001)

University of Notre Dame

*Magna Cum Laude* (2000)  
Omicron Delta Epsilon (economics honor society) (2000)  
Pi Sigma Alpha (political science honor society) (2000)  
Dean's List (1997 – 2000)

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

Blackstone American Inn of Court

Federal Magistrate Judges Association

Iowa State Bar Association  
Federal Practice Committee

Magistrate Judge Merit Selection Panel, United States District Court for the Southern District of Iowa (2013, 2014)

Polk County Bar Association

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.

Illinois, 2004  
Iowa, 2010

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 Second Circuit, 2020  
United States Court of Appeals for the Sixth Circuit, 2005

United States Court of Appeals for the Seventh Circuit, 2006  
United States Court of Appeals for the Eighth Circuit, 2004  
United States Court of Appeals for the Ninth Circuit, 2015  
United States District Court for the Northern District of Illinois, 2004  
United States District Court for the Northern District of Iowa, 2013  
United States District Court for the Southern District of Iowa, 2008

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.

Blank Park Zoo (2011 – present)

Des Moines YMCA (2009 – present)

East Bank Club (2005 – 2008)

Harvard Law School Association (2003 – present)

Notre Dame Alumni Association (2000 – present)

Science Center of Iowa (2011 – present)

Wakonda Club (2018 – present)

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

Long before I joined the organization, the YMCA, originally a Christian service organization, limited its membership to men; it now welcomes men and women of all backgrounds. 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.

*Against the Grain: Iowa lawyers moving away from federal court for civil cases; counterparts in other states using federal courts more*, IOWA LAW. (Feb. 2022). Copy supplied.

*Smith wins title in his last race at Speedway*, GLOBE-GAZ. (Aug. 2, 1999). Copy supplied.

*Eastman holds on, wins Stock Car Feature*, GLOBE-GAZ. (July 5, 1999). Copy supplied.

*Hejna, Monson roar back*, GLOBE-GAZ. (June 28, 1999). Copy supplied.

*Opheim's luck changes in first Stock Car win*, GLOBE-GAZ. (June 21, 1999). Copy supplied.

*Mason City's Tickal wins Hobby Stock feature*, GLOBE-GAZ. (June 14, 1999). Copy supplied.

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

None.

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

None.

- d. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the

date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

I have searched my records, electronic databases, and the internet in an effort to identify all events responsive to this question, but there may be other events I have not been able to recall or identify.

December 10, 2021: Panelist, Magistrate Judges Panel, Federal Practice Seminar, Iowa State Bar Association, Des Moines, Iowa. The panel discussed issues relevant to practicing law in federal courts in Iowa. I have no notes, transcript, or recording. The address for the Iowa State Bar Association is 625 East Court Avenue, Des Moines, Iowa 50309.

December 10, 2021: Speaker, Where Have All the Civil Cases Gone (and Will They Ever Come Back)?, Federal Practice Seminar, Iowa State Bar Association, Des Moines, Iowa. Presentation supplied.

November 8, 2021: Moot Court Judge, Drake University Law School Federal Court Night, United States District Court for the Southern District of Iowa, Des Moines, Iowa. I served as one of three judges for a moot court session with law students, and I offered feedback to the students on their performance. I have no notes, transcript, or recording. The address for the Drake University Law School is 2507 University Avenue, Des Moines, Iowa 50311. The address for the United States District Court for the Southern District of Iowa is 123 East Walnut Street, Des Moines, Iowa 50309.

September 22, 2021: Panelist, Civil Practice and Procedure: State v. Federal, Federal Practice Primer, Iowa State Bar Association, Des Moines, Iowa. The panel discussed differences between state and federal practice in civil cases in Iowa. I have no notes, transcript, or recording. The address for the Iowa State Bar Association is 625 East Court Avenue, Des Moines, Iowa 50309.

September 17, 2021: Presiding Judge, Naturalization Ceremony, United States District Court for the Southern District of Iowa, Des Moines, Iowa. Notes supplied.

September 10, 2021: Speaker, Federal Case Law Update, Bridge the Gap Seminar, Iowa State Bar Association, West Des Moines, Iowa. Presentation supplied.

June 10, 2021: Speaker, Introducing New Magistrate Judge Stephen Locher, Annual Meeting, Iowa State Bar Association, Des Moines, Iowa (virtual). I

discussed my legal experience and expectations for my work as a United States Magistrate Judge. I have no notes, transcript, or recording. The address for the Iowa State Bar Association is 625 East Court Avenue, Des Moines, Iowa 50309.

November 12, 2020: Panelist, Working with Counsel: Ethics, Attorney-Client Privilege, and Investigations, Belin McCormick, P.C., Des Moines, Iowa (virtual). The panel discussed principles surrounding the attorney-client privilege. I have no notes, transcript, or recording. The address for Belin McCormick, P.C. is 666 Walnut Street, Suite 2000, Des Moines, Iowa 50309.

October 16, 2019: Speaker, Ethical Considerations When Leaving or Returning to Government Practice, CLE for Government Attorneys, Office of the Iowa Attorney General, Des Moines, Iowa. Presentation supplied.

September 6, 2019: Speaker, Can a Corporation Go to Jail? Criminal Exposure for the Company When its Employees Do Bad Things, Employment Law Seminar, Belin McCormick, P.C., Des Moines, Iowa. I spoke about principles of criminal law as applied to companies and other organizations, including procedural and substantive issues that arise when organizations are named as defendants in criminal cases or targets or subjects in criminal investigations. I have no notes, transcript, or recording. The address for Belin McCormick, P.C. is 666 Walnut Street, Suite 2000, Des Moines, Iowa 50309.

September 24, 2018: Speaker, Protecting Your Company's Interests: Effectively Using Non-Competes, Employment Law Seminar, Belin McCormick, P.C., Des Moines, Iowa. I discussed legal issues surrounding restrictive covenants, including limitations on their enforceability. I have no notes, transcript, or recording. The address for Belin McCormick, P.C. is 666 Walnut Street, Suite 2000, Des Moines, Iowa 50309.

September 29, 2017: Speaker, Handling the Media in High-Profile Cases, Employment Law Seminar, Belin McCormick, P.C., Des Moines, Iowa. Presentation supplied.

2017 (specific date unknown): Speaker, Working with the Media in High-Profile Cases, Iowa Association of Corporate Counsel, Des Moines, Iowa. I used the same materials that were provided for the presentation on September 29, 2017.

May 18, 2017: Speaker, Representing Multiple Parties and Addressing Conflicts in a Single Case, Ditches, Drainage & Drama Series, Belin McCormick, P.C., Sac City, Iowa. Presentation supplied.

November 18, 2016: Co-Presenter, Federal Practice, Polk County Bar Association, Des Moines, Iowa. My co-presenter and I discussed federal civil procedure. I have no notes, transcript, or recording. The address for the Polk

County Bar Association is 625 East Court Avenue, Suite 100, Des Moines, Iowa 50309.

September 30, 2016: Speaker, Disputes with the Government: What to Do When the Other Side Has a Completely Different Cost and Incentive Structure Than You, Employment Law Seminar, Belin McCormick, P.C., Des Moines, Iowa. Presentation supplied.

