

UNITED STATES SENATE  
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Camille Lizette Vélez-Rivé

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

United States District Judge for the District of Puerto Rico

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.

150 Chardón Street, Suite 458K  
San Juan, Puerto Rico 00918

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

1968; San Juan, Puerto Rico

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.

1990 – 1993, University of Puerto Rico Law School; J.D., 1993 (*magna cum laude*)

1986 – 1989, Washington University in St. Louis, Missouri; B.A., 1989 (college honors)

1988, Ecole Européenne des Affaires, Paris, France (no degree, third year abroad program)

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.

2004 – present

United States District Court for the District of Puerto Rico  
150 Chardón Street, Suite 458K  
San Juan, Puerto Rico 00918

United States Magistrate Judge

1998 – 2004

United States Attorney's Office for the District of Puerto Rico  
Torre Chardón, Suite 1201  
350 Carlos Chardón Avenue  
San Juan, Puerto Rico 00918  
Assistant United States Attorney

1994 – 1997

Pietrantonio Méndez & Alvarez LLC  
Banco Popular Center 19th Floor  
208 Ponce de León Avenue  
San Juan, Puerto Rico 00918  
Associate

1993 – 1994

Supreme Court for the Commonwealth of Puerto Rico  
8 Constitución Avenue  
San Juan, Puerto Rico 00901  
Law Clerk for the Honorable Francisco Rebollo-López

1993

Juan E. Rodríguez-Díaz Law Offices (former)  
Totti & Rodríguez-Díaz (present)  
Union Plaza Building, Suite 1200  
416 Ponce de León Avenue  
San Juan, Puerto Rico 00919  
Law Clerk

1992

Lasa, Escalera & Reichard (former)  
Reichard & Escalera, LLC (present)  
MCS Plaza, 10th floor  
255 Constitución Avenue  
San Juan, Puerto Rico 00917  
Law Clerk

1990

United States District Court for the District of Puerto Rico  
150 Chardón Street  
San Juan, Puerto Rico 00918  
Summer Judicial Intern for the Honorable Carmen Consuelo Cerezo

Other affiliations (uncompensated):

2002 – present  
Federal Bar Association  
1220 North Fillmore Street, Suite 444  
Arlington, Virginia 22201  
Life Fellow (2013 – present)  
Fellow (2007 – 2013)  
Director, Puerto Rico Chapter (2002 – 2003)

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 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.

Life Fellow, Foundation of the Federal Bar Association (2013 – present)

Recognition by the United States Customs and Border Protection, Ramey Sector, United States Border Patrol (2011)

Recognition by the House of Representatives of the Commonwealth of Puerto Rico for Appointment and Work as a Fellow of the Foundation of the Federal Bar Association (2008)

Recognition by the Senate for the Commonwealth of Puerto Rico for Appointment and Work as a Fellow of the Foundation of the Federal Bar Association (2007)

Fellow, Foundation of the Federal Bar Association (2007 – 2013)

Recognition and dedication, Contributions to the Legal Aid Clinic, Pontifical Catholic University of Puerto Rico School of Law (2006)

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 (2005 – present)

Colegio de Abogados y Abogadas de Puerto Rico (Puerto Rico Bar Association) (1994 – 2009)

Federal Bar Association (1994 – present)  
Life Fellow (2013 – present)  
Fellow (2007 – 2013)  
Director Puerto Rico Chapter (2002 – 2003)

Hispanic National Bar Association (approximately 2015 – present)

United States Magistrate Judges Association (2004 – present)

10. **Bar and Court Admission:**

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

Puerto Rico, 1994

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 First Circuit, 1994  
United States District Court for the District of Puerto Rico, 1994  
Supreme Court of the Commonwealth of Puerto Rico, 1994

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.

Vivo Beach Club, Member (March 2022 – 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.

To the best of my knowledge, the listed organization does not and did not discriminate on the basis of race, sex, religion, or national origin either through formal membership requirements or the practical implementation of membership policies.

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

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

None.

- 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.

I contributed to the following report as part of the Magistrate Judge Task Force: Peter G. McCabe, Esq., *A Guide to the Federal Magistrate Judge System, A White Paper Prepared at the Request of the Federal Bar Association*, (Aug. 2014).  
Copy supplied.

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

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.

The following list reflects my best efforts to identify the speeches, talks, or remarks that I have delivered. To compile this list, I consulted my own files and internet sources. However, there may have been speeches, talks, or remarks that I have been unable to recall or identify. I have occasionally spoken at informal events or ceremonies for which I did not retain any record.

June 25, 2021: Speaker, event for summer interns from San Juan law firms, United States District Court, San Juan, Puerto Rico (virtual). I used the same remarks that were provided for the event on June 14, 2012.

July 16, 2019: Speaker, event for summer interns from San Juan law firms, United States District Court, San Juan, Puerto Rico. I used the same remarks that were provided for the event on June 14, 2012.

August 16, 2019: Remarks, Induction Ceremony of United States District Judge Raúl M. Arias-Marxuach, United States District Court, San Juan, Puerto Rico. Remarks supplied.

August 17, 2018: Remarks, Induction Ceremony of United States Magistrate Judge Marshal D. Morgan, United States District Court, San Juan, Puerto Rico. Remarks supplied.

July 13, 2018: Speaker, event for summer interns from San Juan law firms, United States District Court, San Juan, Puerto Rico. I used the same remarks that were provided for the event on June 14, 2012.

December 1, 2017: Speaker, event for students from Pontifical Catholic University, United States District Court, San Juan, Puerto Rico. I used the same remarks that were provided for the event on October 11, 2013.

June 29, 2017: Speaker, event for summer interns from San Juan law firms, United States District Court, San Juan, Puerto Rico. I used the same remarks that were provided for the event on June 14, 2012.

June 26, 2017: Guest speaker, Advanced Criminal Procedure class, Interamerican University School of Law, San Juan, Puerto Rico. I used the same remarks that were provided for the class on November 16, 2010.

May 2, 2017: Guest speaker, Advanced Criminal Procedure class, Interamerican University School of Law, San Juan, Puerto Rico. I used the same remarks that were provided for the class on November 16, 2010.

November 4, 2016: Speaker, event for students from Pontifical Catholic University, United States District Court, San Juan, Puerto Rico. I used the same remarks that were provided for the event on October 11, 2013.

June 30, 2016: Speaker, event for summer interns from San Juan law firms, United States District Court, San Juan, Puerto Rico. I used the same remarks that were provided for the event on June 14, 2012.

May 11, 2016: Remarks, Lunch Meeting of the Puerto Rico Chapter of the American College of Trial Lawyers, San Juan, Puerto Rico. I provided informal remarks about civil and criminal practice in federal court. I have no notes, transcript, or recording. The address of the American College of Trial Lawyers is 1300 Dove Street Suite 150, Newport Beach, California 92660.

November 20, 2015: Speaker, event for students from Pontifical Catholic University, United States District Court, San Juan, Puerto Rico. I used the same remarks that were provided for the event on October 11, 2013.

November 16, 2015: Guest speaker, Federal Jurisdiction class, Interamerican University School of Law, San Juan, Puerto Rico. I used the same remarks that were provided for the class on November 16, 2010.

July 17, 2015: Speaker, event for summer interns from San Juan law firms, United States District Court, San Juan, Puerto Rico. I used the same remarks that were provided for the event on June 14, 2012.

November 17, 2014: Guest speaker, Federal Jurisdiction class, Interamerican University School of Law, San Juan, Puerto Rico. I used the same remarks that were provided for the class on November 16, 2010.

November 14, 2014: Speaker, event for students from Pontifical Catholic University, United States District Court, San Juan, Puerto Rico. I used the same remarks that were provided for the event on October 11, 2013.

June 13, 2014: Speaker, event for summer interns from San Juan law firms, United States District Court, San Juan, Puerto Rico. I used the same remarks that were provided for the event on June 14, 2012.

April 25, 2014: Speaker, event for students from Pontifical Catholic University, United States District Court, San Juan, Puerto Rico. I used the same remarks that were provided for the event on October 11, 2013.

November 14, 2013: Guest speaker, Federal Jurisdiction class, Interamerican University School of Law, San Juan, Puerto Rico. I used the same remarks that were provided for the class on November 16, 2010.

October 11, 2013: Speaker, event for students from Pontifical Catholic University, United States District Court, San Juan, Puerto Rico. Remarks supplied.

June 12, 2013: Speaker, event for summer interns from San Juan law firms, United States District Court, San Juan, Puerto Rico. I used the same remarks that were provided for the event on June 14, 2012.

May 14, 2013: Keynote Speaker, "Brown Bag Lunch: The Principal Do's and Don'ts before U.S. Magistrate Judges", Federal Bar Association, Puerto Rico Chapter, San Juan, Puerto Rico. Notes supplied.

May 9, 2013: Guest speaker, Federal Jurisdiction class, Interamerican University School of Law San Juan, Puerto Rico. I used the same remarks that were provided for the class on November 16, 2010.

June 14, 2012: Speaker, event for summer interns from San Juan law firms, United States District Court, San Juan, Puerto Rico. Remarks supplied.

March 29, 2012: Co-Speaker, "The Handling of Disciplinary Proceedings in Federal Court", Federal Bar Association, Puerto Rico Chapter, San Juan, Puerto Rico. Local Rule 83E was used for guidance. Copy supplied. I have no notes, transcript, or recording. The address of the Federal Bar Association Puerto Rico Chapter is Popular Center Building, Suite 1400, 208 Ponce de León Avenue, San Juan, Puerto Rico 00918.

November 16, 2011: Remarks, Induction Ceremony of former United States Magistrate Judge Silvia Carreño-Coll, United States District Judge, United States District Court, San Juan, Puerto Rico. Remarks supplied.

October 28, 2011: Judge, mock trial at the Interamerican University of Puerto Rico School of Law Puerto Rico Trial Advocacy Competition, San Juan, Puerto Rico. I offered evaluations and comments at the end of the round. I have no notes, transcript, or recording. The address of the Interamerican University of Puerto Rico School of Law is Urbanización Industrial, 170 Federico Costa Street, Hato Rey, Puerto Rico 00918.

October 25, 2011: Guest speaker, Federal Jurisdiction class, Interamerican University School of Law, San Juan, Puerto Rico. I used the same remarks that were provided for the class on November 16, 2010.

October 7, 2011: Remarks, Induction Ceremony Student Divisions of the Federal Bar Association Puerto Rico Chapter of the University of Puerto Rico Law School, Interamerican University of Puerto Rico School of Law and the Pontifical Catholic University of Puerto Rico Law School, United States District Court, San Juan, Puerto Rico. Remarks supplied.

