

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Robin Stacie Rosenbaum
Robin Rothschild (Rothschild is my husband's last name)

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

United States District Judge for the Southern District of Florida

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

United States Courthouse
299 East Broward Boulevard, Room 310-A
Fort Lauderdale, Florida 33301

Residence: Boca Raton, Florida

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

1966; Chapel Hill, North Carolina

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.

1988 – 1991, University of Miami School of Law; J.D. (*magna cum laude*), 1991

1984 – 1988, Cornell University; B.A., 1988

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.

2007 – present

United States District Court for the Southern District of Florida
299 East Broward Boulevard
Fort Lauderdale, Florida 33301
United States Magistrate Judge

2009 – present

University of Miami School of Law
1311 Miller Drive
Coral Gables, Florida 33146
Adjunct Professor

1998 – 2007

United States Attorney's Office for the Southern District of Florida
500 East Broward Boulevard, Suite 700
Fort Lauderdale, Florida 33394
Assistant United States Attorney (1998 – 2007)
Chief, Economic Crimes Section, Fort Lauderdale (2002 – 2007)

1998

The Honorable Stanley Marcus, United States Circuit Judge
Eleventh Circuit Court of Appeals
99 Northeast Fourth Street, Room 1262
Miami, Florida 33132
Law Clerk

1996 – 1997

Holland & Knight LLP
515 East Las Olas Boulevard, Suite 1200
Fort Lauderdale, Florida 33301
Associate

1995 – 1996

Office of the Independent Counsel
Independent Counsel Dan Pearson's Investigation of Former United States Secretary of
Commerce Ronald H. Brown and Nolanda Hill
The office is no longer in existence.
Staff Counsel

1991 – 1995

United States Department of Justice
Civil Division, Federal Programs Branch
20 Massachusetts Avenue, NW
Washington, DC 20001
Trial Attorney

Summer 1990
Wiley, Rein & Fielding (now known as Wiley Rein LLP)
1776 K Street, NW
Washington, DC 20006
Summer Associate

1988 – 1990
Dr. Jerry H. Rosenbaum
3037 East Commercial Boulevard
Fort Lauderdale, Florida 33308
Typist

Summers 1988, 1989
Camp Three Pines
Dr. Johnson's Camps
No longer in existence
Assistant Director

Other Affiliations (uncompensated):

2002 – 2007
Federal Bar Association, Broward County Chapter
c/o Kimberly Gilmour
4179 Southwest 64th Avenue, Suite 101
Davie, Florida 33314
Board of Directors (2002 – 2007)
President (2006 – 2007)
President-Elect (2005 – 2006)
Vice President (2004 – 2005)

2002 – 2003; 2006 – 2007
University of Miami School of Law, Law Alumni Association
1311 Miller Drive
Coral Gables, Florida 33146
Board of Directors

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

I have never served in the military. I have not registered 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.

ORT American Jurisprudence Award (2010)
 AV rating as an attorney, Martindale Hubbell
 Top Government Lawyer, *South Florida Legal Guide* (2005, 2006)
 FBI White Collar Sustained Prosecutorial Excellence Award (Firefighter's Hat Award) (2002)
 Various plaques, letters of commendation, and other forms of recognition from several federal agencies in appreciation of efforts in furtherance of cases investigated by those agencies (FBI, Secret Service, Department of Homeland Security Inspector General's Office, Internal Revenue Service Criminal Investigation, Securities and Exchange Commission)
 United States Department of Justice Special Achievement Awards (1993, 1994)
 Pine Crest Preparatory School Arete Alumni Service Honor Society (1990)
 University of Miami School of Law
 Order of the Coif
 Order of the Barrister
 Iron Arrow Honor Society ("Highest Honor Attained")
 Roger Sorino Award to the Outstanding Graduating Law Student
 Phi Alpha Delta Outstanding Scholar Award
 University of Miami School of Law Advanced Moot Court Competition
 Winner
 Best Oral Advocate Award
 Best Brief Award
 Bar and Gavel Service Honor Society
 Omicron Delta Kappa Service Honor Society
 Member, *University of Miami Law Review*
 Dean's List
 Scholarship for serving as the Student Bar Association President (1990 – 1991)
 Scholarship for serving as the Student Bar Association Treasurer (1989 – 1990)
 Cornell University
 Quill and Dagger Service Honor Society
 Dean's List

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
 Broward County Bar Association
 Federal Bar Association, Broward County Chapter
 President (2006 – 2007)
 President-Elect (2005 – 2006)
 Vice President (2004 – 2005)
 Board of Directors (2002 – 2007)

United States District Court for the Southern District of Florida
Bench and Bar Conference Committee (2008 – present)
Committee on the Fort Lauderdale Federal Courthouse (2009 – 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.

Florida, 1991

There has been no lapse in membership.

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

United States Court of Appeals for the Eleventh Circuit, 1997

United States District Court for the Southern District of Florida, 1997

There have been no lapses in membership.

11. **Memberships:**

- a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

Cornell Alumni Admissions Ambassadors Network (2004 – present)

Iron Arrow Honor Society, University of Miami (1990 – present)

Mentors, Inc. (Washington, DC) (1992 – 1995)

University of Miami School of Law

Moot Court Board Alumni Board (2011)

Alumni Association Board (2002 – 2003; 2006 – 2007)

- 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.

Before I was inducted in 1990, the University of Miami's Iron Arrow Honor Society limited membership to men. Iron Arrow has admitted women since 1985. Other than that, to the best of my knowledge, none of the organizations listed above currently discriminates or previously discriminated on the basis of race, sex, religion, or national origin, either through formal membership requirements or the practical implementation of membership policies.

12. Published Writings and Public Statements:

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

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.

In 2010, I signed the Sedona Conference's Cooperation Proclamation. Copy supplied.

On November 14, 1996, the Independent Counsel issued his Final Report on the investigation of Ronald H. Brown. I was staff counsel on the investigation and prepared the first draft of the report, which was edited and finalized by Judge Pearson, the Independent Counsel. 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.

On July 25, 2011, I gave remarks before the Florida Federal Judicial Nominating Commission. I have no notes, transcript or recording of my presentation.

On July 14, 2009, I gave remarks before the Florida Federal Judicial Nominating Commission. I have no notes, transcript or recording of my presentation.

- 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 list that follows represents my best efforts, through searches of my records, calendars, and Internet databases, to identify speeches and remarks that I have given. There may be, however, other speeches or remarks that I have been unable to recall or identify. Often, when I engage in public speaking, I do so without outlines or prepared remarks.

November 18, 2011: Naturalization Ceremony at United States Citizenship and Immigration Services Oakland Park Field Office, Oakland Park, Florida. I presided over the proceedings. A copy of my notes is supplied.

August 19, 2011: Naturalization Ceremony at United States Courthouse, Fort Lauderdale, Florida. I presided over the proceedings. A copy of my notes is supplied.

August 9, 2011: Panel member, Judges' Panel at the United States District Court for the Southern District of Florida's Clerk's Office Retreat. I have no notes, transcript or recording. The event was organized by Clerk of Court Steve Larimore, 400 North Miami Avenue, Miami, Florida 33128.

July 28, 2011: Panel member, panel about consumer finance issues. I have no notes, transcript, or recording. The conference was sponsored by the American Conference Institute, 45 West 25th Street, Eleventh Floor, New York, New York 10010.

June 16, 2011: Speaker, University of Miami School of Law James Weldon Johnson Summer Institute (discussion and question-and-answer session about my career path and the responsibilities of a federal magistrate judge). I have no notes, transcript, or recording. The sponsor of the event was the University of Miami School of Law, 1311 Miller Drive, Coral Gables, Florida 33146.

June 3, 2011: Speaker, Career Day at North Fork Elementary School (question-and-answer session about being a lawyer and a judge). I have no notes, transcript, or recording. The sponsor of the event was North Fork Elementary School, 101 Northwest Fifteenth Avenue, Fort Lauderdale, Florida 33301.