June 15, 2016: Panelist, Introducing Judge Rebecca Goodgame Ebinger and Developments in the Southern District of Iowa, Annual Meeting, Iowa State Bar Association, Des Moines, Iowa. The panel discussed substantive and procedural issues arising in litigation before the United States District Court for the Southern District of Iowa. I have no notes, transcript, or recording. The address for the Iowa State Bar Association is 625 East Court Avenue, Des Moines, Iowa 50309.

February 26, 2016: Speaker, Right to Counsel in Criminal Cases, Iowa Academy of Trial Lawyers, Des Moines, Iowa. I spoke about when the right to counsel attaches in criminal cases and related Sixth Amendment issues. I have no notes, transcript, or recording. The address for the Iowa Academy of Trial Lawyers is 317 Sixth Avenue, Suite 1200, Des Moines, Iowa 50309.

December 18, 2015: Panelist, Ethics Panel, Federal Practice Seminar, Iowa State Bar Association, Des Moines, Iowa. The panel discussed ethical obligations for lawyers in various hypothetical scenarios. I have no notes, transcript, or recording. The address for the Iowa State Bar Association is 625 East Court Avenue, Des Moines, Iowa 50309.

November 2015 (specific date unknown): Speaker, Expert Witnesses in Fraud Cases, Association of Certified Fraud Examiners, Des Moines, Iowa. Presentation supplied.

October 27, 2015: Speaker, Temporary Workers: Can Someone Be an "Employee" for Some Purposes but Not Others?, Employment Law Seminar, Belin McCormick, P.C., Des Moines, Iowa. Presentation supplied.

2014 – 2015 (specific date unknown): Speaker, Federal Home Loan Bank, Des Moines, Iowa. I spoke about federal fraud prosecutions. I have no notes, transcript, or recording. The address for Federal Home Loan Bank is 909 Locust Street, Des Moines, Iowa 50309.

Fall 2014 (specific date unknown): Guest Lecturer, Fraud Examination Course, Drake University, Des Moines, Iowa. I spoke to graduate students about the use of forensic accountants in civil and criminal litigation. I have no notes, transcript, or recording. The address for Drake University is 2507 University Avenue, Des Moines, Iowa 50311.

September 13, 2013: Speaker, Self-Investigations Can Save Your Business: How and When to Use Them, Employment Law Seminar, Belin McCormick, P.C., Des Moines, Iowa. Presentation supplied.

December 9, 2011: Speaker, Eighth Circuit Advocacy, Federal Practice Seminar, Iowa State Bar Association, Des Moines, Iowa. I introduced the members of a panel that discussed practicing before the United States Court of Appeals for the Eighth Circuit. I have no notes, transcript, or recording. The address for the Iowa State Bar Association is 625 East Court Avenue, Des Moines, Iowa 50309.

July 19, 2010: Speaker, Mortgage Fraud and Money Laundering, District 3/2 Conference, Association of Real Estate License Law Officials, Des Moines, Iowa. To the best of my recollection, I spoke about principles of federal criminal law as related to the mortgage industry and mortgage professionals. I have no notes, transcript, or recording. The address for the Association of Real Estate License Law Officials is 11650 Olio Road, Suite 1000 #360, Fishers, Indiana 46037.

- 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.

Tony Leys, *Agency to pay \$1M to settle allegations*, DES MOINES REG. (Jan. 6, 2017) (reprinted in multiple sources). Copy supplied.

Michael Rosenberg, *The Games of Their Lives*, SPORTS ILLUSTRATED (Apr. 7, 2014). Copy supplied.

Ryan Foley, *Salesman took \$480K in bribes*, ASSOCIATED PRESS STATE & LOCAL WIRE (Oct. 17, 2013) (reprinted in multiple sources). Copy supplied.

Kent Darr, *A Closer Look: Stephen Locher*, BUS. RECORD (Feb. 15, 2013). Copy supplied.

Goldberg Kohn, *For the Community: Our Pro Bono Contributions*, (2007). Copy supplied.

Charles Emerick, *Mohawk Alumni Classic: Home for the Holidays*, GLOBE-GAZ. (Dec. 24, 2000). Copy supplied.

Zach Jensen, *Staying afloat: Mason City pool will hold Floatation Night every Thursday in July*, GLOBE-GAZ. (July 7, 2000). Copy supplied.

Dan Luzietti, *Bengal Bouts captains motivate fellow competitors*, OBSERVER (Feb. 20, 1998). 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 June 1, 2021, I have served as a United States Magistrate Judge on the United States District Court for the Southern District of Iowa. I was selected for that position following a two-stage process. In the first stage, members of a merit selection panel comprised of lawyers and non-lawyers chose five finalists. In the second stage, the United States District Judges of the Southern District of Iowa made the final selection from the five finalists. I am currently serving an eight-year renewable term. The United States District Court for the Southern District of Iowa is an Article III court of limited jurisdiction, and the jurisdiction of United States Magistrate Judges is governed by 28 U.S.C. § 636.

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

I have not yet presided over any cases that have gone to verdict or judgment.

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

jury trials: \_\_\_\_\_%  
bench trials: \_\_\_\_\_%

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

civil proceedings: \_\_\_\_\_%  
criminal proceedings: \_\_\_\_\_%

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

I have written the following opinions that appear in an official reporter, Westlaw, and/or Lexis. In addition, I have written many more opinions, reports and recommendations, and memorandum orders on routine and non-routine matters that are stored in the electronic case management system maintained by the United States District Court for the Southern District of Iowa.

*Meardon v. Register*, No. 3:18-CV-00042, 2022 WL 193576 (S.D. Iowa Jan. 21, 2022).

*Strobl v. Werner Enters., Inc.*, — F. Supp. 3d —, No. 4:20-CV-00382, 2022 WL 18686 (S.D. Iowa Jan. 3, 2022).

*Corkrean v. Drake Univ.*, No. 4:21-CV-00336, 2022 WL 18632 (S.D. Iowa Jan. 3, 2022).

*United States v. Norris*, No. 4:21-CR-00148, 2021 WL 6201317 (S.D. Iowa Dec. 23, 2021).

*Miljas v. Cohen*, No. 4:20-CV-00320, 2021 WL 6618704 (S.D. Iowa Dec. 14, 2021).

*Shafer v. Zimmerman Transfer, Inc.*, No. 1:20-CV-00023, 2021 WL 5632087 (S.D. Iowa Nov. 23, 2021).

*Krier v. Gosnell*, No. 4:21-CV-00063, 2021 WL 5028979 (S.D. Iowa Oct. 28, 2021).

*Emory Indus. Servs., Inc. v. Stewart*, — F. Supp. 3d —, No. 4:20-CV-00087, 2021 WL 4812991 (S.D. Iowa Oct. 15, 2021).

*United States v. Martinez*, No. 4:21-CR-00107, 2021 WL 4169789 (S.D. Iowa Sept. 13, 2021).