April 27, 2011: Co-Speaker, "Brown Bag Lunch: The Principal Do's and Don'ts & Common Mistakes Made in the Presentation of Evidence when Appearing

before a U.S. Magistrate Judge”, Federal Bar Association, Puerto Rico Chapter, San Juan, Puerto Rico. Remarks supplied.

April 8, 2011: Remarks, Induction Ceremony Student Divisions of the Federal Bar Association Puerto Rico Chapter of the University of Puerto Rico Law School, Interamerican University of Puerto Rico Law School and the Pontifical Catholic University of Puerto Rico Law School, United States District Court, San Juan, Puerto Rico. Remarks and press coverage supplied.

March 25, 2011: Speaker, Women’s History Month Celebration 2011, United States Customs and Border Protection, the Ramey Border Patrol Sector, Aguadilla, Puerto Rico. Speech supplied.

January 21, 2011: Co-Speaker, “The Art of Cross-Examination” with Terence F. MacCarthy, Federal Public Defender’s Office, United States District Court, San Juan, Puerto Rico. Notes supplied.

November 16, 2010: Guest speaker, Federal Jurisdiction class, Interamerican University School of Law, San Juan, Puerto Rico. Remarks supplied.

November 10, 2010: Panelist, Round Table at the “Brave New e-World: The Electronic Age’s e-Discovery Challenges”, Federal Bar Association, Puerto Rico Chapter, San Juan, Puerto Rico. The panel addressed practical issues about electronic discovery. I have no notes, transcript, or recording, but press coverage is supplied. The address of the Federal Bar Association Puerto Rico Chapter is Popular Center Building, Suite 1400, 208 Ponce de León Avenue, San Juan, Puerto Rico 00918.

October 15, 2010: Remarks, Induction Ceremony Student Divisions of the Federal Bar Association Puerto Rico Chapter of the University of Puerto Rico Law School, Interamerican University of Puerto Rico Law School and the Pontifical Catholic University of Puerto Rico Law School, United States District Court, San Juan, Puerto Rico. I have no notes, transcript, or recording. Press coverage supplied. The address of the Federal Bar Association Puerto Rico Chapter is Popular Center Building, Suite 1400, 208 Ponce de León Avenue, San Juan, Puerto Rico 00918.

May 20, 2010: Speaker, Lecture to Federal and Task Force Agents on Search and Seizure Warrants, United States Attorney’s Office, San Juan, Puerto Rico. Remarks supplied.

October 30, 2009: Judge, Interamerican University of Puerto Rico School of Law Puerto Rico Trial Advocacy Competition, San Juan, Puerto Rico. I offered evaluations and comments at the end of the round. I have no notes, transcript, or recording. The address of the Interamerican University of Puerto Rico School of

Law is Urbanización Industrial, 170 Federico Costa Street, Hato Rey, Puerto Rico 00918.

November 21, 2008: Keynote Speaker, "Brown Bag Lunch: The Do's and Don'ts for Appearing before a U.S. Magistrate Judge", Federal Bar Association, Puerto Rico Chapter, San Juan, Puerto Rico. Remarks supplied.

August 23, 2007: Luncheon Co-Speaker, "The Magistrate Judges' Experiences and Expectations in their Courtrooms", Federal Bar Association, Puerto Rico Chapter, United States District Court, San Juan, Puerto Rico. I was part of a panel that answered questions from attorneys about topics in federal litigation practice including discovery disputes, summary judgment practice, among others. I have no notes, transcript, or recording, but press coverage is supplied. The address of the Federal Bar Association Puerto Rico Chapter is Popular Center Building, Suite 1400, 208 Ponce de León Avenue, San Juan, Puerto Rico 00918.

March 30, 2007: Speaker, Women's History Month Celebration 2007, Drug Enforcement Administration, San Juan, Puerto Rico. Speech supplied.

March 9, 2007: Remarks, Induction Ceremony of United States Magistrate Judges Bruce J. McGiverin and Marcos E. López, United States District Court, San Juan, Puerto Rico. Remarks supplied.

November 17, 2006: Remarks, Induction Ceremony of United States District Judge Francisco A. Besosa, United States District Court, San Juan, Puerto Rico. Remarks supplied.

September 24, 2004: Panelist, Federal Public Defender's Office Round Table Discussion with the United States Magistrate Judges for Criminal Justice Act Panel Attorneys, San Juan, Puerto Rico. The panel of several magistrate judges discussed effective criminal litigation practices. I have no notes, transcript, or recording. The address of the Federal Public Defender's Office is Patio Gallery Building, 241 Franklin D. Roosevelt Avenue, Hato Rey, Puerto Rico 00918.

April 2, 2004: Speaker, Induction Ceremony of United States Magistrate Judge Camille L. Vélez-Rivé, United States District Court, San Juan, Puerto Rico. Speech supplied.

November 7, 2001: Keynote Speaker, Seminar on Appellate Practice, Federal Bar Association, Puerto Rico Chapter, San Juan, Puerto Rico. I provided general information to appellate practice attorneys on writing appellate briefs and oral arguments. I have no notes, transcript, or recording. The address of the Federal Bar Association Puerto Rico Chapter is Popular Center Building, Suite 1400, 208 Ponce de León Avenue, San Juan, Puerto Rico 00918.

- 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.

Liza M. Ríos-Morales, Héctor L. Ramos-Vega, *Hon. Camille L. Vélez-Rivé, U.S. Magistrate Judge, District of Puerto Rico*, 61 Fed. Law. 79 (May/June 2014). Copy supplied.

*Puerto Rico's new magistrate judge eagerly assuming her responsibilities*, The Short Circuit, Summer 2004. Copy supplied.

Interview for "The Torch" (newsletter of the United States Probation Office for the District of Puerto Rico, January to February 2004). Copy supplied.

Lisa Isenman, *Interview: The Twins: Camille and Lizette Vélez*, The Scene, Vol. 4 No. 2, Dec. 6, 1989. Copy supplied.

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

I have served as a magistrate judge in the United States District Court for the District of Puerto Rico since March 22, 2004. I was appointed by the district judges on March 22, 2004, and reappointed on March 22, 2012, and March 22, 2020. The jurisdiction of federal magistrate judges is limited to matters that federal district judges may delegate under 28 U.S.C. §636.

As a magistrate judge, I handle civil cases for jury or non-jury trial upon consent of the parties and for pre-trial matters. I resolve discovery disputes and draft Report and Recommendations in civil cases which are referred to me. I serve as a mediator in consent cases and other cases referred to me for settlement conferences and/or mediation. I also handle criminal cases, except for the trial of felony cases, and all preliminary pre-trial criminal matters including issuing criminal complaints, arrest and search warrants, pen registers and trap and trace orders, receiving returns of indictments of the grand jury and conducting initial appearances, preliminary hearings, detention and bail hearings, and arraignments. Upon a referral from a district judge, I also preside over suppression hearings and change of plea hearings, among other evidentiary criminal hearings, for which I issue Reports and Recommendations. In addition, occasionally I handle juvenile proceedings, including the initial stages and transfer to adult status hearings.

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

I have presided over about 26 trials that have gone to verdict or judgment. 20 of those were jury trials, and the remaining six were bench trials.

i. Of these cases, approximately what percent were:

jury trials:	77%
bench trials:	23%

ii. Of these cases, approximately what percent were:

civil proceedings:	74%
criminal proceedings:	26%

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. Daumont v. Cooperativa de Ahorro y Crédito de Caguas et al., Civil No. 15-3120 (CVR), 2018 WL 10741870 (D.P.R. May 9, 2018); 2019 WL 8809765 (D.P.R. June 14, 2019), *aff'd*, 982 F.3d 20 (1st Cir. 2020).

Plaintiff filed a claim under the Age Discrimination in Employment Act (ADEA) alleging that she was fired from her employment because of her age. I handled all pre-trial matters and dispositive motions in this consent case. I granted in part and denied in part defendants' motion for summary judgment denying the motion as to the ADEA claim and similar state law claims and granting the motion as to supervisory liability under the ADEA and the Puerto Rico tort statute. I presided over a five-day jury trial, and, at the end of plaintiff's evidence, I granted judgment as a matter of law in favor of defendants because plaintiff failed to prove her claims. My judgment was affirmed on appeal.

Counsel for plaintiff:  
Godwin Aldarondo-Girald  
2 Vela Street, Esquire Building, Suite 701  
San Juan, PR 00918  
(787) 766-2876

Counsel for defendant:  
Enrique Mendoza-Méndez  
P.O. Box 9282  
San Juan, PR 00908  
(787) 722-5522

2. Sánchez et al. v. McClintock et al., Civil 11-1542 (CVR), 2013 WL 1429434 (D.P.R. Apr. 8, 2013); 2013 WL 3353841 (D.P.R. July 3, 2013); 2016 WL 344528 (D.P.R. Jan. 27, 2016); Op., Docket No. 266 (D.P.R. Oct. 19, 2016). Copy supplied.

Plaintiffs filed Section 1983 retaliation claims and violations to their First Amendment free speech rights for events at a roundtable conference in the real estate industry. Several defendants filed a motion to dismiss which I granted and all claims against them were dismissed with prejudice. Remaining defendants, to whom the previous dismissal did not apply, filed a motion for judgment on the pleadings which I granted in part and denied in part. Remaining defendants then filed a motion for summary judgment which I granted in part and denied in part. I presided over the jury trial. After the end of plaintiffs' evidence, I granted a Rule 50 motion as a matter of law in favor of defendants because plaintiffs failed to provide sufficient evidence to establish a Section 1983 First Amendment claim, a whistle blower claim under Puerto Rico Laws 426 and 14, and a defamation claim under the Puerto Rico tort statute. The case was appealed, and the First Circuit issued a stay under the Puerto Rico Oversight Management and Economic Stability Act (PROMESA). The appeal remains pending,

Counsel for plaintiffs:

Vilma Dapena  
Union Plaza Building, Suite 802  
416 Ponce de León Avenue  
San Juan, PR 00918  
(787) 798-7386

Counsel for defendants:

Miguel A. Rangel-Rosas  
Marichal, Hernández, Santiago & Juarbe LLC  
P.O. Box 190095  
San Juan, PR 00919  
(787) 763-1704

3. Pappas v. Hilton International of PR, Inc., et al., Civil No. 11-1033 (CVR).

Plaintiff filed a complaint against a hotel where she was staying in Puerto Rico for personal injury seeking damages due to a slip and fall at the lobby. The parties consented to magistrate judge jurisdiction early in the case. I handled all pre-trial matters and presided over the jury trial which lasted three days. The jury found in favor of plaintiff, and I entered judgment in her favor.