June 2, 2011: Panel Member, The Role of Clients in the Courtroom. A copy of my notes is supplied.

May 20, 2011: Panel member, seminar entitled "Emerging Issues in Discovery," Palm Beach County Bar Association and Federal Bar Association Palm Beach Chapter. I provided attendees with a hand-out of my notes. A copy of the hand-out and an audio recording of the presentation are supplied.

April 14, 2011: Panel member, seminar on electronic discovery. I have no notes, transcript, or recording. The panel was sponsored by the American Bar Association, 321 North Clark Street, Chicago, Illinois 60654.

October 21, 2010: Award recipient, ORT America Jurisprudence Awards Reception. A copy of my acceptance speech is supplied.

October 15, 2010: Naturalization Ceremony at United States Courthouse, Fort Lauderdale, Florida. I presided over the proceedings. A copy of my notes is supplied.

October 1, 2010: Panel member, seminar on trial practice. I have no notes, transcript, or recording. The sponsor of the seminar was *The Daily Business Review*, One Southeast Third Avenue, Suite 900, Miami, Florida 33131.

August 16, 2010: Speaker, Nova Southeastern University Law Center Professionalism Day. I have no notes, transcript, or recording. The sponsor of the event was Nova Southeastern University Law Center, 3305 College Avenue, Fort Lauderdale - Davie, Florida 33314.

June 14, 2010: Speaker, University of Miami School of Law James Weldon Johnson Summer Institute (discussion and question-and-answer session about my career path and the responsibilities of a federal magistrate judge). I have no notes, transcript, or recording. The sponsor of the event was the University of Miami School of Law, 1311 Miller Drive, Coral Gables, Florida 33146.

May 6, 2010: Speaker, Florida Association of Women Lawyers (discussion and question-and-answer session about my career path and the responsibilities of a federal magistrate judge). I have no notes, transcript, or recording. The sponsor of the event was the West Palm Beach Chapter of the Florida Association of Women Lawyers, which does not have a physical address.

April 30, 2010: Panel member, complex litigation panel. I have no notes, transcript, or recording. The sponsor was the United States District Court for the Southern District of Florida, 400 North Miami Avenue, Miami, Florida 33128.

January 8, 2010: Sun-vitational High School Debate Tournament. I spoke about the power of oral argument and the responsibility to use it wisely. I have no

notes, recording, or transcript. The event was sponsored by the University School Debate Team, 3375 Southwest 75th Avenue, Sonken Building, Fort Lauderdale, Florida 33314.

October 23, 2009: Speaker, event for lawyers newly sworn in to practice in the Southern District of Florida (discussion of some of the rules and practices unique to federal court practice). I have no notes, transcript, or recording. The event sponsor was the Federal Bar Association, which can be contacted through the current president, Kimberly Gilmour, 4179 Southwest 64th Avenue, Suite 101, Davie, Florida 33314.

September 23, 2009: Panel member, panel about electronic discovery. I have no notes, transcript, or recording. The conference was sponsored by the American Conference Institute, 45 West 25th Street, Eleventh Floor, New York, New York 10010.

August 27, 2009: Speaker, luncheon (I believe that I spoke about *Brown v. Board of Education*). I have no notes, recording, or transcript, but FBA coverage is supplied. The event sponsor was the Federal Bar Association, which can be contacted through the current president, Kimberly Gilmour, 4179 Southwest 64th Avenue, Suite 101, Davie, Florida 33314.

June 1, 2009: Speaker, North Fork Elementary School (discussion about the five freedoms guaranteed by the First Amendment). I have no notes, transcript, or recording. The School is located at 101 Northwest Fifteenth Avenue, Fort Lauderdale, Florida 33301.

October 10, 2008: Panelist, Southern District of Florida Orientation conference, Federal Bar Association Broward County Chapter. I have no notes, transcript or recording, but FBA coverage is supplied. The Federal Bar Association can be contacted through the current president, Kimberly Gilmour, 4179 Southwest 64th Avenue, Suite 101, Davie, Florida 33314.

July 29, 2008: Speaker, brown-bag luncheon (question-and-answer session about my practices and procedures as a magistrate judge and the transition from practicing attorney to the bench). I have no notes, transcript, or recording. The event sponsor was the Federal Bar Association, which can be contacted through the current president, Kimberly Gilmour, 4179 Southwest 64th Avenue, Suite 101, Davie, Florida 33314.

February 27, 2008: Speaker, luncheon (speech and question-and-answer session about the role of a magistrate judge and the transition from practicing attorney to the bench). I have no notes, transcript, or recording. The event sponsor was the Federal Bar Association, which can be contacted through the current president, Kimberly Gilmour, 4179 Southwest 64th Avenue, Suite 101, Davie, Florida 33314.

December 7, 2007: My formal investiture as a United States Magistrate Judge. A copy of my remarks is supplied.

April 8, 2005: Panel member on panel entitled, "Internal Investigations: The Roles of In-House Counsel and Outside Counsel," Daily Business Review. Video recording supplied.

- 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.

Responses to a Florida Bar questionnaire about courtroom practices (May 14, 2009; updated August 20, 2011). Copies supplied.

Catherine Wilson, *Doctor Recovering from Botulism Poisoning Faces Fraud Charges*, Associated Press, Mar. 1, 2005. Copy supplied.

John Fakler, *\$4.4 Million Awarded at Jonson Restitution Hearing*, South Florida Business Journal, Apr. 30, 2004. Copy supplied.

Ellen van Wageningen, *Scammer Sentenced to 20 Years*, Windsor Star, Jan. 23, 2004 (re-printed in multiple outlets). Copy supplied.

John Fakler, *Former Link Broker Strikes Deal with SEC*, South Florida Business Journal, Sept. 27, 2002. Copy supplied.

John Fakler, *Lack of Defense Lawyer Delays Johnson Trial*, South Florida Business Journal, Apr. 19, 2002. Copy supplied.

John Fakler, *Pony Express Shares Gallop Downward*, South Florida Business Journal, Mar. 1, 2002. Copy supplied.

Dani Davies, *Man Faces Charges of Bilking Investors*, Palm Beach Post, Feb. 24, 2002. Copy supplied.

On one occasion probably in about 2000 or 2001, I stood in as the spokesperson for the United States Attorney's Office during a press conference on a case regarding Mark Thurman. I have done my best to locate any statements or interviews of that conference that may exist in electronic databases but have been unable to find any.

Jon Burstein, *Woman Pleads Guilty in Phony Check Scheme*, South Florida Sun-Sentinel, Oct. 13, 1999. Copy supplied.

Michael Sniffen, *Justice Department to Take Over Remainder of Brown Investigation*, Associated Press, Apr. 19, 1996. Copy supplied.

Lourdes Fernandez, *'Professor' Brennan Gives UM Students Unique Legal Insight*, Miami Herald, Feb. 15, 1991. Copy supplied.

Lourdes Fernandez, *Retired Justice Brennan to Teach Law Course at UM*, Miami Herald, Jan. 19, 1991. Copy supplied.

In either my junior or senior year of college at Cornell University, I gave an interview to the Cornell public relations newspaper regarding my service as the student-elected member of the Cornell Board of Trustees. I have been unable to locate a copy of the article.

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.

United States Magistrate Judge, United States District Court for the Southern District of Florida from September 4, 2007, to the present. I was appointed by the district judges of the United States District Court for the Southern District of Florida. I serve an eight-year term. The jurisdiction of the United States District Court is general in nature and extends to all federal criminal cases and all civil cases in which federal subject-matter jurisdiction exists (*i.e.*, federal question cases and diversity cases). As a federal magistrate judge in the Southern District of Florida, I preside over civil jury and bench trials where the parties consent to magistrate judge jurisdiction, I conduct evidentiary hearings that district judges refer to me, I hold hearings on and rule on non-dispositive civil and criminal motions, and I hold hearings on and make reports and recommendations regarding dispositive civil and criminal motions. In addition, I handle criminal duty, including issuing criminal complaints, search warrants, and arrest warrants and presiding over criminal duty court.