*Stark v. Hamelton*, No. 3:18-CV-00069, 2021 WL 4056716 (S.D. Iowa Sept. 2, 2021).

*Johnson v. Castro*, No. 1:20-CV-00026, 2021 WL 4056817 (S.D. Iowa Aug. 27, 2021).

*Slaton v. Climax Molybdenum Co.*, 551 F. Supp. 3d 919 (S.D. Iowa 2021).

*Slaton v. Climax Molybdenum Co.*, No. 3:20-CV-00059, 2021 WL 6689667 (S.D. Iowa July 12, 2021).

*United States v. Beltran-Ochoa*, No. 1:21-CR-00019, 2021 WL 4056816 (S.D. Iowa June 24, 2021).

*White v. Cochran*, No. 4:19-CV-00055, 2021 WL 4056818 (S.D. Iowa June 17, 2021).

*Grove v. Beer Barn Corp.*, No. 1:20-CV-00027, 2021 WL 4056815 (S.D. Iowa June 16, 2021).

- 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. *Miljas v. Greg Cohen Promotions, LLC*, No. 4:20-CV-00320, 2021 WL 6618704 (S.D. Iowa Dec. 14, 2021)

This is a dispute arising out of a contract between a professional boxer and promoter. The plaintiff boxer alleges claims sounding in contract, tort, and fraud. The defendants counterclaimed for breach of contract and under related theories. The parties had numerous discovery disputes that I resolved after a lengthy hearing in December 2021. I ruled on many issues in open court, most of which related to the sufficiency of the defendants' discovery responses. I also issued a written ruling approximately one week later in which I directed the defendants to search their computers and other electronic media for responsive materials, denied the plaintiff's motion for the defendants' tax returns, and denied the plaintiff's request for attorney's fees. The case is scheduled for trial on September 12, 2022.

Counsel for Plaintiff:

Michael Dee  
Thomas Story  
BrownWinick  
666 Grand Avenue, Suite 2000  
Des Moines, IA 50309  
(515) 242-2400

Counsel for Defendants:

Timothy Lillwitz  
Bradshaw Fowler Proctor & Fairgrave, P.C.  
801 Grand Avenue, Suite 3700  
Des Moines, IA 50309  
(515) 246-5898

David Schrader  
Paykin Krieg & Adams LLP  
155 East 44th Street, Sixth Floor  
New York, NY 10017  
(347) 879-2345

2. *Strobl v. Werner Enters., Inc.*, — F. Supp. 3d —, No. 4:20-CV-00382, 2022 WL 18686 (S.D. Iowa Jan. 3, 2022)

This is a personal injury case arising out of a car-truck accident. During discovery, a dispute arose regarding the scope of the consulting expert privilege under Federal Rule of Civil Procedure 26(b)(4)(d) when a party's treating physicians know the party will be evaluated by a consulting expert but never receive a copy of the consulting expert's report. Following briefing and argument, I concluded that Rule 26(b)(4)(d) protects the report from disclosure in these circumstances. The case is scheduled for trial on June 20, 2022.

Counsel for Plaintiff:

James Lawyer  
Robert Conklin  
Lawyer, Lawyer, Dutton, Drake & Conklin, LLP  
2469 106th Street  
Urbandale, IA 50322  
(515) 244-4400

Counsel for Defendants:

Frederick Harris  
Jackson Stokes (until withdrawal)  
Lamson, Dugan & Murray, LLP  
1045 76th Street, Suite 3000  
West Des Moines, IA 50266  
(515) 513-5003

3. *United States v. Norris*, No. 4:21-CR-00148, 2021 WL 6201317 (S.D. Iowa Dec. 23, 2021)

This is a criminal case involving drug distribution charges. In December 2021, I held several hearings revolving largely around the defendant's Sixth Amendment right to represent himself *pro se*. I ruled that the defendant had clearly and unequivocally waived his right to court-appointed counsel and had done so knowingly and voluntarily. The case is scheduled for trial on May 9, 2022.

Counsel for United States:

Mallory Weiser  
United States Attorney's Office for the Southern District of Iowa  
110 East Court Avenue, Suite 286  
Des Moines, IA 50309  
(515) 473-9300

Counsel for Defendant:

Todd Lantz (until withdrawal)  
The Weinhardt Law Firm  
2600 Grand Avenue, Suite 450  
Des Moines, IA 50312  
(515) 244-3100

4. *Johnson v. Castro*, No. 1:20-CV-00026, 2021 WL 4056817 (S.D. Iowa Aug. 27, 2021)

This is a wrongful death action arising out of a car-motorcycle accident. I presided over the case by consent of the parties. Following settlement in principle of the wrongful death action, a dispute arose regarding how attorney's fees should be allocated between two different law firms who claimed to have represented the

decedent's estate. I had to decide whether ancillary jurisdiction existed over the fee dispute and, if so, whether it should be exercised when the dispute involved a state court probate proceeding. I concluded that ancillary jurisdiction existed and should be exercised. I also denied the estate's motion to strike a proposed complaint in intervention and its motion to dismiss, and I resolved a dispute regarding the scope of discovery on the complaint in intervention. The parties reached agreement to settle the case and complaint in intervention shortly before trial in December 2021. The case is pending on my docket while the parties await final approval of the settlement by probate courts in Nebraska.

Counsel for Plaintiffs:

Thomas Prickett (Johnson)  
Reinsch, Slattery, Bear & Minihan P.C. L.L.O.  
545 Main Street  
Plattsmouth, NE 68048  
(402) 296-6996

Robert Sherrets (Johnson)  
Sherrets Bruno & Vogt, LLC  
260 Regency Parkway Drive, Suite 200  
Omaha, NE 68114  
(402) 390-1112

John C. Bush (Boardmans & Bush)  
Bush Motto Creen Koury & Halligan PLC  
5505 Victoria Avenue, Suite 100  
Davenport, IA 52807  
(563) 344-4900

Counsel for Defendant:

Benjamin Weston  
Kent Gummert  
Lederer Weston Craig PLC  
4401 Westown Parkway, Suite 212  
West Des Moines, IA 50266  
(515) 224-3911

5. *Emory Indus. Servs., Inc. v. Stewart*, — F. Supp. 3d —, No. 4:20-CV-00087, 2021 WL 4812991 (S.D. Iowa Oct. 15, 2021)

This is a breach of contract and trade secrets case. I am presiding over the case by consent of the parties. In October 2021, I denied the plaintiff's motion to enforce settlement agreement, holding that email communications between counsel for the parties did not create a binding and enforceable settlement agreement under Iowa law. The case recently settled, and a consent judgment was entered.