Counsel for plaintiff:

Jorge M. Suro-Ballester  
Miguel A. Suro-Carrasco

Suro & Suro Law Office  
1225 Ponce de León Avenue, PH-2  
San Juan, PR 00907  
(787) 724-5522

Counsel for defendant:  
Francisco E. Colón-Ramírez  
Colón Ramírez LLC  
P.O. Box 361920  
San Juan, PR 00936  
(888) 760-1077

4. Batista v. Cooperativa de Vivienda Jardines de San Ignacio et al., Civil No. 10-1953 (CVR), 2015 WL 5511748 (D.P.R. Sept. 17, 2015).

This case involved a claim for discrimination based on a disability in violation of the Fair Housing Act. Plaintiff alleged that landlords must make reasonable accommodations for their disabled tenants, and that she was entitled to stay in her apartment of many years even though she was no longer eligible for the federal subsidy to pay the rent. Plaintiff also claimed her landlord retaliated and discriminated against her because of her disability in other ways. Defendants filed a motion for summary judgment which I denied because the statement of facts failed to comply with the Local Rules. I also denied a motion to dismiss, finding that plaintiff had made a plausible claim for retaliation. I presided over a three-day jury trial and the jury found in favor of plaintiff.

Counsel for plaintiff:  
Roberto L. Prats-Palerm  
RPP Law PSC  
Chubb Plaza, Calle Resolución #33, Suite 701-A  
San Juan, PR 00920  
(787) 620-6776

Counsel for defendants:  
José Enrique Colón-Santana  
315 Coll & Toste, Urbanización Baldrich  
San Juan, PR 00918  
(787) 763-4111

Luis A. Guzmán-Dupont  
P.O. Box 191817  
San Juan, PR 00919  
(787) 772-9724

5. Díaz-Báez et al. v. Alicea-Vasallo et al., Civil No. 10-1570 (CVR), 2012 WL 1481491 (D.P.R. Apr. 26, 2012); 2012 WL 5566444 (D.P.R. Nov. 15, 2012); 2019 WL 8501708 (D.P.R. Mar. 29, 2019), *aff'd*, 22 F.4th 11 (1st Cir. 2021).

Plaintiffs filed a discrimination case in violation of their First Amendment rights and Puerto Rico law for their dismissal from their employment due to political beliefs. I denied a partial motion for summary judgment, and I later granted a stay pending a decision of the Puerto Rico Supreme Court which had a bearing on this case. The Supreme Court issued its ruling and both parties filed new motions for summary judgment. I granted defendants' motion for summary judgment on *res judicata* grounds and denied plaintiffs' motion for summary judgment as moot. I entered judgment for defendants and closed the case. Plaintiffs appealed the judgment and the First Circuit affirmed.

Counsel for plaintiffs:

Frank Zorrilla-Maldonado  
P.O. Box 191783  
San Juan, PR 00919  
(787) 250-1510

José Enrico Valenzuela-Alvarado  
Valenzuela-Alvarado LLC  
MSC Plaza, 255 Ponce de León Avenue, Suite 825  
San Juan, PR 00917  
(787) 365-9401

Manuel Porro-Vizcarra  
Caparra Heights, 382 Escorial Avenue  
San Juan, PR 00920  
(787) 774-8200

Counsel for defendants:

Adrian Sánchez  
Sánchez-Betances, Sifre & Muñoz-Noya  
P.O. Box 364428  
San Juan, PR 00936  
(787) 756-7880

Francisco Amundaray  
Mercado, Soto, Ronda, Amundaray & Pascual, PSC  
P.O. Box 9023980  
San Juan, PR 00902  
(787) 273-0611

6. Rosa-Rivera et al. v. Dorado Health et al., Civil No. 09-1318 (CVR), Op., Docket No. 120 (D.P.R. June 29, 2012); Op., Docket No. 173 (D.P.R. Nov. 2, 2012); 2013 WL 592294 (D.P.R. Feb. 14, 2013), *aff'd*, 787 F.3d 614 (1st Cir. 2015). Copies supplied.

Plaintiffs filed a medical malpractice case seeking damages, on their own behalf and on behalf of their minor son, upon his birth at defendant hospital's facilities. I handled multiple discovery matters that were referred to me by the district judge prior to the parties consenting to magistrate judge jurisdiction. Defendants filed a motion for summary judgment claiming the case was time barred and that there was lack of causation. I denied the motion for summary judgment because there were genuine issues of material fact. I presided over a 16-day jury trial, and, at the end, defendants renewed a Rule 50 motion which I denied. The jury found in plaintiffs' favor, and I entered judgment for plaintiffs. Plaintiffs then filed a Rule 59 motion for a new trial citing an inconsistent verdict and alleging that I committed error in the jury instructions and the direct examination of a witness. A defendant filed a motion for a new trial or in the alternative for judgment as a matter of law under Rule 50. I granted plaintiffs' motion in part, amended the judgment to conform to the jury's findings as to one defendant and denied the motion as to the other issues. I denied defendant's post-trial motion; he appealed and later voluntarily dismissed the appeal. Plaintiffs also appealed and the First Circuit affirmed.

Counsel for plaintiff:  
Luis R. Rivera-Rodríguez  
Michelle Annet Ramos-Jiménez  
Capital Center South Tower, Office 401  
239 Arterial Hostos  
San Juan, PR 00918  
(787) 763-1780

Counsel for defendants:  
Eugene F. Hestres-Vélez  
Bird, Bird & Hestres  
P.O. Box 9024040  
San Juan, PR 00902  
(787) 721-0190

Kenneth Colón  
804 Ponce de León Avenue, Suite 302  
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7. Lugo-Velázquez v. Stiefel Labs, Inc. et al., Civil No 04-1544 (GAG/CVR), 2007 WL 9735603 (D.P.R. May 30, 2007), *aff'd* 522 F.3d 96 (1st Cir. 2008).

A terminated employee filed this case against his former employer alleging sex, age, disability, and national origin discrimination, as well as an Employee Retirement Income Security Act (ERISA) claim. Defendants filed a motion for summary judgment and consented to magistrate judge jurisdiction. I found for the defendants on summary judgment because plaintiff was not a participant of his employer's 401K plan and, therefore, not protected by ERISA. I also found that Title VII did not apply to the employer. Plaintiff appealed and the First Circuit affirmed.

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Counsel for defendants:

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8. Colón-Zayas et al. v. Estado Libre Asociado de PR et al., Civil No. 04-1017 (JAG/CVR), 2007 WL 7126530 (D.P.R. Feb. 15, 2007); 2007 WL 9760469 (D.P.R. Aug. 20, 2007).

In this case, Colón-Zayas, a state career public employee, raised claims of political discrimination in her employment with the Administration of Corrections and sought injunctive relief. Colón-Zayas' husband and daughter were also included as plaintiffs for their emotional suffering due to defendants' actions. Colón-Zayas' husband passed away prior to trial and his claims were voluntarily withdrawn. I entertained dispositive motions and then held an 11-day jury trial.

The jury found that defendants discharged plaintiff Colón-Zayas without just cause due to her political affiliation and in violation of her due process rights and awarded her and her daughter damages. I granted Colón-Zayas's motion for reinstatement. Defendants filed a motion for judgment as a matter of law and for a new trial arguing the jury verdict was unsupported by the evidence and the jury had misunderstood the instructions. I denied the motion; defendants appealed and then voluntarily dismissed the appeal.

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9. Puerto Rico Ports Authority et al. v. Umpierre-Solares et al., Civil No. 03-2196 (SEC/CVR), Op., Docket No. 50 (D.P.R. Mar. 1, 2005) and Op., Docket No. 82 (D.P.R. June 1, 2005), *aff'd*, 456 F.3d 220 (1st Cir 2006). Copies supplied.

This case was removed from state court under admiralty jurisdiction. Plaintiffs sought injunctive relief and specific performance of a contractual obligation to refloat and dispose of a sunken vessel. Defendants filed a motion for summary judgment averring plaintiffs did not meet the requirements for injunctive relief. They also claimed that the action was time barred and governed by laches because more than eleven years had passed between the time the actions under the contract took place and the filing of the claim. I granted the motion and closed the case. Defendants then filed a motion to alter and amend the judgment under Rule 59(e), arguing for the first time that the district court lacked admiralty jurisdiction under the "dead ship" doctrine. Defendants appealed the granting of the motion for summary judgment before I ruled on the motion to alter or amend judgment. The First Circuit declined to entertain the appeal pending the outcome of the motion to alter or amend judgment. I then denied the motion to alter or amend judgment because there were issues of fact as to whether the vessel was a "dead ship."

Defendants amended their notice of appeal to include the denial of the motion to alter and amend judgment and the First Circuit affirmed.

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10. Silva-Pérez v. Zayas et al., Civil No. 03-1744 (CVR), 396 F. Supp. 2d 90 (D.P.R. 2005); Order, Docket No. 115 (D.P.R. Oct. 25, 2006). Copy supplied.

Plaintiff filed a civil rights action against defendants for political discrimination and retaliation in his government employment in violation of the First and Fourteenth Amendments. I handled all pre-trial motions including defendants' summary judgment motion which I denied because there were genuine issues of fact in controversy and credibility determinations which prevented summary disposition. I presided over a seven-day jury trial which ended in a mistrial caused by a question posed by defense counsel and a defendant's response. Defendants filed an interlocutory appeal to the First Circuit as to the mistrial. The parties then settled the case and I entered judgment accordingly.

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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. Marcano-Martínez v. Cooperativa de Seguros Múltiples de Puerto Rico, Civil No. 19-1023 (CVR), 2020 WL 603926 (D.P.R. Feb. 6, 2020), *aff'd*, 991 F.3d 336 (1st Cir. 2021).

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Counsel for defendant:

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2. Rivera-Romero v. Inspira Behavioral Healthcare, Civil No. 16-2721 (CVR), 2019 WL 11637308 (D.P.R. July 10, 2019).

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3. Díaz-Báez v. Alicea-Vasallo, Civil No. 10-1570 (CVR), *aff'd*, 2019 WL 8501708 (D.P.R. Mar. 29, 2019).

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4. Aponte-Bermúdez v. Berríos, Civil No. 15-1034 (CVR), 2018 WL 10435084 (D.P.R. Mar. 15, 2018), *aff'd*, 944 F.3d 963 (1st Cir. 2019), *cert. denied*, 141 S. Ct. 360 (2020).

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5. Dyalisis Access Center, LLC v. RMS Lifeline, Inc., Civil No. 13-1796 (PAD), 2017 WL 3579706 (D.P.R. May 31, 2017), *adopted and aff'd*, 932 F.3d 1 (1st Cir. 2019).

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6. Marina de Ponce v. Federal Deposit Insurance Corporation, Civil No. 15-1664 (CVR), 2018 WL 1061441 (D.P.R. Feb. 23, 2018).