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

Four.

- i. Of these, approximately what percent were:

jury trials:	50%
bench trials:	50%
civil proceedings:	100%
criminal proceedings:	0%

- 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 the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (3) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

1. *SEC v. Huff*, Case No. 08-60315-CIV-ROSENBAUM (S.D. Fla.)

This matter involved a United States Securities and Exchange Commission enforcement action against a defendant (Huff) and three relief defendants. The defendant was alleged to have used his companies to drain a publicly-traded company of approximately \$130 million. After a seven-day bench trial, I entered judgment for the SEC and against Huff and two of the three relief defendants and judgment for one of the three relief defendants and against the SEC. Under the judgment, Huff was required to disgorge approximately \$10 million and was barred from serving as an officer and director of a publicly traded company. Huff has appealed my judgment to the Eleventh Circuit, where the case is currently pending. Citations of opinions that I filed in this case include the following: *SEC v. Huff*, 758 F. Supp. 2d 1288 (S.D. Fla. 2010) (Amended Findings of Fact and Conclusions of Law); *SEC v. Huff*, 2011 WL 1102777 (S.D. Fla. Mar. 23, 2011); *SEC v. Huff*, 2010 WL 5287423 (S.D. Fla. Dec. 17, 2010); *SEC v. Huff*, 2010 WL 4537839 (S.D. Fla. Oct. 22, 2010); *SEC v. Huff*, 754 F. Supp. 2d 1284 (S.D. Fla. 2010), *amended and superseded by SEC v. Huff*, 758 F. Supp. 2d 1288 (S.D. Fla. 2010); *SEC v. Huff*, 2010 WL 780184 (S.D. Fla. Mar. 3, 2010); *SEC v. Huff*, 2010 WL 541634 (S.D. Fla. Feb. 9, 2010); *SEC v. Huff*, 2010 WL 503117 (S.D. Fla. Feb. 8, 2010); *SEC v. Huff*, 2010 WL 228000 (S.D. Fla. Jan. 13, 2010); *SEC v. Huff*, 2010 WL 148232 (S.D. Fla. Jan. 12, 2010); *SEC v. Huff*, 664 F. Supp. 2d 1288 (S.D. Fla. 2009).

Plaintiff SEC

Christopher E. Martin
Securities & Exchange Commission
801 Brickell Avenue, Suite 1800
Miami, Florida 33131
305-982-6386

Linda S. Schmidt
Securities & Exchange Commission
801 Brickell Avenue, Suite 1800
Miami, Florida 33131
305-982-6300

Defendant Huff and Relief Defendants

Russell Cornelius Weigel, III
Russell C. Weigel, III, P.A.
5775 Blue Lagoon Drive, Suite 100
Miami, Florida 33126
786-888-4567

William H. Mooney
Lynch Cox Gilman & Goodman, PSC
500 West Jefferson Street, Suite 2100
Louisville, Kentucky 40202
502-589-4215

2. *Lawson v. Plantation Gen. Hosp., L.P.*, Case No. 08-61826-CIV-ROSENBAUM (S.D. Fla.)

I presided over a jury trial in this employment discrimination case brought by a former hospital employee against the hospital that terminated her employment. The plaintiff, an executive secretary formerly employed by the defendant hospital, alleged discrimination based on her race, age, handicap, national origin, and gender under Title VII of the Civil Rights Act of 1964, the Americans With Disabilities Act of 1990, and the Age Discrimination in Employment Act. The defendant hospital argued that it had ended the plaintiff's employment as the result of a reduction in force that resulted in the layoff of numerous employees. Following a six-day trial, the jury returned a verdict for the hospital. Citations of opinions that I filed in this case include the following: *Lawson v. Plantation Gen. Hosp., L.P.*, 2010 WL 1258058 (S.D. Fla. Mar. 30, 2010); *Lawson v. Plantation Gen. Hosp., L.P.*, 2009 WL 3367369 (S.D. Fla. Oct. 15, 2009).

Plaintiff Lawson

Dana Mason Gallup
The Law Offices of Dana M. Gallup, P.A.
4000 Hollywood Boulevard, Suite 265-S
Hollywood, Florida 33021
954-889-5125

Marcia L. Elliott
4137 Nicolet Drive
Green Bay, Wisconsin 54311
561-400-8759

Defendant Plantation General Hospital Limited Partnership

Alexander D. Del Russo
Carlton Fields, P.A.
P.O. Box 150
525 Okeechobee Boulevard, Suite 1200
West Palm Beach, Florida 33402
561-659-7070

Allison Oasis Kahn
Carlton Fields, P.A.
P.O. Box 150
525 Okeechobee Boulevard, Suite 1200
West Palm Beach, Florida 33402
561-659-7070

3. *Peters v. Peake*, Case No. 08-81162-CIV-ROSENBAUM (S.D. Fla.)

I presided over a jury trial in this case brought by a doctor against the Veterans Administration. The plaintiff, who worked as a physician in the Veterans Administration hospital, alleged that after she complained about a sexually hostile work environment, the Veterans Administration retaliated against her by placing her in an administrative position. The Veterans Administration denied that it had done so and instead argued that it had transferred her to another position to compensate for the fact that three other physicians had been called to active duty, and the plaintiff had requested the hours that they worked. Upon transferring to the new position, however, the Veterans Administration contended that the plaintiff had acted in an unprofessional manner and had failed to attend work shifts without excuse. After a five-day trial, the jury returned a verdict for the Veterans Administration. My only opinion that has a citation in this case is the following: *Peters v. Peake*, 2009 WL 5214997 (S.D. Fla. Dec. 30, 2009).

Plaintiff Peters

Arthur Thomas Schofield
330 Clematis Street
West Palm Beach, Florida 33401
561-655-4211

Defendant Secretary of Veterans Affairs James Peake

Steven R. Petri
United States Attorney's Office
500 East Broward Boulevard, Seventh Floor
Fort Lauderdale, Florida 33301
954-356-7255

4. *Bettis v. Toys R Us*, Case No. 06-80334-CIV-ZLOCH/Rosenbaum (S.D. Fla.)
Paul v. D & B Tile of Hialeah, Inc., Case No. 09-60259-CIV-ZLOCH/Rosenbaum
(S.D. Fla.)
Gossard v. JP Morgan Chase & Co., Case No. 08-60565-CIV-ZLOCH/
Rosenbaum (S.D. Fla.)
Sabatier v. Suntrust Bank, Case No. 06-20418-CIV-ZLOCH/Rosenbaum
(S.D. Fla.)

These were four employment cases brought by the same plaintiff's attorney. In all four cases, the plaintiff's attorney moved for the district judge to recuse himself. The presiding district judge directed me to hold an evidentiary hearing on the allegations contained in the plaintiff's motions seeking recusal. I held a two-day evidentiary hearing and determined that plaintiffs' attorney's allegations lacked a basis in fact and in law. The district judge adopted my report and recommendation and imposed sanctions on the plaintiffs' attorney. The citation for my report and recommendation, as adopted by the district court, is as follows: *Bettis v. Toys R Us*, 646 F. Supp. 2d 1273 (S.D. Fla. 2009). Other opinions that I wrote in this matter include the following: *Bettis v. Toys R Us*, 2009 WL 1812439 (S.D. Fla. June 23, 2009); *Bettis v. Toys R Us*, 2009 WL 1758731 (S.D. Fla. June 22, 2009).