Counsel for Plaintiff:  
Christopher Kreuder  
Faegre Drinker Biddle & Reath LLP  
801 Grand Avenue, 33rd Floor  
Des Moines, IA 50309  
(515) 447-4733

Counsel for Defendants:  
Matthew Brick  
Brick Gentry, P.C.  
6701 Westown Parkway, Suite 100  
West Des Moines, IA 50266  
(515) 274-1450

6. *United States v. Bochnicek*, No. 1:21-CR-00009 (S.D. Iowa)

This was a criminal case involving drug and gun charges. The defendant moved to suppress evidence discovered, and statements made, during an encounter with law enforcement. The presiding United States District Judge referred the motion to me for report and recommendation. The primary issues were whether a warrantless vehicle search was justified by probable cause and whether law enforcement violated the defendant's *Miranda* rights. After an evidentiary hearing, I recommended that the motion to suppress be granted in part (as to the *Miranda* issue) and denied in part (as to the vehicle search). Dkt. 58 (S.D. Iowa July 2, 2021) (copy supplied). The District Judge adopted my report and recommendation in nearly all respects, although she narrowed my reasoning on one issue that did not impact the outcome. Dkt. 63 (S.D. Iowa Aug. 17, 2021). The defendant later pleaded guilty and was sentenced to ten years' imprisonment.

Counsel for United States:  
Shelly Sudmann  
United States Attorney's Office for the Southern District of Iowa  
Eight South Sixth Street, Room 348  
Council Bluffs, IA 51502  
(712) 256-5009

Counsel for Defendant:  
Joseph Kuehl  
Lefler, Kuehl & Burns  
300 South 19th Street, Suite 304  
Omaha, NE 68102  
(402) 342-4433

7. *United States v. Gentry*, No. 4:21-CR-00021 (S.D. Iowa)

This was a criminal case involving drug distribution charges. The defendant moved to suppress evidence discovered, and statements made, during a traffic stop. The presiding United States District Judge referred the motion to me for report and recommendation. The primary issue was whether probable cause existed to search a vehicle and trailer, including whether a law enforcement officer improperly cued a drug dog to “alert” for the presence of drugs. After an evidentiary hearing, I recommended that the motion to suppress be denied. Dkt. 55 (S.D. Iowa Aug. 12, 2021) (copy supplied). Neither party appealed my ruling, and the defendant later pleaded guilty and was sentenced to six years’ imprisonment.

Counsel for United States:

Margaret Steindorf (formerly with Southern District of Iowa)  
United States Attorney’s Office for the Northern District of Illinois  
219 South Dearborn Street, Fifth Floor  
Chicago, IL 60604  
(312) 353-5300

Mikaela Shotwell

United States Attorney’s Office for the Southern District of Iowa  
110 East Court Avenue, Suite 286  
Des Moines, IA 50309  
(515) 473-9284

Counsel for Defendant:

Andrew Graeve  
Federal Public Defender for the Northern & Southern Districts of Iowa  
400 Locust Street, Suite 340  
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8. *Slaton v. Climax Molybdenum Co.*, No. 3:20-CV-00059, 2021 WL 6689667 (S.D. Iowa July 12, 2021), 551 F. Supp. 3d 919 (S.D. Iowa 2021)

This was a negligence action arising out of a single-vehicle semi-trailer accident. I presided over the case by consent of the parties. The case revolved, in substantial part, around whether a shipper that loads products into a semi-trailer owes a duty of care under Iowa law to the driver to ensure the load is safe for transport. I addressed various discovery issues, including granting a third-party’s motion to quash a subpoena. I also granted in part and denied in part the defendant’s motion for summary judgment, holding that the plaintiff had a viable negligence claim under Iowa law because the defendant owed him a duty of care but not a viable claim of negligence per se. The case settled shortly before trial in October 2021.

Counsel for Plaintiff:

Paul Lane  
Dowd & Dowd PC  
211 North Broadway, Suite 4050  
Saint Louis, MO 63102  
(314) 621-2500

Ronald Pogge  
Hopkins & Huebner PC  
2700 Grand Avenue, Suite 111  
Des Moines, IA 50312  
(515) 697-4268

Counsel for Defendant:

Brandan Mueller  
Husch Blackwell LLP  
The Link Virtual Office  
190 Carondelet Plaza, Suite 600  
Saint Louis, MO 63105  
(314) 480-1500

9. *Crow v. C & W Facility Servs. Inc.*, No. 4:20-CV-00393 (S.D. Iowa)

This was an employment case involving claims under the Family and Medical Leave Act (FMLA) and an Iowa statute protecting employees from adverse employment action based on compliance with quarantine or isolation orders. The plaintiff alleged that he was terminated for “attendance issues” that included absences for which he: (a) should have been granted FMLA leave; and (b) was in quarantine in accordance with COVID-19 guidance issued by the Centers for Disease Control and Prevention. I handled a seven-hour settlement conference in October 2021 and several follow-up settlement-related communications in the ensuing days and weeks. The case settled on November 1, 2021, and was dismissed by joint stipulation on November 30, 2021.

Counsel for Plaintiff:

David Albrecht  
Amy Beck  
Fiedler Law Firm  
8831 Windsor Parkway  
Johnston, IA 50131  
(515) 254-1999

Counsel for Defendant:

Michaëlle Baumert  
Nicholas McGrath  
Jackson Lewis, P.C.

10050 Regency Circle, Suite 4000  
Omaha, NE 68114  
(402) 391-1991

10. *Lemke v. Iowa Pac. Processors*, No. 4:20-CV-00345 (S.D. Iowa)

This was an employment action brought by an ex-employee against his former employer. The plaintiff alleged that the defendant promised him a retirement package but later reneged on this promise and terminated the plaintiff because of his age. The plaintiff raised state and federal statutory claims, as well as claims for fraud, breach of contract, and unjust enrichment. The case involved disputed events spanning a ten-year period, as well as complicated issues under the Employee Retirement Income Security Act (ERISA) and Iowa employment statutes. I handled a daylong court-sponsored settlement conference in June 2021 that resulted in settlement.

Counsel for Plaintiff:

Matthew Sahag  
Dickey, Campbell & Sahag Law Firm, P.L.C.  
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(515) 288-5008

Counsel for Defendant:

Deborah Tharnish  
Margaret Hanson  
Dentons Davis Brown  
215 Tenth Street, Suite 1300  
Des Moines, IA 50309  
(515) 288-2500

- 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. *Meardon v. Register*, No. 3:18-CV-00042, 2022 WL 193576 (S.D. Iowa Jan. 21, 2022)

Counsel for Plaintiffs:

William Toomey  
Phelan Tucker Mullen Walker Tucker & Gelman LLP  
321 East Market Street  
Iowa City, IA 52244  
(319) 354-1104

Charles Randall  
Randall & Waldner, PLLC  
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Vancouver, WA 98660  
(206) 900-7900

Counsel for Defendants:

Alexander Johnson  
James White  
Brown Winick  
666 Grand Avenue, Suite 2000  
Des Moines, IA 50309  
(515) 242-2400

2. *Corkrean v. Drake Univ.*, No. 4:21-CV-00336, 2022 WL 18632 (S.D. Iowa Jan. 3, 2022)

Counsel for Plaintiff:

Michael Carroll  
Megan Flynn  
Coppola, McConville, Coppola, Carroll, Hockenber & Flynn, P.C.  
2100 Westown Parkway, Suite 210  
West Des Moines, IA 50265  
(515) 453-1055

Counsel for Defendants:

Rebecca Reif  
Olivia Brooks  
Ahlers & Cooney, P.C.  
100 Court Avenue, Suite 600  
Des Moines, IA 50309  
(515) 243-7611

3. *Strobl v. Werner Enters., Inc.*, — F. Supp. 3d —, 2022 WL 18686 (S.D. Iowa Jan. 3, 2022)

Counsel for Plaintiff:

James Lawyer  
Robert Conklin  
Lawyer, Lawyer, Dutton, Drake & Conklin, LLP  
2469 106th Street  
Urbandale, IA 50322  
(515) 244-4400

Counsel for Defendants:

Frederick Harris

Jackson Stokes (until withdrawal)  
Lamson, Dugan & Murray, LLP  
1045 76th Street, Suite 3000  
West Des Moines, IA 50266  
(515) 513-5003

4. *United States v. Norris*, No. 4:21-CR-00148, 2021 WL 6201317 (S.D. Iowa Dec. 23, 2021)

Counsel for United States:

Mallory Weiser  
United States Attorney's Office for the Southern District of Iowa  
110 East Court Avenue, Suite 286  
Des Moines, IA 50309  
(515) 473-9300

Counsel for Defendant:

Todd Lantz  
The Weinhardt Law Firm  
2600 Grand Avenue, Suite 450  
Des Moines, IA 50312  
(515) 244-3100

5. *Shafer v. Zimmerman Transfer, Inc.*, No. 1:20-CV-00023, 2021 WL 5632087 (S.D. Iowa Nov. 23, 2021)

Counsel for Plaintiff:

Bruce Stoltze  
John Stoltze  
Stoltze & Stoltze, PLC  
300 Walnut Street, Suite 260  
Des Moines, IA 50309  
(515) 244-1473

Counsel for Defendants:

Dustin Zeschke (Zimmerman Transfer, Inc.)  
Swisher & Cohrt PLC  
528 West Fourth Street  
Waterloo, IA 50704  
(319) 232-6555

Ryan Woody (Benefit Plan Administrators of Eau Claire, LLC)  
Matthiesen, Wickert & Lehrer, S.C.  
1111 East Sumner Street  
Hartford, WI 53027  
(262) 673-7850

6. *Emory Indus. Servs., Inc. v. Stewart*, — F. Supp. 3d —, No. 4:20-CV-00087, 2021 WL 4812991 (S.D. Iowa Oct. 15, 2021)

Counsel for Plaintiff:

Christopher Kreuder  
Faegre Drinker Biddle & Reath LLP  
801 Grand Avenue, 33rd Floor  
Des Moines, IA 50309  
(515) 447-4733

Counsel for Defendants:

Matthew Brick  
Brick Gentry, P.C.  
6701 Westown Parkway, Suite 100  
West Des Moines, IA 50266  
(515) 274-1450

7. *United States v. Martinez*, No. 4:21-CR-00107, 2021 WL 4169789 (S.D. Iowa Sept. 13, 2021)

Counsel for United States:

Amy Jennings  
United States Attorney's Office for the Southern District of Iowa  
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Counsel for Defendants:

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Shinkle, Lynch & Udelhoven  
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Chad Frese (D. Martinez)  
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Marshalltown, IA 50158  
(641) 753-5549

Erin Carr (Field)  
Carr Law Firm, PLC  
300 Walnut Street, Suite 140  
Des Moines, IA 50309  
(515) 875-4868

8. *Johnson v. Castro*, No. 1:20-CV-00026, 2021 WL 4056817 (S.D. Iowa Aug. 27, 2021)

Counsel for Plaintiffs:

Thomas Prickett (Johnson)  
Reinsch, Slattery, Bear, & Minihan P.C. L.L.O.  
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Plattsmouth, NE 68048  
(402) 296-6996

Robert Sherrets (Johnson)  
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Bush Motto Creen Koury & Halligan PLC  
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Counsel for Defendant:

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Kent Gummert  
Lederer Weston Craig PLC  
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West Des Moines, IA 50266  
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9. *United States v. Gentry*, No. 4:21-CR-00021, Dkt. 55 (S.D. Iowa Aug. 12, 2021) (copy supplied)

Counsel for United States:

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Mikaela Shotwell  
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Counsel for Defendant:

Andrew Graeve  
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10. *Slaton v. Climax Molybdenum Co.*, 551 F. Supp. 3d 919 (S.D. Iowa 2021)

Counsel for Plaintiff:

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Ronald Pogge  
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2700 Grand Avenue, Suite 111  
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(515) 697-4268

Counsel for Defendant:

Brandan Mueller  
Husch Blackwell LLP  
The Link Virtual Office  
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- e. Provide a list of all cases in which certiorari was requested or granted.

To the best of my knowledge, based on a review of my records and legal databases, certiorari has not been requested or granted in any of my cases.

- 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.

*United States v. Black*, No. 4:21-CR-00103, Dkt. 383 (S.D. Iowa Aug. 17, 2021) (copy supplied), *rev'd*, Dkt. 487 (S.D. Iowa Aug. 27, 2021) (copy supplied). The United States moved for detention pending trial for a defendant charged with conspiracy to distribute a controlled substance. Following an evidentiary hearing,

I ordered the defendant released on conditions in light of his family ties to the community, his relatively limited recent criminal history, the absence of any allegations of violence in connection with the charges against him, and the recommendations of the United States Probation Offices for the Northern District of Illinois and the Southern District of Iowa that he be released on conditions. The United States appealed my decision, and United States District Judge (now Chief District Judge) Stephanie Rose reversed. Chief Judge Rose concluded that the defendant had not rebutted the presumption of detention under 18 U.S.C. § 3142(e)(3)(A), and therefore ordered him detained pending trial.

- 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.

I have issued more than 1,000 orders, reports and recommendations, opinions, and memorandum orders. Most of these are routine, but approximately 75 to 100 rulings involved substantive factual or legal analysis. Of these rulings, approximately 20 percent are available on Lexis and/or Westlaw, and the remaining 80 percent are stored in the electronic case management system maintained by the United States District Court for the Southern District of Iowa.

- h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.

I have not written any significant opinions on federal or state constitutional issues.

- 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.

I make recusal decisions in accordance with the Code of Conduct for United States Judges and 28 U.S.C. § 455. I have never been asked by an attorney or litigant to recuse from a case. I have, however, recused myself *sua sponte* on four occasions:

*Jensen v. Union Pac. R.R. Co.*, No. 4:22-CV-00029 (S.D. Iowa). I recused myself because I owned stock in the defendant when I was assigned to the case.

*Plocek-Swanson v. Target Corp.*, No. 4:21-CV-00030 (S.D. Iowa). I recused myself because I owned stock in the defendant when I was assigned to the case.

*United States v. Six*, No. 4:20-CR-00030 (S.D. Iowa). I recused myself because I had prosecuted the defendant in an unrelated case as an Assistant United States Attorney.

*G2 Database Mktg., Inc. v. Stein*, No. 4:18-CV-00331 (S.D. Iowa). I recused myself because a former law firm partner of mine was serving as an expert witness for one of the parties and had begun serving in that capacity while I was still his partner.