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7. United States v. De la Cruz, Crim No. 12-693 (FAB), 2017 WL 8950435 (D.P.R. Jan. 20, 2017), *adopted*, 252 F. Supp. 3d 116 (D.P.R. 2017).

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8. Alemán Pacheco v. Universal Group, Civil No. 13-1459 (JAG), 2015 WL 10557924, *adopted and aff'd*, 638 F. App'x 15 (1st Cir. 2016).

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9. Hernández-Cuevas v. Taylor, Civil No. 09-1714 (CVR), 2014 WL 12626352 (D.P.R. Sept. 17, 2014), *aff'd*, 836 F.3d 116 (1st Cir. 2016).

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10. Rodríguez-Ramos v. Dep't of Educ., Civil No. 11-1653 (CVR), 52 F. Supp. 3d 387 (D.P.R. 2014).

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

Aponte-Bermúdez v. Berríos, 2018 WL 10435084 (D.P.R. Mar. 15, 2018), *aff'd*, 944 F.3d 963 (1st Cir. 2019), *cert. denied*, 141 S. Ct. 360 (2020).

Alvarado-Santos v. Department of Health of the Commonwealth of P.R., Civil No. 04-2024 (CVR), 2008 WL 11384165 (D.P.R. June 12, 2008), *reconsideration denied*, 2008 WL 11384166 (D.P.R. June 26, 2018), *rev'd*, 619 F.3d 126 (1st Cir. 2010), *cert. denied*, 132 S. Ct. 121 (2011).

Morales-Vallellanes v. Potter, Civil No. 97-2459 (CVR), 2008 WL 11492949 (D.P.R. Apr. 16, 2008), *vacated and remanded*, 605 F.3d 27 (1st Cir. 2010), *cert. denied*, 131 S. Ct. 978 (2011).

- 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.

Through a review of my records and searching my cases in Westlaw and CM/ECF, I have identified the opinions below in which the Court of Appeals for the First Circuit has reversed or partially reversed my opinions and/or judgments on civil cases upon consent of the parties. However, there may be others that I have not been able to identify after a thorough search.

Farthing v. Coco Beach, Civil No. 16-2389 (CVR), 2017 WL 4004440 (D.P.R. Jan. 3, 2017), *rev'd and remanded*, 864 F.3d 39 (1st Cir. 2017). Plaintiff brought an action against his employer, a resort marketing company, for breach of the parties' employment contract by terminating him after three months of a one-year agreement. The parties consented to magistrate judge jurisdiction early in the case. Both parties moved for summary disposition. Plaintiff averred that there were no issues of fact in dispute regarding unilateral termination of his employment. Defendant alleged in turn that plaintiff was not unilaterally terminated but rather was offered an early termination agreement because his contract was contrary to Puerto Rico law as he was selling real estate without a license. I granted the employer's motion for summary judgment, holding the contract was not enforceable because plaintiff did not have a valid real estate license. Plaintiff appealed. The First Circuit held that fact issues precluded summary judgment and remanded for further proceedings. The parties later settled the case.

Maldonado-Viñas et al. v. National Western Life Insurance Company, Civil No. 14-1192 (CVR), 303 F.R.D. 177 (D.P.R. 2014); 2016 WL 1298719 (D.P.R. Mar. 31, 2016), *rev'd and remanded*, 862 F.3d 118 (1st Cir. 2017). The wife and children of an annuity owner, who died after naming his brother as the sole beneficiary, brought action against an issuer alleging that annuities purchased by the owner were void. A district judge denied the issuer's motion to dismiss for failure to join a necessary party. The case was then reassigned to me upon consent of the parties. I granted plaintiff's motion for summary judgment and denied the issuer's motion for reconsideration. The issuer appealed. The First Circuit vacated and remanded for the District Court to determine whether the action should proceed among existing parties or should be dismissed. The parties briefed the matter, I ruled that the case could not proceed without the brother, and I dismissed the case without prejudice. Plaintiffs filed an appeal but settled the case while the appeal was pending.

United States v. Assorted Jewelry, Civil 11-2074 (CVR), 2013 WL 6501885 (D.P.R. Dec. 11, 2013), *rev'd and remanded*, 833 F.3d 13 (1st Cir. 2016), *aff'd*, Judg., Docket No. 217 (1st Cir. May 16, 2022). Copy supplied. The government filed a civil forfeiture action against jewelry seized during a search of a criminal defendant's apartment, claiming it was linked to his illegal drug activity. Criminal defendant intervened as claimant. I granted the government's summary judgment motion and the claimant appealed. The First Circuit vacated and remanded, holding that the factual question of whether the jewelry seized in the apartment search was substantially connected to the owner's drug offenses precluded summary judgment on the civil forfeiture claim. I then presided over a two-day bench trial, and I granted in part and denied in part the forfeiture claim finding that not all the jewelry was subject to forfeiture. The claimant appealed and the First Circuit affirmed.

Darin v. Olivero-Huffman, Civil No. 12-1121 (CVR), 2012 WL 3542514 (D.P.R. Aug. 16, 2012), *rev'd and remanded*, 746 F.3d 1 (1st Cir. 2014). A father brought an action against a mother seeking the return of a child to Argentina under the Hague Convention on Civil Aspects of Child Abduction. I presided over a four-day evidentiary hearing during which the mother showed cause as to why the child had been retained and kept from returning to Argentina with the father. I then denied the petition holding that the father did not meet his burden of establishing a wrongful removal or retention of the child and I dismissed the case. The father appealed and the First Circuit reversed, concluding that there was a wrongful retention and ordering the return of the child to Argentina.

Patrick v. Rivera-López, Civil No. 12-1501 (CVR), 2012 WL 5462677 (D.P.R. Nov. 8, 2012), *rev'd in part, vacated in part, and remanded*, 708 F.3d 15 (1st Cir. 2013). A father filed a petition for return of a child under the Hague Convention on Civil Aspects of Child Abduction. The mother, alleging the father had no rights of custody under the Hague Convention, filed a motion to dismiss for failure to state a claim, which I granted. The father appealed and the First Circuit reversed the dismissal of the father's petition and remanded with instructions to conduct a trial. I held a bench trial, and I granted the father's petition for return of the child. The mother's subsequent appeal was dismissed for lack of prosecution.

Fairest Knight v. Marine World Distributors, Inc., Civil No. 07-1708 (CVR), 2009 WL 4921611 (D.P.R. Dec. 11, 2009), *modified*, 2010 WL 500409 (D.P.R. Feb. 3, 2010), *rev'd and vacated*, 652 F. 3d 94 (1st Cir. 2011). A boat owner filed a claim against a business engaged in the sale, service, and repair of marine vessels under admiralty law and Puerto Rico law alleging breach of warranty. I held a four-day bench trial and found in plaintiff's favor. Defendant appealed. The First Circuit reversed, finding that plaintiff failed to establish a breach of the implied warranty of workmanlike performance and that there was no infliction of emotional distress and pain to the boat owner.

Alvarado-Santos v. Department of Health of the Commonwealth of P.R., Civil No. 04-2024 (CVR), 2008 WL 11384165 (D.P.R. June 12, 2008), *reconsideration denied*, 2008 WL 11384166 (D.P.R. June 26, 2008), *rev'd*, 619 F.3d 126 (1st Cir. 2010), *cert. denied*, 132 S. Ct. 121 (2011). Plaintiff filed a Title VII gender and national origin discrimination claim. I presided over a six-day jury trial, where the jury found for plaintiff. Defendant, plaintiff's former employer, appealed, claiming that the evidence was insufficient to allow a reasonable jury to conclude that plaintiff met her burden to show that defendant's actions were motivated by gender discrimination. The First Circuit agreed with defendant, reversed the judgment, and ordered entry of judgment in its favor.

Morales-Vallellanes v. Potter, Civil No. 97-2459 (CVR), 2008 WL 11492949 (D.P.R. Apr. 16, 2008), *vacated and remanded*, 605 F.3d 27 (1st Cir. 2010), *cert. denied*, 131 S. Ct. 978 (2011). Plaintiff, a postal federal employee, filed this case claiming retaliatory discrimination under Title VII. I presided over a nine-day jury trial and the jury awarded plaintiff a lump-sum verdict which I reduced, upon the government's request, due to a statutory cap. Plaintiff filed a post-trial motion requesting front and back pay. I granted back pay and denied front pay pursuant to applicable law. Both parties appealed. The First Circuit vacated the jury's verdict, concluding plaintiff failed to prove that he suffered any adverse employment action to support his claims for discrimination or retaliation. The First Circuit remanded the case with instructions to enter judgment as a matter of law in defendant's favor. I entered judgment accordingly.

Mercado-Berrios v. Cancel-Alegria, Civil No. 05-1041 (CVR), Op., Docket No. 127 (D.P.R. Nov. 16, 2007), *aff'd in part, rev'd in part, and remanded*, 611 F.3d 18 (1st Cir. 2010). Copy supplied. Plaintiff filed a Section 1983 civil rights claim for political discrimination in employment. The parties consented to magistrate judge jurisdiction for trial purposes. I presided over a five-day jury trial where the jury found for plaintiff on all claims and awarded punitive damages. Defendant filed a renewed motion under Rule 50 for judgment as a matter of law which I denied, and I entered judgment on the jury's verdict in plaintiff's favor. Defendant appealed. The First Circuit affirmed in part, reversed in part, vacated in part, and remanded for a new trial only on punitive damages. On remand the parties reached a settlement which I approved.

Asociación de Empleados del Estado Libre Asociado v. Unión Internacional, Civil No. 05-1986 (FAB/CVR), 515 F. Supp. 2d 209 (D.P.R. Sept. 11, 2007), *rev'd in part*, 559 F.3d 44 (1st Cir. 2009). This case was removed from state court seeking judicial review of an arbitration award. The parties filed motions for summary judgment, and I upheld the arbitrator's ruling that the union employees were improperly discharged, but I ruled that the reinstatement and back pay awards exceeded the arbitrator's authority. The First Circuit found that the arbitrator employed a plausible construction of the collective bargaining agreement and reversed vacating the arbitrator's award of reinstatement and back pay. The case was remanded to enter summary judgment in the union's favor.

Through a review of my records and searching my cases in Westlaw and CM/ECF, I have identified the following Report and Recommendations in cases for which the District Court rejected or adopted in part and rejected in part my Report and Recommendation. However, there may be others that I have not been able to identify after a thorough search.