Plaintiffs

Loring N. Spolter (representing himself in the proceedings before me)
Loring N. Spolter, P.A.
700 South Andrews Avenue
Fort Lauderdale, Florida 33316
954-728-3494

Defendants

Christine Lynne Wilson (*Bettis v. Toys R Us*)
Jackson Lewis LLP
2 South Biscayne Boulevard, Suite 3500
One Biscayne Tower
Miami, Florida 33131
(305) 577-7600

Pedro Jaime Torres-Diaz (*Bettis v. Toys R Us*)
Jackson Lewis LLP
2 South Biscayne Boulevard, Suite 3500
Miami, Florida 33131
305-577-7600

Dan Levine (*Paul v. D & B Tile of Hialeah, Inc.*)
Shapiro Blasi Wasserman & Gora, P.A.
7777 Glades Road, Suite 400
Boca Raton, Florida 33434
561-477-7800

Robin I. Frank (*Paul v. D & B Tile of Hialeah, Inc.*)
Shapiro Blasi Wasserman & Gora, P.A.
7777 Glades Road, Suite 400
Boca Raton, Florida 33434
561-477-7800

Dawn Elizabeth Siler-Nixon (*Gossard v. JP Morgan Chase & Co.*)
Ford & Harrison LLP
101 East Kennedy Boulevard, Suite 900
Tampa, Florida 33602
813-261-7800

Kelly Hagan Chanfrau (*Gossard v. JP Morgan Chase & Co.*)
Ford & Harrison LLP
101 East Kennedy Boulevard, Suite 900
Tampa, Florida 33602
813-261-7800

Jeffrey Elliot Mandel (*Sabatier v. Suntrust Bank*)
Fisher & Phillips, LLP
200 South Orange Avenue, Suite 1100
Orlando, Florida 32801
407-541-0888

Amicus

Anthony Pogorzelski
United States Attorney's Office
99 Northeast Fourth Street, Suite 335
Miami, Florida 33132
305-961-9296

Wendy A. Jacobus
United States Attorney's Office
99 Northeast Fourth Street
Miami, Florida 33132
305-961-9301

5. *FTC v. First Universal Lending, LLC*, Case No. 09-82322-CIV-ZLOCH (S.D. Fla.)

In this Federal Trade Commission (“FTC”) enforcement action, the FTC sought to enjoin the defendants from operating their loan-modification and foreclosure-relief business. The district judge referred the defendants’ motion to dismiss to me for an evidentiary hearing regarding the FTC’s alleged destruction of records. Following a four-day hearing, I filed a report and recommendation recommending that the district judge deny the defendants’ motion to dismiss. The district judge adopted my report and recommendation. The parties subsequently settled, with the defendants agreeing to an injunction permanently banning them from participating in the mortgage-loan-modification and foreclosure-relief business and to a monetary judgment against them for approximately \$18.8 million. The citations to opinions that I filed in this case include the following: *FTC v. First Universal Lending, LLC*, 2011 WL 673879 (S.D. Fla. Feb. 17, 2011) (Findings of Fact and Conclusions of Law); *FTC v. First Universal Lending, LLC*, 2011 WL 688744 (S.D. Fla. Feb. 18, 2011); *FTC v. First Universal Lending, LLC*, 2011 WL 666149 (S.D. Fla. Feb. 12, 2011).

Plaintiff Federal Trade Commission

Gideon E. Sinasohn
Federal Trade Commission
225 Peachtree Street, Northeast, Suite 1500
Atlanta, Georgia 30303
404-656-1366

Harold E. Kirtz
Federal Trade Commission
225 Peachtree Street Northeast, Suite 1500
Atlanta, Georgia 30303
404-656-1357

Defendants First Universal Lending, LLC: David Jon Feingold, et al.

David Jon Feingold (representing himself and the other defendants)
Feingold & Kam, LLC
5100 PGA Boulevard, Second Floor
Palm Beach Gardens, Florida 33418
561-630-6727

6. *Jeld-Wen, Inc. v. Nebula Glasslam Int’l, Inc.*, Case No. 07-22326-CIV-DIMITROULEAS/Rosenbaum (S.D. Fla.)

This was the fourth case in a series of litigation regarding allegedly defective storm windows. The defendant had sold the plaintiff certain resin and other glass

products and licensed to the plaintiff its patented process of producing impact-resistant (hurricane) glass. After the plaintiff had manufactured and sold windows produced using the defendant's products and process, a number of the windows yellowed and delaminated, so the plaintiff sued. The defendant alleged that the windows had failed as a result of something that the plaintiff had done or used in the process. The matter, which involved millions of dollars in potential damages, was hotly contested, and I presided over several discovery motions in the case. Ultimately, the parties settled the matter. Citations for opinions that I filed in this case include the following: *Jeld-Wen, Inc. v. Nebula Glasslam Int'l, Inc.*, 2008 WL 756455 (S.D. Fla. Mar. 11, 2008); *Jeld-Wen, Inc. v. Nebula Glasslam Int'l, Inc.*, 249 F.R.D. 390 (S.D. Fla. 2008); *Jeld-Wen, Inc. v. Nebula Glasslam Int'l, Inc.*, 248 F.R.D. 632 (S.D. Fla. 2008).

Plaintiff Jeld-Wen, Inc.

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Defendant Nebula Glasslam International, Inc.

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316 Banyan Boulevard
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John David Heffling
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Defendant Reichhold, Inc.

Amy Lane Hurwitz
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Benjamine Reid
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305-530-0050

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904-353-2000

7. *United States v. Wilson*, Case No. 10-60102-CR-ZLOCH/Rosenbaum (S.D. Fla.)

In this criminal case, the defendants were alleged to have run an underage prostitution ring. One of the defendants filed three pretrial motions, including a motion to dismiss, that the district judge referred to me. I held hearings on the motions and filed reports and recommendations on each motion. I recommended against dismissal, finding the charging statute to be constitutional, and I likewise recommended against severing the trial against the defendant into two trials, based on the charges against him. In addition, I recommended against granting the defendant's motion *in limine* seeking to preclude admission of recorded telephone calls of his. The district judge adopted my reports and recommendations, and subsequently, the defendant pled guilty and was sentenced to 102 months' imprisonment. Citations for the opinions that I filed in this case include the following: *United States v. Wilson*, 2010 WL 2991561 (S.D. Fla. July 27, 2010); *United States v. Wilson*, 2010 WL 2949642 (S.D. Fla. July 26, 2010); *United States v. Wilson*, 2010 WL 2609429 (S.D. Fla. June 5, 2010).

Plaintiff United States

Strider Dickson
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954-356-7255

Defendant Wilson

Howard Greitzer
Lyons & Sanders
1301 East Broward Boulevard, Suite 220
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954-467-8700

8. *United States v. Perraud*, Case No. 09-60129-CR-ZLOCH/Rosenbaum (S.D. Fla.)

The defendants in this criminal case were charged with, among other crimes, obstruction of a proceeding of the Securities and Exchange Commission. They filed pre-trial motions, including, among others, two motions to dismiss. The district judge referred three motions to me for report and recommendation. I presided over hearings on the motions and issued reports and recommendations recommending (1) the granting in part and denying in part of the motion to dismiss the indictment for insufficiency; (2) the denial of the motion to dismiss the indictment for alleged prosecutorial misconduct; and (3) the granting in part and denying in part of a motion to compel. The district judge adopted all of the reports and recommendations. At trial, the trial judge granted the defendants' Rule 29, Fed. R. Crim. P., motion and dismissed the case against both of the defendants. The citations for my reports and recommendations in this case are as follows: *United States v. Perraud*, 672 F. Supp. 2d 1328 (S.D. Fla. 2009); *United States v. Perraud*, 2010 WL 228013 (S.D. Fla. Jan. 14, 2010); *United States v. Perraud*, 2010 WL 298601 (S.D. Fla. Jan. 20, 2010).

Plaintiff United States

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Defendant Raffanello

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Defendant Perraud

Edward Robert Shohat
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305-358-7000

9. *Christ Covenant Church v. Town of S.W. Ranches*, Case No. 07-60516-CIV-DIMITROULEAS/Rosenbaum (S.D. Fla.)