**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 any public office other than judicial office. I have not had any unsuccessful candidacies for elective office or unsuccessful nominations for appointed office.

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

None.

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

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

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

From 2003 to 2004, I served as a law clerk to the Honorable John R. Gibson of the United States Court of Appeals for the Eighth Circuit.

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;

2004 – 2008

Goldberg Kohn Bell Black Rosenbloom & Moritz LLP  
(now Goldberg Kohn)  
55 East Monroe Street, Suite 3300  
Chicago, Illinois 60603  
Litigation Associate

2008 – 2013

United States Attorney's Office for the Southern District of Iowa  
111 East Court Avenue, Suite 286  
Des Moines, Iowa 50309  
Assistant United States Attorney

2013 – 2021

Belin McCormick, P.C.  
666 Walnut Street, Suite 2000  
Des Moines, Iowa 50309  
Partner

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 never served as a mediator or arbitrator except in my capacity 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 clerking on the United States Court of Appeals for the Eighth Circuit, I joined Goldberg Kohn, a Chicago law firm, as a litigation associate in 2004. During my four years at the firm, I represented clients in complex civil litigation across the country, primarily in federal courts. Most of my time was spent on discovery and motion practice, although I also argued substantive issues in many state and federal district courts. In addition, I drafted briefs in cases in several state and federal appellate courts and argued one case in the Seventh Circuit.

From 2008 to 2013, I worked as an Assistant United States Attorney in the United States Attorney's Office for the Southern District of Iowa. I primarily prosecuted white collar offenses and worked on appellate matters, though I represented the United States in all manner of criminal cases, and my work spanned investigations, trials, and appeals.

From 2013 to 2021, I was a partner with Belin McCormick, P.C., a law firm in Des Moines. My wide-ranging practice included complex civil litigation, criminal defense, post-conviction review, and defense against government investigations. I also occasionally handled projects relating to transactional and regulatory work. On litigation matters, I tried cases and handled appeals in both state and federal courts. In an average year, one or two of my cases went to trial, and I handled approximately four appeals. The remainder of my work consisted primarily of motion practice, discovery, and related investigations and research. I also served on the firm's management committee and as firm ethics counsel for several years and briefly as firm President shortly before my appointment as a United States Magistrate Judge in June 2021.

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

While at Goldberg Kohn from 2004 to 2008, I specialized in commercial litigation. My typical clients were small, medium, and large companies engaged in commercial disputes.

During my time in the United States Attorney's Office from 2008 to 2013, I exclusively represented the United States. I specialized in white collar prosecutions and appellate work.

While at Belin McCormick from 2013 to 2021, I represented a wide range of clients, including individuals, small businesses, mid-size and large

businesses, non-profit organizations, and government entities. My practice was diverse enough that I did not “specialize” in any particular area, although I spent most of my time representing clients (individuals and entities alike) in litigation or defending against civil and criminal cases and investigations brought by the government.

- 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.

As a lawyer, more than 80 percent of my practice involved litigation, and the remainder encompassed investigation, regulatory, and transactional work. I appeared in court frequently throughout my career.

- i. Indicate the percentage of your practice in:

- |                             |     |
|-----------------------------|-----|
| 1. federal courts:          | 65% |
| 2. state courts of record:  | 32% |
| 3. other courts:            | 2%  |
| 4. administrative agencies: | 1%  |

- ii. Indicate the percentage of your practice in:

- |                          |     |
|--------------------------|-----|
| 1. civil proceedings:    | 60% |
| 2. criminal proceedings: | 40% |

- 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 17 cases to verdict, judgment, or final decision, as well as one arbitration and three multi-day temporary injunction hearings involving live witness testimony. I served as sole counsel in 14 of these proceedings, chief counsel in three, and associate counsel in four.

- i. What percentage of these trials were:

- |              |     |
|--------------|-----|
| 1. jury:     | 53% |
| 2. non-jury: | 47% |

- 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. *Ommen v. Milliman, Inc.*, No. LACL 138070 (Polk Cty. Dist. Ct.) (Vaudt, J.), 941 N.W.2d 310 (Iowa 2020); *Ommen v. RSM US LLP*, No. LACL 142448 (Polk Cty. Dist. Ct.) (McCallister, J.), No. 20-0806 (Iowa)

From 2017 to 2020, I represented three defendants—an actuarial firm (Milliman) and two individual actuaries (Ms. Hiemenz and Mr. Strum)—against fraud, malpractice, and related claims brought by the Liquidator and Special Deputy Liquidator of a failed health insurance cooperative. The litigation revolved around whether the Federal Arbitration Act requires an insurance liquidator to arbitrate claims when the underlying health insurance cooperative was a party to an arbitration agreement. The trial court ruled that the liquidator was not bound by the cooperative’s arbitration agreement. The Iowa Supreme Court reversed and held that the plaintiffs were required to arbitrate their claims. In the trial court, I briefed the motion to compel arbitration and participated in drafting the brief of a motion to stay discovery pending appeal. On appeal, I co-drafted the defendants’ briefs and successfully argued the case before the Iowa Supreme Court.

The plaintiffs also sued RSM US, LLP, an accounting firm, in a related case. While the *Milliman* appeal was pending, RSM moved in the related case for leave to bring third-party claims for contribution or comparative fault against Milliman. Following the Iowa Supreme Court’s decision in *Milliman*, the trial court denied RSM’s motion for leave to add Milliman as a party, and the Iowa Supreme Court denied RSM’s request for an interlocutory appeal. I argued the outcome-determinative motion on Milliman’s behalf in the trial court and drafted large portions of the briefs filed in the trial court and on appeal.

Co-counsel:

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Chris Jessen

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Reid Ashinoff  
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Dentons LLP  
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Kevin Driscoll  
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Counsel for RSM US, LLP:

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Davis Brown (now Dentons Davis Brown)  
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Thomas Selby  
Jessica Pahl  
Williams & Connolly LLP  
725 12th Street, Northwest  
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2. *Thornton v. Am. Interstate Ins. Co.*, No. CVCV 110614 (Pottawattamie Cty. Dist. Ct.) (Larson, Heckerman, JJ.), 897 N.W.2d 445 (Iowa 2017), 940 N.W.2d 1 (Iowa 2020)

From 2015 to 2020, I represented the defendant in this insurance bad faith case after a jury ruled against the defendant based on its handling of the plaintiff's workers compensation claim. The defendant appealed, and the Iowa Supreme Court reversed and remanded for a new trial on the grounds that the trial court had improperly failed to grant summary judgment in the defendant's favor on one of two theories of bad faith. A second jury trial again resulted in a verdict against the defendant, but for a much smaller dollar amount. The defendant appealed, and the Iowa Supreme Court reversed and remanded to the district court for entry of an even smaller amount of damages, holding that there was insufficient evidence to award damages on certain theories and that the punitive damages awarded were excessive.

As lead counsel for the defendant, I successfully briefed the first appeal to the Iowa Supreme Court. I also served as chief counsel at the second jury trial, serving the lead role in drafting pre- and post-trial motions, handling voir dire, presenting opening and closing arguments, and conducting the direct- and cross-examination of most witnesses. In addition, I successfully briefed and argued the second appeal.