United States v. Figueroa-Figueroa, Crim. 18-122 (DRD), *R. & R. adopted in part*, 388 F. Supp. 3d 70 (D.P.R. 2019). Defendant filed a motion to suppress physical evidence and statements. I presided over the suppression hearing and I then issued a Report and Recommendation where I recommended denial of the motion to suppress. Defendant filed an objection. The District Court adopted in part the Report and Recommendation as to defendant having standing. However, the District Court found that the police officer's conduct in entering the house, where the door was semi-open, with no indication of probable cause and without a search warrant, was unconstitutional and in violation of the Fourth Amendment. The District Court granted the motion to suppress.

Rivera v. Sam's Club Humacao, Civil No. 16-2307 (ADC), 2018 WL 4725276 (D.P.R. July 10, 2018), *rejected*, 386 F. Supp. 3d 188 (D.P.R. 2018). Plaintiff brought an action for negligence by defendant under Puerto Rico law arising out of customer's death after he fell off a patio swing on display at the store. Defendant moved for summary judgment for lack of causation. I issued a Report and Recommendation recommending that defendant's motion for summary judgment be granted because plaintiff failed to prove the breach of duty and proximate cause elements of the claim. The District Court rejected my recommendation and denied defendant's motion for summary judgment, finding there were issues of fact which precluded summary disposition. The parties reached a settlement prior to trial and filed a motion for voluntary dismissal.

United States v. Natal-Rivera, Crim. No. 18-363 (FAB), *R. & R.*, Docket No. 23 (D.P.R. July 24, 2018), *rejected*, 321 F. Supp. 3d 273 (D.P.R. 2018). Docket sheet supplied. Defendant moved to suppress evidence seized by the Puerto Rico Police Department. I issued a Report and Recommendation recommending the denial of the motion to suppress because defendant failed to attach an affidavit or document in support thereof as required by the Local Rules. The District Court rejected the Report and Recommendation, holding the Local Rule did not apply to defendant's motion to suppress.

United States v. Delgado-Pérez, Crim. No. 14-136 (DRD), 2015 WL 13590155 (D.P.R. Feb. 10, 2015), *adopted*, 2015 WL 13590156 (D.P.R. Aug. 16, 2017), *rev'd and remanded*, 867 F.3d. 244 (1st Cir. 2019). Defendant filed a motion to suppress claiming the search of his residence without a warrant and without his consent violated his Fourth Amendment rights. I held a two-day suppression hearing and issued a Report and Recommendation recommending the denial of the suppression request, finding that the firearm's magazine was in plain view

while the officers conducted a justified protective sweep. In addition, I found that defendant had consented to the search. The District Court adopted the Report and Recommendation. Defendant appealed. The First Circuit reversed and remanded, finding that the protective sweep was unlawful and therefore that suppression of the magazine was warranted.

Lareños en Defensa Del Patrimonio Histórico, Inc. et al. v. Municipality of Lares et al., Civil No. 11-1880 (FAB), 2013 WL 4001865 (D.P.R. July 16, 2013), *adopted in part and rejected in part*, 957 F. Supp. 2d 150 (D.P.R. 2013); 2013 WL 4002008 (July 18, 2013), *adopted*, 957 F. Supp. 2d 150 (D.P.R. 2013). Plaintiffs filed a claim for a violation of their First Amendment rights when the municipality denied their application for a permit to use the town's square for a protest and subsequently denied their participation in a parade. Defendants moved for summary judgment and plaintiffs cross-moved for partial summary judgment. The District Court referred the motions for summary judgment to me. I issued two Report and Recommendations finding that fact issues precluded summary judgment on First Amendment claim arising from the denial of the permit and participation in the parade and finding the statements by municipal employees to plaintiffs regarding alleged statements made by the mayor were inadmissible against the mayor in his personal capacity. I also recommended that summary judgment be granted as to plaintiff's First Amendment claim about the protest. The District Court adopted all recommendations except the granting of summary judgment for plaintiff's First Amendment claim related to the protest because there were issues of fact, as to the legitimacy of the municipality's proposed reasons, which precluded summary disposition.

González-Santini v. Lucke, Civil No. 13-1375 (FAB), 2013 WL 3712344 (D.P.R. June 26, 2013), *adopted in part and rejected in part*, 2013 WL 3712343 (D.P.R. July 12, 2013). Plaintiff filed the case seeking a declaratory judgment that the purchase and sale of a vessel to a third party was null and void and plaintiff was the rightful owner. Defendant filed a motion to dismiss the case pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(2). The District Court referred the motion to dismiss to me. I issued a Report and Recommendation recommending defendant's motion to dismiss the case be granted pursuant to Federal Rule of Civil Procedure 12(b)(1). The District Court adopted in part and rejected in part the Report and Recommendation, agreeing that there was no admiralty jurisdiction because the claim was equitable and not based on maritime law, but declining to reach my discussion of whether there was "an accounting between co-owners of a vessel."

United States v. Guzmán-Batista, Crim.12-759 (FAB), *R. & R.*, Docket No. 35 (D.P.R. Apr. 11, 2013), *de novo hearing*, Docket No. 47 (D.P.R. June 10, 2013), *rejected*, Docket No. 53 (D.P.R. July 2, 2013). Copies supplied. Defendant was charged with illegal receipt of a firearm by a person under indictment. Defendant filed a motion to suppress which was referred to me. I held a hearing, and I issued a Report and Recommendation that the motion to suppress be granted

because the testimony of the police officer was not credible. The United States moved for de novo hearing, which the district judge granted. The district judge ultimately denied the motion to suppress, finding that the testimony of the police officer was credible.

United States v. Bauz6-Santiago, Crim. 12-602 (CCC), *R. & R.*, Docket No. 48 (D.P.R. Mar. 20, 2013), *de novo hearing*, Docket No. 70 (D.P.R. Aug. 26, 2013), *rejected*, Docket No. 81 (D.P.R. Jan. 16, 2014). Copies supplied. Defendant filed a motion to suppress evidence seized from his vehicle. The District Court referred the motion to suppress to me, and I held an evidentiary hearing. I issued a Report and Recommendation recommending the motion to suppress be granted because defendant had standing for the suppression of the evidence seized, and based on the credibility of a defense witness, I found there was no probable cause for the warrantless search of defendant's vehicle. The district judge held a de novo hearing on the merits, rejected the Report and Recommendation, and denied defendant's motion to suppress, crediting the testimony of the police officer and not the defense witness.

Gold v. National Union Fire Insurance Company of Pittsburgh, Pa., Civil 10-2211 (ADC/CVR), *R. & R.*, Docket No. 22 (D.P.R. June 10, 2011), *rejected*, Docket No. 25 (D.P.R. Sept. 19, 2011). Copies supplied. Defendant filed a motion to consolidate this case with Civil No. 10-1231 (CVR) and to stay the proceedings because both cases asserted the same claims. The District Court referred the motion to consolidate the case and stay the proceedings to me. I issued a Report and Recommendation recommending that defendant's request to stay be denied because the bankruptcy stay did not apply to defendant. I also recommended that the motion to consolidate be denied because the other case was already stayed. The District Court instead granted the motion to consolidate and stay proceedings. The District Court found that the proceeds of the liability insurance policy were property of the bankruptcy estate and fell under the automatic bankruptcy stay and that the claims in both cases were identical.

Alvarez-Estrada et al. v. Alemañy-Noriega et al., Civil No. 10-1065 (FAB), 2011 WL 2293223 (D.P.R. May 25, 2011), *adopted in part and rejected in part*, 2011 WL 2263391 (D.P.R. June 8, 2011). Plaintiffs filed a complaint pursuant to Section 1983 alleging political discrimination. Defendants filed a motion for judgment on the pleadings which the District Court referred to me. I issued a Report and Recommendation which recommended the motion be granted in part and denied in part. I found that the transitory or temporary employees failed to plead a prima facie case of employment discrimination and found the permanent or regular employees did plead a prima facie case. The District Court adopted in part and rejected in part the Report and Recommendation, rejecting only my conclusion that the remaining plaintiffs had properly alleged claims against all defendants. Given the factual allegations in the complaint, the court narrowed the remaining plaintiffs' claims, dismissing all but the remaining plaintiffs' political discrimination claims against Alemañy.

United States v. Burgos-Montes, Crim. No. 06-009 (JAG), 2011 WL 1743414 (D.P.R. Feb. 28, 2011), *adopted in part and rejected in part*, 2011 WL 1743420 (D.P.R. May 2, 2011). Defendant was charged in a death penalty-eligible case for allegedly killing the victim to prevent her from communicating with law enforcement officers and testifying against him. Defendant filed four motions to suppress, which were referred to me, seeking suppression of physical evidence obtained pursuant to a search warrant for a vehicle and a farm and seeking suppression of evidence seized by the victim without a warrant in a residence and another vehicle. I held an evidentiary hearing, and I issued a Report and Recommendation addressing all motions to suppress. I recommended that all motions to suppress be denied except the motion to suppress a firearm and ammunition found by the victim in a residence without a warrant. The District Court adopted the Report and Recommendation on all matters except that it rejected the recommendation on the warrantless search by the victim of the residence and granted the motion to suppress. The court found that the victim was a private citizen acting as an agent for the government when she seized the documents that she provided to law enforcement and a search warrant was required under the Fourth Amendment.

Grajales v. Puerto Rico Ports Authority, Civil No. 09-2075 (FAB), 2011 WL 1742972 (D.P.R. Jan. 25, 2011), *adopted*, 2011 WL 13209588 (D.P.R. Mar. 3, 2011), *rev'd and remanded*, 682 F.2d 40 (1st Cir. 2012). A government employee filed a Section 1983 claim for political discrimination. Defendant filed a motion for judgment on the pleadings that the District Court referred to me. I issued a Report and Recommendation recommending that defendant's motion for judgment on the pleadings, as well as the motion for joinder filed in his official capacity, be granted. The District Court adopted the Report and Recommendation and plaintiff appealed. The First Circuit found that plaintiff's second amended complaint set forth sufficient factual content to make a plausible claim for relief, reversed the judgment on plaintiff's political discrimination claim, and remanded for further proceedings.

Santana-Ramos v. Vilsack, Civil No. 09-1086 (JAG), *R. & R.*, Docket No. 44 (D.P.R. Aug. 3, 2010), *rejected*, Docket No. 46 (D.P.R. Mar. 14, 2011). Copies supplied. Plaintiff, a federal employee, filed this action against her employer for employment discrimination under the Age Discrimination in Employment Act. Defendant filed a motion for summary judgment which the District Court referred to me. I issued a Report and Recommendation denying summary judgment because there were material issues of fact that precluded summary judgment. The District Court rejected my recommendation and entered judgment for the defendant, finding there was no genuine dispute that plaintiff was not qualified for the position.

Delgado-Hernández v. United States, Civil No. 06-1952 (JAG), 2008 WL 1959698 (D.P.R. Mar. 11, 2008), *rejected*, Docket No. 13 (D.P.R. May 7, 2008).