In this matter, the plaintiff church sued the defendant town under the Religious Land Use and Institutionalized Persons Act because the town declined to grant the plaintiff church's application for a building permit to expand its facilities. The district judge referred all discovery in this case to me. The parties actively litigated the discovery, and I held several hearings on discovery matters. The citation for one discovery order is as follows: *Christ Covenant Church v. Town of S.W. Ranches*, 2008 WL 2686860 (S.D. Fla. June 29, 2008).

Plaintiff Christ Covenant Church

Leon Fresco
United States Senate Judiciary Committee
305 Hart Senate Office Building
Washington, DC 20510
202-224-5606

Defendant Town of Southwest Ranches

Daniel Wallach
Becker & Poliakoff, P.A.
3111 Stirling Road
Fort Lauderdale, Florida 33312
954-987-7550

10. *Stern v. O'Quinn*, Case No. 07-60534-CIV-DIMITROULEAS/Rosenbaum (S.D. Fla.)

In this matter, the plaintiff, Howard K. Stern, sued the defendants, John O'Quinn and his law firm, for defamation. Mr. O'Quinn had represented Anna Nicole Smith's mother in previous litigation and had commented publicly in a derogatory manner on Mr. Stern's alleged involvement in Ms. Smith's death. The district judge referred all discovery to me. I held hearings, reviewed documents *in camera*, and issued discovery orders. The citation for one such order is as follows: *Stern v. O'Quinn*, 253 F.R.D. 663 (S.D. Fla. 2008).

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Roberta Goodman Mandel
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Neil C. McCabe
O'Quinn Law Firm
440 Louisiana, Suite 2300
Houston, Texas 77002
713-223-1000

- 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. *Creative Hospitality Ventures, Inc. v. U.S. Liab. Ins. Co.*, 655 F. Supp. 2d 1316 (S.D. Fla. 2009)

Plaintiff Creative Hospitality Ventures, Inc.

Curtis Jay Mase
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Leah H. Martinez
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Joel Victor Lumer
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Defendant United States Liability Insurance Company

Melanie Bernstein Chapman
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Rory Eric Jurman
Fowler White Burnett
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Defendant Essex Insurance Company, Inc.

Carmen Yolanda Cartaya
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19 West Flagler Street, Suite 520
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2. *Stern v. O'Quinn*, 253 F.R.D. 663 (S.D. Fla. 2009)

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Defendants John O'Quinn and John M. O'Quinn & Associates

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Neil C. McCabe
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3. *United States v. Perraud*, 672 F. Supp. 2d 1328 (S.D. Fla. 2009)

Counsel:

Plaintiff United States of America

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Defendant Perraud

Edward Robert Shohat
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4. *Christ Covenant Church v. Town of S.W. Ranches*, 2008 WL 2686860 (S.D. Fla. June 29, 2008)

Plaintiff Christ Covenant Church

Leon Fresco
United States Senate Judiciary Committee
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202-224-5606

Defendant Town of Southwest Ranches

Daniel Wallach
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5. *Suncast Techs., LLC v. Patrician Prods., Inc.*, 2008 WL 179648 (S.D. Fla. Jan. 17, 2008)

Plaintiff Suncast Technologies, LLC

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6. *200 Leslie Condo. Ass'n, Inc. v. QBE Ins. Corp.*, 2011 WL 2470344 (S.D. Fla. June 21, 2011)

Plaintiff 200 Leslie Condominium Association, Inc.

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Defendant QBE Insurance Corporation

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White & Case
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William Xanttopoulos
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7. *Calixto v. Watson Bowman Acme Corp.*, 2009 WL 3823390 (S.D. Fla. Nov. 16, 2009)

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Defendant Watson Bowman Acme Corp.

Robert Mark Brochin
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Miami, Florida 33131
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8. *Jones v. Jeld-Wen, Inc.*, 250 F.R.D. 554 (S.D. Fla. 2008)

Plaintiffs Jones, et al.

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9. *Fly Brazil Grp., Inc. v. The Gov't of Gabon, Africa*, 709 F. Supp. 2d 1274 (S.D. Fla. 2010)

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Maria N. Vernace
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10. *Bettis v. Toys R Us*, 646 F. Supp. 2d 1273 (S.D. Fla. 2009)

Plaintiffs

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Pedro Jaime Torres-Diaz (*Bettis v. Toys R Us*)
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Dan Levine (*Paul v. D & B Tile of Hialeah, Inc.*)
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Robin I. Frank (*Paul v. D & B Tile of Hialeah, Inc.*)
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561-477-7800

Dawn Elizabeth Siler-Nixon (*Gossard v. JP Morgan Chase & Co.*)
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Kelly Hagan Chanfrau (*Gossard v. JP Morgan Chase & Co.*)
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Jeffrey Elliot Mandel (*Sabatier v. Suntrust Bank*)
Fisher & Phillips, LLP
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Amicus

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Wendy A. Jacobus
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Miami, Florida 33132

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

I am aware of no cases in which I ruled where certiorari was requested or granted.

- f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.

I am aware of no reversals or affirmances with significant criticism of any of my opinions.

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

In nearly all cases, I have issued unpublished opinions (I have submitted fewer than ten opinions for publication). Nevertheless, a number of my opinions have been published by Westlaw and LEXIS, even though I have not submitted them for publication. I have listed all opinions published by Westlaw and LEXIS in response to Section b of this question. Besides these opinions, I have issued a number of opinions that do not appear on Westlaw or LEXIS. They are stored on the Court's CM/ECF electronic filing system under each case number in which they are docketed. I have not kept track of and do not know the percentage of my opinions that appear on Westlaw or LEXIS versus my opinions that do not.

- 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. Wilson, 2010 WL 2991561 (S.D. Fla. July 27, 2010)

SEC v. Huff, 664 F. Supp. 2d 1288 (S.D. Fla. 2009)

Christ Covenant Church v. Town of S.W. Ranches, 2008 WL 2686860 (S.D. Fla. June 29, 2008)

The Set Enters., Inc. v. City of Hallandale Beach, Case No. 09-61405-CIV-ZLOCH (S.D. Fla. June 22, 2010) (opinion supplied)

The Set Enters., Inc. v. City of Hallandale Beach, Case No. 09-61405-CIV-ZLOCH (S.D. Fla. Dec. 30, 2010) (opinion supplied)

The Nat'l Youth Rights Ass'n of S.E. Fla., Inc. v. City of W. Palm Beach, Case No. 09-80944-CIV-ZLOCH (S.D. Fla. Feb. 5, 2010) (opinion supplied)

Dendy v. McNeil, Case No. 09-60025-CIV-COHN (S.D. Fla. July 20, 2009)
(opinion supplied)

- 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 courts 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.

All of my recusals have been *sua sponte*, and I do not believe that I have ever been asked to recuse myself. The judges on our court can give the Clerk's Office a list of individuals and entities in whose case we would recuse. I have provided such a list to the Clerk's Office, which provides automated conflict/recusal checks by email to ensure that no cases are missed. As a general matter, I recuse in cases where an objective, disinterested, and fully informed lay observer would entertain a significant doubt about my impartiality. *See* 28 U.S.C. §§ 145, 455.

I have recused *sua sponte* from the following cases:

- (1) Cases involving the University of Miami, where I teach as an adjunct professor:
Edmond v. Univ. of Miami, Case No. 09-60946-CIV-ZLOCH (S.D. Fla.)
- (2) United States Attorney's Office cases that I worked on, discussed with management in my role as a supervisor, or supervised while at the Office; for cases within one year of my resignation from the Office, those where an Assistant

United States Attorney was a defendant and I knew or had worked with that attorney while at the Office; and civil cases involving some of the same parties who were targets or subjects of criminal investigations that I worked on, discussed with management in my role as a supervisor, or supervised while at the Office:

United States v. LeClercq, Case No. 07-80050-CR-MARRA (S.D. Fla.)