Co-counsel:

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(retired)

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3. *Klingenberg v. Vulcan Ladder USA LLC*, 936 F.3d 824 (8th Cir. 2019) (Benton, Wollman, Grasz, JJ.)

From 2018 to 2019, I represented the plaintiffs—a home inspector and his wife—following a multimillion-dollar jury verdict in their favor in a personal injury case. On appeal, the defendant argued that the district court had improperly admitted expert

testimony, that the plaintiffs did not have a viable claim for breach of express warranty under Iowa law, and that the jury's verdict was inconsistent. The United States Court of Appeals for the Eighth Circuit rejected these arguments and affirmed the verdict in its entirety. As lead counsel for the plaintiffs on appeal, I successfully briefed and argued the case before the Eighth Circuit.

Co-counsel:

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David Stamp  
Eashaan Vajpeyi  
Ball, Kirk & Holm, P.C.  
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Gregory M. Lederer  
Lederer Weston Craig, PLC  
118 Third Avenue, Southeast, Suite 700  
Cedar Rapids, IA 52401  
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4. *Carufel v. Minn. Dep't of Pub. Safety*, No. 62-CV-17-1030 (Ramsey Cty. Dist. Ct.) (Higgs, J.), No. A18-0476, 2018 WL 6596287 (Minn. Ct. App. Dec. 17, 2018) (Bratvold, Worke, Jesson, JJ.)

From 2017 to 2019, I defended an Iowa business, Consumer Safety Technology, LLC (CST), against claims for breach of contract, unjust enrichment, and violations of the Minnesota Government Data Practices Act and Minnesota Consumer Fraud Act. CST manufactured ignition interlock devices that are installed in vehicles belonging to drivers who have committed alcohol-related driving offenses to ensure that the drivers are not intoxicated when they drive. The plaintiffs brought putative class action claims against CST, the Minnesota Department of Public Safety, the Minnesota Commissioner of Public Safety, and certain state officials alleging that these devices improperly tracked their location. All defendants moved to dismiss, and the district court dismissed the plaintiffs'

claims in their entirety, concluding, as to CST, that (i) the Minnesota Government Data Practices Act did not apply to a private manufacturer of ignition interlock devices; (ii) the alleged failure to disclose information did not give rise to liability under the Consumer Fraud Act absent actual knowledge of fraudulent activity; (iii) CST had not breached its contract; and (iv) unjust enrichment is not a viable theory when a written contract exists. The plaintiffs appealed, and the Minnesota Court of Appeals affirmed in all respects, except that it reversed the dismissal of one claim against the state entities and state officials involving their alleged failure to provide sufficient disclosures to the plaintiffs before collecting private or confidential data. As lead counsel for CST, I successfully briefed and argued the motion to dismiss in the district court. I also successfully defended that dismissal by briefing and presenting oral argument on appeal.

Co-counsel:

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Opposing Counsel:

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5. *Allied Building Prods. Corp. v. Roofing Siding & Windows of Iowa, LLC*, No. 4:17-CV-00304 (S.D. Iowa) (Rose, J.)

From 2017 to 2018, I defended Mr. Carter, Mr. Coe, and their start-up small business against trade secret claims brought against them by their former employer, Allied Building Products, a large building materials company. Following more than 20 years of employment with Allied, Mr. Carter and Mr. Coe left to start their own small business in the same industry. Allied argued that the defendants had misappropriated trade secrets and sought injunctive relief that, if granted, would have put the defendants out of business. The United States District Court for the Southern District of Iowa held an emergency hearing and denied Allied injunctive relief. Following extensive discovery, the case settled, and a consent decree was entered. As sole counsel for the defendants, I handled every aspect of their defense, including briefing, oral argument, taking and defending depositions, and negotiating the settlement terms.

Opposing Counsel:

Mark Weinhardt  
David Fautsch  
The Weinhardt Law Firm  
2600 Grand Avenue  
Des Moines, IA 50312  
(515) 244-3100

6. *Iowa v. Burma*, No. FECR292300 (Polk Cty. Dist. Ct.) (Blink, J.)

From 2016 to 2017, I represented Mr. Burma in this 12-count felony fraud and ongoing criminal conduct case arising out of his operation of a small business, Biosolids Management Group. Mr. Burma was accused of defrauding a government utility, Des Moines Water Works, by allegedly billing for the removal of water treatment residue (lime) that had not actually been removed. Following extensive discovery and negotiation, Mr. Burma pleaded guilty to two of the counts against him, and the remaining ten counts were dismissed. Thereafter, Mr. Burma was sentenced to five years' probation. As sole counsel for Mr. Burma, I handled every aspect of the case, including discovery, motion practice, plea negotiations, and sentencing.

Opposing Counsel:

Hon. Brendan Greiner (formerly with Polk County Attorney's Office)  
Iowa District Court for Polk County  
500 Mulberry Street  
Des Moines, IA 50309  
(515) 286-3772

7. *United States v. Seneca Cos.*, No. 3:13-CR-05022 (W.D. Mo.) (Rush, J.)

From 2013 to 2017, I served as lead counsel for Seneca Companies, Inc., one of three defendants in this two-count criminal case alleging felony offenses under the Resource

Conservation and Recovery Act and the Clean Water Act. The charges arose out of the decision by two Seneca employees to pump potentially contaminated water out of a containment sump and into the sewer system without a permit. While not condoning what the employees had done, Seneca accepted responsibility as their employer for the conduct, but argued the case was more appropriately viewed as a misdemeanor matter. Following extensive negotiations, the United States agreed to reduce the felony charges against all three defendants to misdemeanors, and Seneca and its co-defendants each pleaded guilty to one misdemeanor offense. The district court sentenced each defendant to five years of probation and imposed on Seneca a fine of \$85,000. In 2017, all three defendants applied for, and were granted, early termination of probation based on exemplary behavior. As lead counsel for Seneca, I handled most aspects of the case, including investigation, motion practice, plea negotiations, and sentencing.

Co-counsel:

John F. Appelquist  
Sole Practitioner  
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Counsel for Co-Defendants:

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Shazzie Naseem (Morrison)  
Berkowitz, Oliver, Williams, Shaw & Eisenbrandt, LLP  
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Mark Thornhill (Gill)  
Andrew Brought (Gill)  
Spencer, Fane, Britt & Browne LLP  
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Kansas City, MO 64106  
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Opposing Counsel:

Abram McGull (formerly with U.S. Attorney's Office)  
The McGull Law Firm LLC  
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Springfield, MO 65804  
(417) 444-6557

8. *United States v. Kramer*, No. 4:11-CR-00099 (S.D. Iowa) (Gritzner, J.)