Copy supplied. Petitioner filed a motion for post-conviction relief under 28 U.S.C. §2255, which was referred to me. I issued a Report and Recommendation recommending that petitioner's motion be granted, and petitioner be resentenced due to his counsel's failure to raise certain issues on appeal. The District Court rejected my Report and Recommendation and dismissed the petition, finding that the proper remedy was to correct a clerical mistake in the oral sentence and written judgment.

Salgado-Candelario v. Ericsson Caribbean, Inc., Civil No. 04-2351 (ADC), *R. & R.*, Docket No. 74 (D.P.R. June 4, 2008), *adopted in part and rejected in part*, 614 F. Supp. 2d 151 (D.P.R. 2008). Copy supplied. A terminated female employee filed claims for discrimination because of her disability, gender, race, and national origin. Defendant filed a motion for summary judgment which the District Court referred to me. I issued a Report and Recommendation recommending that the motion for summary judgment be granted on most of plaintiff's federal claims because she failed to put forth evidence in support thereof. The District Court adopted my recommendation in all aspects but rejected to grant the motion for summary judgment as to plaintiff's reasonable accommodation claims since genuine issues of fact remained.

Mohammadian v. Ciba Vision of Puerto Rico, Inc., Civil No. 03-1276 (JAG), *R. & R.*, Docket No. 50 (D.P.R. Mar. 4, 2005), *rejected*, 378 F. Supp. 2d 25 (D.P.R. 2005). Copy supplied. A terminated employee filed a complaint against her former employer pursuant to the Americans with Disabilities Act and supplemental state law claims. The employer moved for summary judgment. The District Court referred the motion to me. I issued a Report and Recommendation recommending that the employer's motion be denied because I found there were genuine issues of material fact that prevented summary judgment. The District Court rejected the Report and Recommendation and granted the motion for summary judgment because plaintiff failed to establish a prima facie case of discrimination.

United States v. González-Bernard et al., Crim. 12-488 (CCC), 2014 WL 12922964 (D.P.R. June 16, 2004), *remanded*, 2014 WL 12922965 (D.P.R. Oct. 28, 2014), *referred from*, 2014 WL 12922966 (D.P.R. Dec. 3, 2014), *adopted*, 2018 WL 10670552 (D.P.R. July 26, 2018). Defendants filed a motion in limine to exclude, under Bruton v. United States, certain statements made to a confidential informant, which was referred to me. I issued a Report and Recommendation recommending the motion in limine be denied, and two defendants objected. The District Court concurred with my conclusions of law but found that my finding that the statements at issue were made by the defendant co-conspirators in furtherance of the conspiracy relied on the government's representation which had been made in a conclusory fashion in its opposition brief. The District Court referred the matter to me to make factual findings either on a proffer of the government or on evidence at a hearing. I issued a second

Report and Recommendation recommending that the motion in limine be denied, which the district judge adopted.

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

As a magistrate judge, I issue yearly hundreds of opinions and orders in consent and non-consent cases on non-dispositive matters in civil cases on discovery matters and other miscellaneous motions, and on criminal matters in discovery issues and bail/detention orders. Unless a matter is sealed, all opinions, orders and Report and Recommendations are filed in the court's electronic case filing system CM/ECF which is available to the public.

- 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.

United States v. De La Cruz, Crim. 12-693 (FAB), 2017 WL 8950435 (D.P.R. Jan. 20, 2017), *adopted*, 252 F. Supp. 3d 116 (D.P.R. 2017).

Rodriguez-Ramos v. Dep't of Educ., 52 F. Supp. 3d 387 (D.P.R. 2014).

- 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 follow the Code of Conduct for United States Judges and recusal statutes. I recuse myself when the Code of Conduct and recusal statutes call for recusal. I also consider any possible conflict of interest, financial interest, family relationship and/or appearance of impropriety. I provide the Court with a recusal list which includes names of attorneys who are close friends or family members, among others. Also, the CM/ECF system keeps the conflict checking tool. However, I also evaluate each case individually when referred to me to determine if there is a possible conflict.

To the best of my knowledge, there is only one case in which my recusal was requested by a motion or other suggestion by a litigant. In a case related to a Stock Option Plan drafted in 1998 by the law firm Pietrantoní Méndez & Alvarez, LLP, the plaintiff raised concerns based on the incorrect belief that I had been employed as an associate in the firm at the time the plan was drafted. I issued an order in response noting that I had left the firm at the end of 1997, and that recusal was therefore not required. Nonetheless, in an abundance of caution and due to the alleged "appearance of lack of impartiality" raised by plaintiff under the circumstances of the case, I disqualified myself from any further proceedings in the case. 28 U.S.C. §455(a).

After a thorough search of my files and the CM/ECF case system, I identified the cases below where I recused myself sua sponte under 28 U.S.C. §455.

A family member of my second former spouse was a lawyer in the following cases and we had a close family relationship at the time of the recusal.

Casillas-Sánchez et al. v. Ryder Memorial Hospital, Inc. et al., Civil No. 11-2092 (FAB).

Rivera López v. Santiago, Civil No. 07-2183 (JAG).

Meléndez v. Maestre, Civil No. 05-1535 (ADC).

Kishma v. Fast Lane, Seguros Triple S, Civil No. 04-1536 (JAG).

My second former spouse and/or a lawyer from his law firm were a lawyer for one of the parties in the following cases.

Martínez-Valles et al. v. Pearson Education, Inc. et al., Civil No. 16-2888 (JAG).

Maldonado-Ocasio et al. v. Interactive Systems, Inc., Civil No. 15-1421 (PAD).

Ortiz-Ildefonso v. SNC Technical Services, LLC. et al., Civil No. 15-1197 (JAG).

Martínez-Román et al. v. Federal Deposit Insurance Corporation, Civil No. 13-1556 (JAG).

La Santa-Andreu v. Bristol Myers Squibb Manufacturing Company, Civil No. 13-1118 (ADC).

Morales-Morales v. Bristol Myers Squibb Manufacturing Company, Civil No. 12-1448 (JAG).

Acosta-Alameda et al. v. Banco Popular de Puerto Rico, Civil No. 12-1331 (GAG).

Pérez-Rodríguez v. Wyndham Vacation Ownership et al., Civil No. 12-1287 (GAG).

Ortiz-González v. Sears Roebuck of Puerto Rico, Inc. et al., Civil No. 11-1468 (DRD).

Matos-Negrón et al. v. Federal Deposit Insurance Corporation, Civil No. 11-1142 (JAG).

Hato Rey Title Insurance Agency, Inc. v. Federal Deposit Insurance Corporation, Civil No. 10-2192 (JAG).

San Juan Abstract Company v. Federal Deposit Insurance Corporation, Civil No. 10-2251 (JAG).

Rosado v. ACHA Trading Building Supply, Inc. et al., Civil No. 10-2061 (FAB).

Culpeper v. Federal Deposit Insurance Corporation, Civil No. 10-1651 (FAB).

Galán-Fundora v. Federal Deposit Insurance Corporation, Civil No. 10-1649 (GAG).

Velázquez-Pérez v. Developers Diversified Realty Corp., Civil No. 10-1002 (GAG).

Rivera-Cartagena et al. v. Walmart PR, Civil No. 09-1787 (FAB).

Jiménez v. Amgen Manufacturing LTD et al., Civil No. 09-1596 (CCC).

Meléndez-Ortiz et al. v. Wyeth Pharmaceutical Co., Civil No. 08-1676 (JAG).

Aponte-Rivera v. DHL Solutions, Inc., Civil No. 07-1950 (GAG).

Delanoy-Corominas et al. v. Aerotek, Inc., Civil No. 07-1871 (DRD).

Colón-Pagán v. MVM, Inc., Civil No. 07-1015 (JAG).

Bonet Fernández v. Warner Lambert Co., Civil No. 04-1678 (JAG).

Pelegrina Medical, Inc. v. Medex, Inc., Civil No. 04-1424 (SEC).

Collazo et al. v. Bristol-Myers Squibb Manufacturing, Inc., Civil No. 04-1136 (FAB).

My first former spouse and/or a lawyer from his law firm were a lawyer for one of the parties in the following cases.

Continental Casualty Company v. Angelet-Frau et al., Civil No. 16-2656 (JAG).

DJL Mortgage Capital Inc. v. López-Rivera, Civil No. 16-2357 (FAB).

Roosevelt Cayman Asset Company II v. Rodríguez-Nichols, Civil No. 15-2713 (JAG).

One of the parties was a main client of my second former spouse at the time of recusal in the following cases.

De la Cruz & Associates, Inc. v. Transform SR de Puerto Rico LLC et al., Civil No. 21-1052 (RAM).

Ayala Rodríguez et al. v. Advance Auto Parts; Western Auto, Civil No. 09-2091 (GAG).

Maldonado Feliz v. Western Auto of PR, Inc., Civil No. 05-1145 (JAG).

In the following Social Security cases, I recused myself sua sponte because, while I was an Assistant United States Attorney in the Civil Division, I was the Assistant United States Attorney in charge of Social Security cases and participated directly in some of these cases.

Morales Miranda v. Commissioner of Social Security, Civil No. 04-1931 (SEC).

Morales Miranda v. Commissioner of Social Security, Civil No. 03-1943 (SEC).

Rodríguez-Pizarro v. Commissioner of Social Security, Civil No. 03-1330 (JAG).

My sister and/or a lawyer from her law firm were a lawyer of record at the time of recusal in the following cases.

Lagares et al. v. Elliot Miller et al., Civil No. 20-1435 (ADC).

Román-Castellanos v. Comisionado o Administración de Seguro Social, Civil No. 20-1353 (GAG).

Ortiz et al. v. Toro Verde Eco Adventure Park et al., Civil No. 19-1972 (JAG).

Villamil-Sordo v. Varadero @ Palmas, Inc. et al., Civil No. 18-1425 (ADC).

Vidal-Portos v. Los Pinos Restaurant, Inc. et al., Civil No. 16-2539 (ADC).

Noguera et al. v. Campo Rico Adventures, LLC. et al., Civil No. 16-2128 (CCC).

LMD Integrated Logistic Services, Inc. v. Premier Transport, Inc. et al., Civil No. 14-1407 (FAB).

Hoffman-García v. Metrohealth, Inc. et al., Civil No. 14-1162 (PAD).

National Union Fire Insurance Company of Pittsburgh PA v. Sonimar Marine, Corp. et al., Civil No. 12-1420 (JAG).

Markel American Insurance Company v. Leonor-Veras, Civil No. 12-1305 (DRD).

Middleton et al. v. Vélez-Misla, et al., Civil No. 11-2270 (CCC).