Affatati v. United States, Case No. 10-60030-CIV-ZLOCH (S.D. Fla.)

Faller v. McAdams, Case No. 07-80652-CIV-RYSKAMP (S.D. Fla.)

CFTC v. Valko, Case No. 06-60001-CIV-DIMITROULEAS (S.D. Fla.)

Isler v. Adelusola, Case No. 08-60257-CIV-SELTZER (S.D. Fla.)

- (3) Cases where I had a strong, personal relationship with an attorney; someone related to me or my husband, or an individual with whom I had a strong, personal relationship, was a party or an important witness; or a party was the parent of one of my children's close friends. For the most part, the individuals in whose cases I recuse for any of the reasons in this category appear on a list that I have provided to the Clerk's Office for use with the CM/ECF conflict check system:

Dorvil v. Republic Servs. of Fla., L.P., Case No. 07-60395-CIV-DIMITROULEAS (S.D. Fla.)

Orthopedic Ctr. of S. Fla., P.A. v. Stryker Corp., Case No. 08-60742-CIV-DIMITROULEAS (S.D. Fla.)

Goodwin v. Allstate Prop. & Cas. Ins. Co., Case No. 08-61474-CIV-DIMITROULEAS (S.D. Fla.)

SEC v. 3001 AD, LLC, Case No. 09-81453-CIV-ZLOCH (S.D. Fla.)

Smith v. Ruden, McClosky, Smith, Schuster & Russel, P.A., Case No. 10-80059-CIV-HURLEY (S.D. Fla.)

Swords v. Aetna Life Ins. Co., Case No. 10-80371-CIV-ZLOCH (S.D. Fla.)

Aspex Eyewear, Inc. v. Laczay, Case No. 09-61468-CIV-ZLOCH (S.D. Fla.)

Eugene M. Cummings, P.C. v. Nissim Corp., Case No. 10-81140-CIV-RYSKAMP (S.D. Fla.)

Soper v. Am. Traffic Solutions, Inc., Case No. 10-61950-CIV-ZLOCH (S.D. Fla.)

Choice v. Denny's, Inc., Case No. 10-61723-CIV-ZLOCH (S.D. Fla.)

Swords v. Aetna Life Ins. Co., Case No. 10-81113-CIV-ZLOCH (S.D. Fla.)

Ruderman v. Washington Nat'l Ins. Corp., Case No. 08-23401-CIV-COHN (S.D. Fla.)

- (4) Cases where a member of the Judicial Nominating Commission was an attorney in the matter at a time when I was applying for a district judge vacancy and cases where I had discussed my district judge application with an attorney in the case and I believed that that attorney actively supported my application for district judge:

Automated HealthCare Solutions, LLC v. Paduda, Case No. 10-61739-CIV-ZLOCH (S.D. Fla.)

C & C Int'l Computers & Consultants, Inc. v. Dell Mktg., L.P., Case No. 11-60734-CIV-ZLOCH (S.D. Fla.)

Stettin v. Gibraltar Private Bank & Trust Co., Case No. 11-60748-CIV-ZLOCH (S.D. Fla.)

Cooper v. DJSP Enters., Inc., Case No. 10-61261-CIV-ZLOCH (S.D. Fla.)

Libov v. Readix, Case No. 10-61755-CIV-ZLOCH (S.D. Fla.)

Aguiar v. Natbony, Case No. 11-61314-CIV-ZLOCH (S.D. Fla.)

Pembroke Pines Investors, LLC v. AD Pembroke Land Co., LLC, Case No. 11-61611-CIV-ZLOCH (S.D. Fla.)

Buchholz v. B.P.C. Bakery, Inc., Case No. 11-61602-CIV-ZLOCH (S.D. Fla.)

Amerisure Ins. Co. v. Walker, Case No. 11-61480-CIV-COHN (S.D. Fla.)

- (5) Cases where I believed that my impartiality might reasonably be questioned:

Heilbrunn v. Toyota Motor Corp., Case No. 10-80208-CIV-ZLOCH (S.D. Fla.): The plaintiff in this case was bringing a class action against Toyota for claims relating to alleged sudden acceleration problems of certain Toyota models. Although the relevant class period slightly post-dated the purchase of my car, at the time of the lawsuit, I owned and daily drove one of the models that allegedly was experiencing the sudden acceleration problems.

USAA Life Ins. Co. v. Vincent, Case No. 08-60467-CIV-DIMITROULEAS (S.D. Fla.): At the time, I had my home, car, and property insurance with the plaintiff.

In addition, the insurance company occasionally makes a monetary distribution to policy holders.

Am. Guarantee and Liab. Ins. Co. v. Christopher J. Gertz, P.A., Case No. 09-60946-CIV-ZLOCH (S.D. Fla.): I grew up with and attended middle and high school with a party who was representing himself, as well as with his two sisters, and our families had been friends for more than 35 years.

Chapman v. United States [Cent.] Gov., Case No. 11-61969-CIV-WILLIAMS (S.D. Fla.): A second plaintiff in this case is Roanne Eye. At the time that *Chapman* was filed, I was a defendant in another case that Eye had previously filed against me and others (*see* Category (6) below).

- (6) Cases where I or an immediate family member had a financial interest in a party:

Intel Corp. v. EcoinTEL Treasury, Case No. 06-61352-CIV-DIMITROULEAS (S.D. Fla.)

Eye v. Cohn, Case No. 11-61584-CIV-MARRA (S.D. Fla.): This case was assigned to me as the magistrate judge, and I recused because I am a defendant in the case. The plaintiff is a defendant who appeared before me in magistrate court on a criminal indictment against her. The United States Department of Justice represented me on the basis that all alleged acts were undertaken within the scope of my duties as a United States magistrate judge. The case was dismissed with prejudice on November 7, 2011.

- (7) Cases in which one of the attorneys had been one of the two attorneys in a case on which I had done significant work while in private practice, and where my client had sought sanctions and had obtained a substantial judgment for those sanctions against those attorneys, and the matter was still on appeal:

Bryant v. Big T. East Coast, Case No. 06-61458-CIV-DIMITROULEAS (S.D. Fla.)

Fairclough v. Am. Express Travel Related Servs. Co., Inc., Case No. 08-61395-CIV-DIMITROULEAS (S.D. Fla.)

Calixte v. Motorola, Inc., Case No. 09-61607-CIV-ZLOCH (S.D. Fla.)

Testai v. Navix Imagining, Inc., Case No. 09-61997-CIV-ZLOCH (S.D. Fla.)

Bourne v. Sch. Bd. of Broward Cnty., Case No. 10-60942-CIV-ZLOCH (S.D. Fla.)

Johnson v. Publix Super Markets, Inc., Case No. 10-61100-CIV-ZLOCH (S.D. Fla.)

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 held no public offices. 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.

I have never held office in or rendered services to any political party or election committee. I have never held a position or played a role in a political campaign.

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

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

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

From January to October 1998, I served as a law clerk to the Honorable Stanley Marcus on the United States Circuit Court for the Eleventh Circuit.

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

I have never practiced law alone.

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

1991 – 1995
United States Department of Justice
Civil Division, Federal Programs Branch
20 Massachusetts Avenue, NW
Washington, DC 20001
Trial Attorney

1995 – 1996
Office of the Independent Counsel
Independent Counsel Dan Pearson's Investigation of Former United States
Secretary of Commerce Ronald H. Brown and Nolanda Hill
The office is no longer in existence.
Staff Counsel

1996 – 1997
Holland & Knight LLP
515 East Las Olas Boulevard, Suite 1200
Fort Lauderdale, Florida 33301
Associate

1998 – 2007
United States Attorney's Office for the Southern District of Florida
500 East Broward Boulevard, Suite 700
Fort Lauderdale, Florida 33394
Assistant United States Attorney (1998 – 2007)
Chief, Economic Crimes Section, Fort Lauderdale (2002 – 2007)

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

I have not served as a mediator or 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.