From 2011 to 2013, I represented the United States in this 22-count mortgage fraud case brought against four defendants, two of whom (Mr. Kramer and Mr. Anderson) exercised

their right to a jury trial. Following a multi-week trial, the jury convicted Mr. Kramer and Mr. Anderson of all counts brought against them, except three counts against Mr. Kramer that the government voluntarily dismissed at trial. Thereafter, the district court sentenced Mr. Kramer to seven-and-one-half years' imprisonment and Mr. Anderson to four years' imprisonment. Mr. Kramer appealed his conviction and sentence, and the United States Court of Appeals for the Eighth Circuit affirmed. *United States v. Kramer*, 768 F.3d 766 (8th Cir. 2014). As sole counsel for the United States at trial, I drafted all pre- and post-trial briefs, handled voir dire, presented opening and closing argument, and conducted the direct- and cross-examination of all witnesses. I left the United States Attorney's Office shortly after trial, so another prosecutor handled the sentencing and appeal.

Opposing Counsel:

Alfredo Parrish (Kramer)  
Parrish Kruidenier  
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Mark Pennington (Anderson)  
Trever Hook (Anderson)  
Kutmus, Pennington & Hook, P.C.  
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Hon. Paul Scott (formerly with Brown Scott Law Firm) (Flickinger)  
Iowa District Court for Polk County  
500 Mulberry Street  
Des Moines, IA 50309  
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James Whalen (Mable)  
(retired)

9. *United States v. Rice*, 4:10-CR-00079 (S.D. Iowa) (Gritzner, J.), 699 F.3d 1043 (8th Cir. 2012) (Loken, Beam, Murphy, JJ.)

From 2010 to 2012, I represented the United States in this wire fraud case alleging a complicated scheme perpetuated by Mr. Rice against an Iowa small business. Following an eight-day trial, the jury convicted Mr. Rice of all charges against him. Thereafter, the district court sentenced Mr. Rice to approximately six years' imprisonment. Mr. Rice appealed his conviction and sentence, and the United States Court of Appeals for the Eighth Circuit affirmed. As sole counsel for the United States, I researched and drafted all pre- and post-trial briefs, handled voir dire, presented opening and closing argument, and conducted the direct- and cross-examination of all witnesses. I also successfully briefed and argued the case on appeal.

Opposing Counsel:

F. Montgomery Brown  
F.M. Brown Law Firm, P.L.L.C.  
1001 Office Park Road, Suite 108  
West Des Moines, IA 50265  
(515) 225-0101

10. *United States v. Robinson*, No. 4:09-CR-00131 (S.D. Iowa) (Longstaff, J.), 662 F.3d 1028 (8th Cir. 2011) (Wollman, Bye, Shepherd, JJ.)

From 2009 to 2011, I represented the United States in this multi-defendant fraud case alleging conspiracy to commit bank fraud, bank bribery, and related offenses. Two defendants pleaded guilty, while the third (Mr. Robinson) exercised his right to a jury trial. Following a trial lasting more than one week, the jury convicted Mr. Robinson on all counts against him, and the district court sentenced him to six-and-one-half years' imprisonment. Mr. Robinson appealed his conviction and sentence, and the United States Court of Appeals for the Eighth Circuit affirmed. As sole counsel for the United States, I handled every aspect of the case, including all pre- and post-trial briefing, voir dire, opening and closing argument, and the direct- and cross-examination of all witnesses. I also successfully briefed and argued the case on appeal.

Opposing Counsel:

J. Keith Rigg (Robinson) (trial)  
Sole Practitioner  
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Paul Rosenberg (Robinson) (appeal)  
Paul Rosenberg, P.C.  
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Alfredo Parrish (Williams)  
Parrish Kruidenier  
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Thomas Hanson (Hodge)  
Dickinson Law Firm  
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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.)

The vast majority of my work as a lawyer involved litigation, but I also participated in various other significant legal activities, including investigation, regulatory, and transactional work.

Most notably, while in private practice, I represented dozens of targets and subjects of criminal investigations in situations where the government ultimately chose not to bring charges. Similarly, I represented a host of clients in defense against civil regulatory investigations or investigations under the False Claims Act, with many of these investigations resulting in the government choosing not to bring formal legal action.

Additionally, I represented crime victims to help them obtain restitution and other vindication, including through interactions with the prosecution, defense counsel, and insurance companies. Further, I handled transactional and regulatory work, primarily in the banking and insurance industries. This included representing individuals and entities in defense of regulatory investigations, as well as representing community banks in their efforts to consummate and obtain regulatory approval for mergers, acquisitions, and similar transactions.

Finally, during my time with Belin McCormick, P.C., and in addition to my client work, I served for several years on the firm's management committee and as firm ethics counsel.

I have not performed any lobbying activities, and I am not and have never been 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.

From 2001 to 2003, I taught introductory micro- and macro-economics to undergraduates at Harvard University as part of a course called Ec10. My title was Section Leader, and I taught a class of approximately 20 students each semester using materials provided by the Harvard Department of Economics. I do not have a syllabus from this course.

20. **Deferred Income/Future Benefits:** List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business

relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

None.

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

None.

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

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

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

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

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

If confirmed, I would continue to follow the Code of Conduct for United States Judges, 28 U.S.C. § 455, and any other relevant ethical laws, rules, or canons. For a period of time, I would recuse myself from all cases involving my former firm, Belin McCormick, P.C. I would also recuse from cases handled by my uncle and cousin, who practice law in Omaha, Nebraska and occasionally litigate cases in the Southern District of Iowa. Finally, I would recuse from any case in which I was asked to review a decision by my wife, who serves as an Iowa state court judge.

- 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 would continue to evaluate and resolve any potential conflict of interest by applying the Code of Conduct for United States Judges, 28 U.S.C. § 455, and any other relevant ethical laws, rules, or canons.

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.

As a United States Magistrate Judge from June 2021 to the present, and during my tenure as a federal prosecutor from 2008 to 2013, I am and was unable to take on direct pro bono representations. While in private practice, I regularly handled pro bono cases and projects, and I devoted hundreds of hours to such work over the course of my career. For example, I represented indigent persons in criminal, civil, and post-conviction review cases, as well as in connection with clemency applications.

Throughout my career, I also have sought to serve the community in other ways, especially through supporting and participating in volunteer programs focused on youth. For example, I served as a mentor in the Big Brothers Big Sisters program from 2009 to 2012; volunteered at the Des Moines Public Schools from 2016 to 2020 in a health and well-being program called KidStriders; and volunteered at the Des Moines Public Schools as a mock trial coach in 2021. I have also served for many years as a volunteer coach in youth sports, including through the YMCA (basketball), the Des Moines Parks and Recreation Department (flag football), and the Raccoon Valley Little League (baseball). Many of the students I have coached in these programs come from underprivileged backgrounds.

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 December 14, 2021, I submitted an application to Senators Charles Grassley and Joni Ernst regarding a position on the United States District Court for the Southern District of Iowa. On January 17, 2022, and January 28, 2022, I interviewed with the Judicial Selection Commission established by Senators Grassley and Ernst. On February 4, 2022, I interviewed with an attorney from the White House Counsel's Office. Since February 7, 2022, I have been in contact

with officials from the Office of Legal Policy at the Department of Justice. On April 13, 2022, the President announced his intent to nominate me.

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

No.