Catlin (Syndicat 2003) at Lloyds v. San Juan Towing & Marine Services, Inc., et al., Civil No. 11-2093 (FAB).

The Good Business Corp. v. Markel American Insurance Company, Civil No. 11-1521 (SEC).

Díaz-Vázquez et. al. v. Alvarez-Rubio et. al., Civil No. 11-1405 (FAB).

Reyes Soto v. DIN Electrical Contractor, Inc., Civil No. 10-2084 (JAG).

Climent-García v. Autoridad de Transporte Marítimo y Las Islas Municipio, Civil No. 09-1755 (GAG).

Alemañy-Ortiz v. Puerto Rico Telephone Co., Civil No. 06-1858 (JAG).

Colón-Sierra et. al. v. McDonald's Caribbean Region et. al., Civil No. 06-1502 (GAG).

My sister was involved in another capacity in the cases below at the time of recusal.

East Towing & Salvage, Inc. v. M/Y Jalaure et al., Civil No. 20-1607 (PAD). Plaintiff's attorney discussed the case with my sister, and I was informed of their conversation.

Travelers Casualty & Surety Company of America et al. v. Vázquez-Colón et al., Civil No. 18-1795 (JAG). My sister was overseeing the case for the third-party defendant.

Barlucea-Matos v. Corp. del Fondo del Seguro del Estado, Civil No. 10-1868 (GAG). This case was monitored by my sister on behalf of the insurance company which was providing coverage for defendant.

A former partner of my second former spouse and/or a lawyer from his law firm were a lawyer in the following cases. These cases were ongoing at the time of recusal and there was pending litigation between my second former spouse and his former partner.

Citieffe, Inc. v. Caribbean Orthopedics Products of Puerto Rico, LCC et al., Civil No. 16-2166 (JAG).

R-G Premier Bank of PR v. FDIC, Civil No. 10-1621 (GAG).

Matos-García et al. v. Citibank, NA, Inc., Civil No. 10-1221 (JAG).

Pagán-Colón et al. v. Walgreens San Patricio, Inc., Civil No. 08-2398 (GAG).

Bonilla-Franco v. Glaxo Smith Kline, Civil No. 06-1781 (JAG).

Colón Sierra et al. v. McDonald's Caribbean Region, Civil No. 06-1502 (GAG).

Vázquez-Segarra v. Puerto Rico Telephone Co. et al., Civil No. 05-2347 (GAG).

Hernández v. Smith Kline Beecham Pharmaceuticals et al., Civil No. 02-2750 (DRD).

Banco Popular of Puerto Rico was a party in the following cases, and, at the time of refusal, I had investments with that bank.

Medina v. ADECCO et al., Civil No. 06-2126 (GAG).

Vázquez Filippetti et al. V. Banco Popular de Puerto Rico et al., Civil No. 03-2071 (DRD).

Olivella Rivera v. Popular Leasing & Rental, Inc., Civil No. 98-2267 (GAG).

One of the attorneys of record in the following cases is my daughter's half-brother and I have a close family relationship with him.

Tracfone Wireless v. Torres Ríos et al., Civil No. 21-1607 (MEL).

Ponsa-Rabell et al. v. Santander Securities, LLC., Civil No. 17-2243 (CCC).

Humana Health Plans of Puerto Rico, Inc. v. Vilaró et al., Civil No. 12-1445 (GAG).

I recused myself from the following criminal cases in which I authorized a search warrant which was being challenged.

United States v. Aponte-Hernández et al., Crim. No. 19-532 (GAG).

United States v. Villa-Guillén, Crim. No. 17-608 (FAB).

United States v. Reyes-Domínguez, Crim. No. 06-0155 (ADC).

Additional cases in which I have recused myself sua sponte for other reasons.

Salgado and Associates, Inc. et al. v. Cestero-Lopategui et al., Civil No. 19-1663 (DRD). Plaintiff's attorney was a former district judge, and I did not feel comfortable in ruling against him if required.

Condado ICFL, LLC v. Calderín-García et al., Civil No. 18-1207 (JAG). Plaintiff's counsel was the attorney for my parents.

United States v. Torres-Mejías, Crim. No. 18-418 (DRD). I held the preliminary hearing, and the referral was a challenge to the preliminary hearing because of perjured testimony.

Rosado-Sánchez v. Banco Santander Puerto Rico, Civil No. 17-2169 (BJM). Plaintiff appeared for a hearing without his pro bono counsel and demanded from a security officer that the hearing be held. I recused myself to avoid any safety issues in the future.

United States v. Hernández-Mieses et al., Crim. No. 16-746 (FAB). The First Circuit affirmed in part and vacated and remanded the district court's suppression order. Thus, accepting the referral would mean that I, as a magistrate judge, would be passing judgment over a district judge's decision.

Cruz-Berríos v. Puerto Rico Department of Correction and Rehabilitation et al., Civil No. 16-3155 (PAD). My cousin is a party in this case.

Esteves v. Mosquera-Sterenberget al., Civil No. 16-2504 (JAG). Plaintiff is my career law clerk.

Delgado-Rivera v. Pepsi Cola Manufacturing International Limited et al., Civil No. 15-2775 (JAG). A family member had a connection to one of the attorneys in the case.

West India Machinery & Supply Company v. Cummins Power Generation, Inc., Civil No. 15-2402 (JAG). The district judge questioned a ruling that I made on a motion in limine and remanded the matter to me to explain my reasoning. I complied with the remand, explained my reasoning, and then I recused myself.

Cerezo-Martín v. Ferrovial Agroman S.A., Civil No. 15-1350 (FAB). I recused myself for scheduling reasons to allow the matter to be reassigned.

Escalante-Facundo et al. v. Medical Card System, Inc., Civil No. 10-2092 (ADC). Plaintiff is a friend of mine.

Giraud-Padró et al. v. Federal Deposit Insurance Corporation et al., Civil No. 10-2041 (JAG). I know one of the parties.

Rivera González et al. v. Schneider Electric Building Americas, Inc., Civil No. 10-1876 (GAG). One of the attorneys is my cousin.

Ortiz-Lebrón et al. v. United States et al., Civil No. 10-1513 (SEC). I presided over settlement negotiations.

Pacheco et al. v. Toledo-Dávila et al., Civil No. 10-1480 (ADC). I recused myself because two defendants in this civil case were former police officers, who had been charged in a prior criminal case, and I had handled their preliminary matters in the criminal case.

De la Rosa-Ramos v. United States, Civil No. 10-1475 (ADC). This case was filed by a defendant, and I recalled handling matters related to him while I was an Assistant United States Attorney.

Maldonado et al. v. Noya Monagas et al., Civil No. 08-1703 (GAG). One of the expert witnesses is my uncle.

Millán-Quiñones et al. v. Hospital HIMA San Pablo Fajardo, Civil No. 08-1001 (ADC). One of the attorneys was a friend of mine at the time of recusal.

In re: Cintrón, Misc. No. 06-102 (ADC). This is a sealed ethical complaint. I was the magistrate judge assigned to the civil case which generated the ethical complaint against plaintiff's counsel.

United States v. Román-Ramos, Crim. No. 06-159 (ADC). This criminal case involved a carjacking in which the victim was my neighbor at the time of recusal, and I had prior knowledge of the facts of the case.

Reyes Domínguez v. United States, Crim. No. 06-155 (ADC). This case was sealed and I had no access to the documents to timely comply with the referral. My recusal allowed the case to be reassigned.

Babitt v. Famadas et al., Civil No. 05-2078 (ADC). Defendant was a friend of my family and a former employer of my brother.

Redbrick Partners, LP et al. v. Gautier, Civil No. 05-1635 (FAB). One of the lawyers was a close friend of mine at the time of recusal.

Gómez-Pérez v. Potter, United States Postal Service, Civil No. 03-2236 (DRD). This case was filed while I was an Assistant United States Attorney in the Civil Division and I had prior knowledge of the facts of the case.

Campos-Ramos et al. v. Faustino Acevedo et al., Civil No. 02-2776 (JAG). Two of the attorneys in this case are friends of mine.

Ortiz Toro et al. v. United States, Crim. No. 95-103 (CCC). This case was filed by a defendant, and I recalled handling matters related to him while I was an Assistant United States Attorney.

Additionally, after a thorough search of my files and the CM/ECF case system, I identified the following cases in which I am not able to recall the reason for my recusal.

United States v. Torres-Burgos, Crim. No. 16-773 (JAG).

Guzmán-Guzmán v. Commonwealth of Puerto Rico et al., Civil No. 10-2190 (GAG).

Southwire Company et al. v. Ramallo Brothers Printing Incorporated et al., Civil No. 03-1100 (GAG).

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 offices and 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;

1993 – 1994

Supreme Court for the Commonwealth of Puerto Rico  
Law Clerk for the Honorable Francisco Rebollo-López, retired

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

I have never been a solo practitioner.

- 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;

1994 – 1997

Pietrantonì, Méndez & Alvarez, LLP  
Popular Center 19th Floor  
208 Ponce de León Avenue  
San Juan, Puerto Rico 00918  
Associate

1998 – 2004

United States Attorney's Office for the District of Puerto Rico  
Torre Chardón, Suite 1201  
350 Chardón Avenue  
San Juan, Puerto Rico 00918  
Assistant United States Attorney

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

I have never served as a mediator nor an arbitrator in alternative dispute resolution proceedings.

b. Describe:

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

From 1994 to 1997, I was an associate at Pietrantonì Méndez & Alvarez LLP where I represented, along with a partner of the firm, corporate clients in civil cases including torts, employment discrimination, among other civil litigation.

From 1998 to 2000, I was an Assistant United States Attorney assigned to the Criminal Appellate Division of the United States Attorney's Office for the District of Puerto Rico, where I drafted over 80 appellate briefs and argued multiple cases before the Court of Appeals for the First Circuit.

From 2000 to 2004, I was assigned to the Civil Division of the United States Attorney's Office District of Puerto Rico where I handled cases under the Federal Torts Claims Act and for employment discrimination, as well as immigration law and prisoner litigation matters.

- ii. your typical clients and the areas at each period of your legal career, if

any, in which you have specialized.

The clients I represented in private practice were mainly corporate clients from Puerto Rico and the mainland. I represented the federal government as an Assistant United States Attorney.

- 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.

During private practice, all my practice was in litigation, and I appeared in the Puerto Rico courts occasionally. As an Assistant United States Attorney in the Appellate Criminal Division, all my practice involved writing legal criminal appellate briefs and arguing cases before the Court of Appeals for the First Circuit. As an Assistant United States Attorney in the Civil Division, all my practice was in litigation, and I appeared frequently before the United States District Court for the District of Puerto Rico.