I have spent nearly all of my twenty years as an attorney practicing almost exclusively in federal court. From September 1991 to August 1995, I served as a Trial Attorney at the Department of Justice. My practice was civil in nature, and I defended the constitutionality of numerous and varied federal statutes and the policies and procedures of the agencies that administered those statutes.

From September 1995 to the beginning of July 1996, I served as staff counsel to the Independent Counsel's Office on the investigation of former United States Secretary of Commerce Ronald Brown. This was a criminal investigation. As staff counsel, I participated in the criminal investigation and provided legal guidance to the other team members when they requested it.

In my capacity as an associate in private practice with Holland & Knight LLP, from July 1996 to December 1997, I engaged exclusively in civil practice. My cases had subject matter ranging from a simple replevin issue to contractual issues to a case involving charges of false and fraudulent advertising. While at Holland & Knight LLP, I also worked on several matters involving federal employment law.

At the United States Attorney's Office from October 1998 to August 2007, I served as a criminal prosecutor and specialized in matters involving complex frauds, becoming the chief of the Economic Crimes Section for the Central Division (Fort Lauderdale). As the chief, at various times, I supervised between eight and ten other Assistant United States Attorneys. Additionally, I continued to perform the functions of every other Assistant United States Attorney in the Economic Crimes Section, handling my own full caseload. As an Assistant United States Attorney, I investigated, developed, indicted, litigated, and tried criminal cases involving allegations of all types of economic crimes, such as securities fraud, bank fraud, identity theft, tax fraud, telemarketing fraud, health care fraud, Internet fraud, computer crimes, and general mail and wire fraud. In this capacity, I practiced before the grand jury, prepared and filed numerous legal memoranda in support of the positions of the United States, argued various motions before the district court, and tried several cases.

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

As a Trial Attorney at the Department of Justice, my client was the United States. I specialized in federal motions practice, often involving matters of constitutional and administrative law.

As a member of the Independent Counsel's Office, my client was the United States.

My clients at Holland & Knight LLP included individuals, small companies, and large companies. I specialized in employment law.

As an Assistant United States Attorney, my client was the United States. I specialized in prosecuting complex economic crimes.

- 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.

At the Civil Division of the Department of Justice, 100% of my practice involved federal litigation. I regularly argued motions in federal district courts, conducted two trials in federal district courts and one in a federal administrative court, and handled three appeals in federal circuit courts.

Before we could determine whether charges should be brought, the Independent Counsel's investigation of former United States Secretary Ronald Brown came to a premature end with the tragic death of Secretary Brown. Thus, other than grand jury work, which is noted in the public report of the Independent Counsel, I did not have any court appearances during this time.

At Holland & Knight LLP, 100% of my practice involved litigation. While there, I served as associate counsel on a week-long trial in state court. Other than that, my appearances in court during that period were few.

As an Assistant United States Attorney for nine years, 100% of my practice involved litigation. I regularly and frequently appeared in federal district court, handling duty court, grand jury, motions hearings, and trials.

- i. Indicate the percentage of your practice in:
- | | |
|-----------------------------|-------|
| 1. federal courts: | 94.9% |
| 2. state courts of record: | 5% |
| 3. other courts: | |
| 4. administrative agencies: | .1% |

- ii. Indicate the percentage of your practice in:
- | | |
|--------------------------|-----|
| 1. civil proceedings: | 40% |
| 2. criminal proceedings: | 60% |

- 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.

To the best of my recollection, I have tried at least fourteen cases (defendants have entered guilty pleas following the beginning of trial and prior to verdict in other cases not included in this number). At the Department of Justice, I participated in two trials as an associate member of a litigation team, handling several of my own witnesses. Additionally, I tried one case as sole counsel. While at Holland & Knight LLP, I acted as associate counsel on a two-attorney team in trying a case to verdict. In my capacity as an Assistant United States Attorney, I tried at least twelve cases, with at least ten of those going to verdict.

In all but two of these cases, I served as sole counsel. With respect to these two cases, in a thirty trial-day (over nine weeks) securities fraud trial, I served as lead counsel, and in the other, I served as associate counsel.

- i. What percentage of these trials were:
 - 1. jury: 80%
 - 2. non-jury: 20%

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

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

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

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

- 1. *Adolph Coors Co. v. Bentsen* (D. Colo. 1992), *aff'd*, 2 F.3d 355 (10th Cir. 1993), *aff'd sub nom. Rubin v. Coors Brewing Co.*, 514 U.S. 476 (1995).

Coors sued the United States Department of the Treasury, Bureau of Alcohol, Tobacco, and Firearms ("ATF"), challenging the constitutionality of provisions of the Federal Alcohol Administration Act that precluded malt beverage producers from making numerical statements of alcohol content on the labels of and in the advertisements for malt beverages. As the junior member of a two-attorney team, I conducted extensive discovery, deposing numerous marketing executives at various malt beverage makers around the country, and finding and working with our expert. At trial, I presented and cross-examined some of the witnesses. The district court upheld the advertisement provision but declared the labeling aspect of the statute to be unconstitutional. Coors did not appeal, but ATF did. In a 9-0 decision (including one opinion concurring in the judgment), the United States Supreme Court affirmed the decision of the Tenth Circuit affirming the decision of the district court; I was not actively involved in the appeals. Trial in this matter

lasted for three days, in approximately November 1992, before the Honorable Zita L. Weinshienk.

Lead Counsel: Patricia Russotto Coppolino
5011 North Sixth Street
Arlington, Virginia 22203
703-525-5382

Opposing Counsel: K. Preston Oade
Holme Roberts & Owen LLP
1700 Lincoln Street, Suite 4100
Denver, Colorado 80203
303-866-0453

2. *United States v. Livdahl*, Case No. 05-60021-CR-COHN (S.D. Fla.) (criminal case); *United States v. Livdahl*, 356 F. Supp. 2d 1289 (S.D. Fla. 2005) (parallel civil case).

I litigated these related civil and criminal cases in tandem. The cases arose out of an incident at a local clinic where a doctor who attempted to create his own form of Botox using improperly diluted full-strength Botulinum Toxin Type A wound up giving botulism to himself and three others to whom he administered his concoction. Early in the investigation, we discovered that the doctor had apparently developed the idea of creating his own “Botox” when he appeared as a presenter at a seminar sponsored by two of the co-defendants, who owned a business that also created its own form of Botox. I spearheaded the investigation and the criminal litigation team. Shortly after initiating the investigation, I requested the assistance of the Civil Division of the United States Attorney’s Office to help us to file a civil action seeking an injunction against the co-defendants precluding them from continuing to sell their non-FDA-approved fake “Botox” while we conducted the criminal investigation. In order to obtain the injunction, we participated in a lengthy preliminary injunction hearing where, among others, the co-defendants testified. I cross-examined the lead defendant and made closing argument to the court. Upon hearing the evidence in the case, the court entered a preliminary injunction. *See United States v. Livdahl, et al.*, 356 F. Supp. 2d 1289 (S.D. Fla. 2005).

In the meantime, we indicted four defendants in the criminal case, which was vigorously defended, resulting in extensive motion practice. *See, e.g., United States v. Livdahl*, 459 F. Supp. 2d 1255 (S.D. Fla. 2005). I served as lead counsel in this matter. Along with co-counsel, we thoroughly prepared for trial, but on the eve of trial we learned that the two remaining defendants wished to enter guilty pleas. The sentencing of the first doctor was hotly contested in an evidentiary hearing and spanned approximately nine hours. Co-counsel and I presented several witnesses, multiple exhibits, and argument before the Court imposed the maximum sentence on the doctor. The co-defendants were sentenced to terms of

imprisonment of nine years and approximately six years, respectively. Additionally, as a result of this investigation, the FDA obtained the names of approximately 200 physicians throughout the United States who had purchased the fake “Botox” from the co-defendants. Numerous United States Attorney’s Offices around the country consulted with our trial team and used the indictment I had prepared as a model to conduct prosecutions against those physicians who knowingly used fake “Botox” on their patients without the patients’ knowledge. I handled this matter before the Honorable James I. Cohn and the Honorable Lurana S. Snow in the United States District Court for the Southern District of Florida.