- i. Indicate the percentage of your practice in:

- |                             |     |
|-----------------------------|-----|
| 1. federal courts:          | 80% |
| 2. state courts of record:  | 20% |
| 3. other courts:            | 0%  |
| 4. administrative agencies: | 0%  |

- 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.

I tried one non-jury trial as sole counsel while assigned to the Civil Division of the United States Attorney's Office District of Puerto Rico. Additionally, I participated in approximately 65 civil cases to judgment or final decision in which I represented the United States along with my supervisor. Also, while in the Criminal Appellate Division of the United States Attorney's Office District of Puerto Rico, I argued approximately ten cases before the Court of Appeals of the First Circuit.

- i. What percentage of these trials were:

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

- 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 appeared before the Supreme Court of the United States.

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

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

1. United States v. San Juan Bay Marina et al., before the United States Court of Appeals for the First Circuit (Judges Sandra Lynch, Michael Boudin and Norman H. Stahl). The citation for the published opinion on appeal is 239 F.3d 400 (1st Cir. 2001).

The United States brought an action against San Juan Bay Marina and others to remove certain new piers and structures in the San Antonio Channel, part of the navigable waters of the United States, which were built without the necessary permits and without prior approval under the Rivers and Harbors Act. The District Court granted summary judgment for the United States and entered an injunction. Defendants appealed. I represented the United States on appeal and briefed and argued the case. The Court of Appeals affirmed.

Counsel for appellant:  
Eduardo A. Vera Ramírez  
Landrón & Vera LLP  
1606 Ponce de León Avenue  
Edificio Bogoricín  
San Juan, PR 00909  
(787) 395-7886

2. United States v. Castro-Gómez, before the United States Court of Appeals for the First Circuit (Chief Judge Juan R. Torruella, Judges Norman H. Stahl and Kermit Lipez). The citation for the published opinion on appeal is 233 F.3d 684 (1st Cir. 2000).

Castro-Gómez appealed the denial by the District Court of his motion to withdraw his plea of guilty for failure to inform him at the time of entering his guilty plea of the mandatory life sentence because of his criminal history. I represented the United States on appeal and briefed and argued the case. The Court of Appeals reversed because the District Court did not inform appellant, as required by Federal Rule of Criminal Procedure 11(c)(1), that he faced a minimum mandatory life sentence.

Counsel for appellant:  
Lydia Lizarribar-Buxó  
G-14 O'Neill Street, Suite A  
San Juan, PR 00918  
(787) 250-7505

3. United States v. Rodríguez et al., before the Court of Appeals for the First Circuit (Chief Judge Sandra Lynch, Senior Judge Levin Hicks Campbell and District Judge George A. O'Toole, Jr.). The citation for the published opinion on appeal is 215 F.3d 110 (1st Cir. 2000).

Defendants were convicted at trial of conspiring to import and attempting to import more than 5,000 pounds of marijuana. Defendants appealed and the Court of Appeals consolidated the appeals. I represented the United States on appeal and briefed the case. The Court of Appeals affirmed, holding the evidence was sufficient for their convictions.

Counsel for co-appellants:  
Manuel San Juan  
P.O. Box 9023587  
San Juan, PR 00902  
(787) 723-6669

Rafael Castro-Lang  
P.O. Box 9023222  
San Juan, PR 00902  
(787) 723-3672

4. United States v. Rodríguez-De Jesús, before the Court of Appeals for the First Circuit (Chief Judge Juan R. Torruella and Judges Sandra Lynch and Norman H. Stahl). The citation for the published opinion on appeal is 202 F.3d 482 (1st Cir. 2000).

Rodríguez-De Jesús appealed the denial of his motion for a new trial, which had alleged prosecutorial misconduct for the prosecutor's statement in front of the jury that defendant had lied. I represented the United States on appeal and briefed the case. The Court of

Appeals affirmed the decision of the District Court, finding that the prosecutor's statement did not affect the outcome of the trial.

Counsel for appellant:  
Anita Hill-Adames  
P.O. Box 16224  
San Juan, PR 00908  
(787) 531-8888

5. United States v. Kourí-Pérez et al., before the Court of Appeals for the First Circuit (Judge Bruce M. Selya, Senior Judges Frank Morey Coffin and Conrad Keefe Syr). The citation for the published opinion is 187 F. 3d 1 (1st Cir. 1999).

The prosecutor moved for sanctions on criminal defense attorneys for vexatious discovery requests. The District Court imposed sanctions, which the defense attorneys appealed. I represented the United States on appeal and briefed the case. The Court of Appeals for the First Circuit held that the sanctions order, pursuant to the court's inherent powers, was not a final judgment, and therefore dismissed the appeal.

Counsel for appellant:  
David W. Román  
P.O. Box 190914  
San Juan, PR 00919  
(787) 525-7223

6. United States v. Bello, before the Court of Appeals for the First Circuit (Judges Bruce M. Selya, Kermit Lipez and Michael Boudin). The citation for the published opinion is 194 F. 3d 18 (1st Cir. 1999).

Bello appealed his conviction and sentence for assaulting a fellow prisoner at the detention center, claiming the court erred in taking judicial notice of the jurisdictional element of the offense, in refusing to instruct the jury on his defenses, and for not granting a reduction in the offense level for acceptance of responsibility. I represented the United States on appeal and briefed the case. The Court of Appeals affirmed.

Counsel for appellant:  
Edgardo Rodríguez-Quilichini  
Administrative Law Judge, Social Security Administration  
P.O. Box 4221  
Winter Park, FL 32793  
(877) 833-2730

7. United States v. Muñoz-Amado, before the Court of Appeals for the First Circuit (Chief Judge Juan M. Torruella and Judges Sandra Lynch and Norman H. Stahl). The citation for the published opinion is 182 F.3d 57 (1st Cir. 1999).

Muñoz-Amado appealed his convictions for a conspiracy to possess with the intent to distribute cocaine on board a vessel of the United States and a conspiracy to import cocaine into the United States. He argued that a delay in his transfer to the district for prosecution had violated his speedy trial rights. I represented the United States on appeal and briefed the case. The Court of Appeals affirmed, finding that Muñoz-Amado's right to a speedy trial was not violated.

Counsel for appellant:  
Susana Faria  
324 Union Street  
New Bedford, MA 02740  
(508) 984-5700

8. United States v. Portela et al., before the Court of Appeals for the First Circuit (Judges Bruce M. Selya, Michael Boudin and Kermit Lipez). The citation for the published opinion is 167 F.3d 687 (1st Cir. 1999).

Defendants appealed their convictions for a conspiracy to possess controlled substances on single conspiracy, variance, indictment being constructively amended, admission of co-conspirator's statements, exclusion of alibi defense and notice as no intent to follow the recommendation of the presentence report. I represented the United States on appeal and briefed the case. The Court of Appeals affirmed.

Counsel for co-appellants:  
Lydia Lizarribar-Buxó  
G-14 O'Neill Street, Suite A  
San Juan, PR 00918  
(787) 250-7505

Ramon L. Garay  
Garay Medina Law Office  
PMB 286, 100 Gran Paseo Boulevard, Suite 112  
San Juan, PR 00926  
(787) 758-0340

9. McGraw et al. v. U.S. Department of Veterans Affairs, Civil No. 00-1496, before Judge Daniel R. Domínguez in the United States District Court for the District of Puerto Rico.

Plaintiffs filed a medical malpractice case claiming damages resulting from negligent acts and omissions of the Department of Veterans Affairs. I represented the United States from 2000 to 2003 in most pre-trial matters, discovery proceedings, motion practice, and

the non-jury trial. The District Court found for the United States and dismissed the case with prejudice.

Counsel for plaintiffs:  
Luis M. Chaves-Ghigliotty  
P.O. Box 630  
Cabo Rojo, PR 00623  
(787) 255-6874

10. Fuentes v. White, Secretary, U.S. Department of the Army, Civil No. 01-2308, before Judge Héctor M. Laffitte in the United States District Court for the District of Puerto Rico.

Fuentes filed an employment discrimination case against the Secretary of the Army. I represented the United States from 2001 to 2003, including handling most pre-trial matters, discovery proceedings and motion practice. The case ultimately settled.

Counsel for plaintiff:  
Pedro R. Vázquez, III  
405 Esmeralda Avenue, Suite 2, PMB 153  
Guaynabo, PR 00969  
(787) 925-4669

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.)

To the best of my knowledge, I have not pursued any significant litigation which did not progress to trial or legal matters. I have not performed lobbying activities. However, I regularly serve on panels that provide continuing legal education to attorneys, advice for law students and high school students. As a magistrate judge, I have participated in informing students of the opportunities that being a public servant provide, as well as for working for the government and the court.

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.

I do not have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during my service to the court, or in the future.

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.

The possible conflicts of interest I may encounter will relate to family members, including my sister and my former spouses (all attorneys and their respective law firms), and persons with whom I have a close personal relationship. I do not foresee any category of litigation that would present me with a potential conflict of interest. I have not entered into any financial arrangements that would present me with a potential conflict of interest. I will resolve any potential conflict of interest by adhering to the Code of Conduct for United States Judges, as well as all other applicable statutes, jurisprudence, and guidelines.

- b. Explain how you will resolve any potential conflict of interest, including the

procedure you will follow in determining these areas of concern.

If confirmed, I will resolve any other potential conflict of interest that arises in the same manner I have done for more than 18 years as a magistrate judge. I will continue to guide myself by the Code of Conduct for United States Judges, as well as all other applicable statutes, jurisprudence, and guidelines. I will immediately review all assigned cases and matters to verify any possible conflict of interest with the parties or their counsel to determine whether disqualification is warranted.

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.

Almost my entire career has been in public service, and I have therefore been precluded from personally engaging in any active pro bono representation. However, I regularly serve on panels that provide continuing legal education to attorneys, advice for law students and high school students. As a magistrate judge, I have participated in informing students of the opportunities that being a public servant provide, as well as for working for the government and the court.

The District Court for the District of Puerto Rico has a Pro-Bono Program, and I regularly assign pro bono counsel to indigent and pro se litigants. As a magistrate judge, I support and promote the Pro-Bono Program.

26. **Selection Process:**

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

On November 11, 2021, I was contacted by the office of Hon. Pedro Pierluisi, Governor of Puerto Rico, asking whether I was interested in submitting my curriculum vitae to be considered for a judicial vacancy in the District of Puerto Rico. On the same date, I submitted my curriculum vitae and attended a meeting with Governor Pierluisi. On January 23, 2022, I was contacted by the Office of the White House Counsel for an interview concerning a judicial vacancy in Puerto Rico. The interview took place the following day. Since January 24, 2022, I have

been in contact with officials from the Office of Legal Policy at the Department of Justice. On June 15, 2022, 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.