Co-counsel: George Karavetsos
United States Attorney’s Office
99 N.E. Fourth Street
Miami, Florida 33132
305-961-9289

Opposing counsel: Bernie Pafunda
Pafunda Law Offices
175 East Main Street, Suite 600
Lexington, Kentucky 40507
859-259-0102

Jane Serene Raskin
Raskin & Raskin, P.A.
2601 South Bayshore Drive, Suite 600
Miami, Florida 33133
305-444-3400

Jose M. Herrera
1401 Ponce de Leon Boulevard, Suite 200
Coral Gables, Florida 33134
305-445-1100

Emilio Benitez
600 South Andrews Avenue, Suite 403
Fort Lauderdale, Florida 33301
954-761-8892

Jeffrey M. Harris
One East Broward Boulevard, Suite 925
Fort Lauderdale, Florida 33301
954-522-7000

Andrew Ittleman
Fuerst Humphrey Ittleman
1001 Brickell Bay Drive, Suite 2002
Miami, Florida 33131
305-350-5694

3. *United States v. Johnson*, Case No. 02-60012-CR-MIDDLEBROOKS (S.D. Fla.), *aff'd in part and rev'd in part*, 440 F.3d 1286 (11th Cir. 2006),

In this securities fraud case, the lead defendant was alleged to have started a package delivery business, solicited approximately \$20 million from investors, and caused the company to implode by systematically draining millions from the company for his own personal use and benefit. I served as lead counsel over thirty days of trial during a nine-week period in 2003 before the Honorable Donald M. Middlebrooks. I presented opening statement and closing argument, as well as numerous witnesses in this matter. Mr. Johnson was convicted of every count in the indictment. A co-defendant was acquitted. On appeal, the Eleventh Circuit reversed a few of the money-laundering counts against Mr. Johnson, and he was ultimately sentenced on remand to sixteen years' imprisonment.

Associate Counsel: Chih-Pin Lu
Raymond James Financial, Inc./AMG
880 Carillon Parkway
Saint Petersburg, Florida 33716
727-567-5820

Opposing Counsel: David Joffe
Joffe & Joffe P.A.
One East Broward Boulevard, Suite 700
Fort Lauderdale, Florida 33301
954-723-0007

Robert Adler
Federal Public Defender's Office
450 Australian Avenue South, Suite 500
West Palm Beach, Florida 33401
561-833-6288

4. *United States v. Thurman*, Case No. 01-6084-CR-FERGUSON (S.D. Fla.), *aff'd*, 54 F. App'x 491 (11th Cir. 2002).

This was one of a trio of cases brought against Defendant Thurman. The other two cases involved tax fraud and mail and wire fraud. The cases had to be brought separately because the subject matter of the violations alleged in each of the indictments was not interrelated. Consequently, in the interests of judicial

economy, we proceeded by trying the two smaller cases before the largest of the three matters, which involved a massive Internet affinity fraud scheme.

In this particular case, Mr. Thurman was charged with being a convicted felon in possession of firearms. While executing a search warrant that I had obtained in the fraud case, law enforcement found the firearms in a safe in Mr. Thurman's closet. During the course of the investigation, law enforcement discovered evidence that Mr. Thurman had, on occasion, threatened to use one of the firearms to commit suicide, including one incident where he had threatened to do so in a bank. As sole counsel assigned to the matter, I indicted and tried the case, making opening statement and closing argument, as well as presenting all witnesses. Mr. Thurman was convicted and, as a result of this conviction, as well as the convictions in the two related cases I handled against him, he was sentenced to eight-and-one-half years in prison. This matter was tried over approximately three trial days in October 2001 before the Honorable Wilkie D. Ferguson.

Opposing Counsel: Irwin Lichter
321 N.E. 26th Street
Miami, Florida 33137
305-573-0551

5. *United States v. Thurman*, Case No. 01-06040-CR-HURLEY (S.D. Fla.).

This was another in the trio of *Thurman* cases brought by the United States Attorney's Office for the Southern District of Florida. In this particular case, Mr. Thurman was charged with filing false tax returns for himself and six other individuals who sought and, in several cases, received fraudulent tax refunds. As sole counsel, I indicted and tried this case. Following the trial, the jury convicted Mr. Thurman. As noted above, as a result of Mr. Thurman's convictions in this case and the other two cases I prosecuted against him, Mr. Thurman was sentenced to eight-and-one-half years' imprisonment. This matter was tried over approximately seven trial days, I believe in October and November 2001, before the Honorable Daniel T.K. Hurley.

Opposing Counsel: Irwin Lichter
321 N.E. 26th Street
Miami, Florida 33137
305-573-0551

6. *United States v. Miller*, Case No. 99-06115-CR-FERGUSON (S.D. Fla. 2000).

Defendant Miller had been convicted of multiple armed robberies. During the execution of an arrest warrant for Mr. Miller for yet another armed robbery, law enforcement found a stolen UZI sub-machine gun, along with a magazine and cartridges for the weapon. We charged Mr. Miller federally with being a convicted felon in possession of a firearm. As sole counsel for the United States,

I handled all aspects of the prosecution, including the trial. Following a three-day trial in December 1999 before the Honorable Wilkie D. Ferguson, Jr., the jury returned a guilty verdict on both counts of the indictment. Judge Ferguson sentenced Mr. Miller to fifteen years' imprisonment.

Opposing Counsel: Stuart Adelstein
Adelstein & Matters, P.A.
2929 S.W. Third Avenue, Suite 410
Miami, Florida 33129
305-358-9222

7. *United States v. Vanmoor*, Case No. 06-60064-CR-COOKE/BROWN (S.D. Fla.).

The defendant in this case was charged with a conspiracy to commit mail and wire fraud. He ran websites offering a purported guaranteed cure for cancer that would work within a six-week period. The websites discouraged customers who purchased the product from continuing their doctor-prescribed treatment courses, such as chemotherapy. During the course of the investigation, we obtained and executed search warrants on multiple locations.

Additionally, I enlisted the assistance of the Civil Division of the United States Attorney's Office to obtain an injunction shutting down the websites while we conducted the criminal investigation. During the course of the investigation, we obtained multiple search warrants for Mr. Vanmoor's e-mail and other electronic accounts and interviewed the family and friends of victims of Mr. Vanmoor's scheme.

After indicting the lead defendant, I obtained his extradition from the Netherlands, his native country. He arrived back in the United States shortly before I left the United States Attorney's Office to become a United States magistrate judge, and another Assistant United States Attorney tried the case in a two-week trial before the Honorable Jose Gonzalez, resulting in the defendant's conviction (other defendants pled guilty). I served as lead counsel in the matter before leaving the office.

Succeeding Counsel: Jennifer Keene
United States Attorney's Office
500 East Broward Boulevard, Seventh Floor
Fort Lauderdale, Florida 33394
954-356-7255

Opposing Counsel: Sidney Fleischman
Fleischman & Fleischman, P.A.
800 East Broward Boulevard, Suite 310
Fort Lauderdale, Florida 33301
954-523-7223

8. *Barnes v. Breeden*, 911 F. Supp. 1038 (S.D. Tex. 1996), *rev'd sub nom. Barnes v. Levitt*, 118 F.3d 404 (5th Cir. 1997).

Plaintiff Barnes was a staff attorney at the Houston Branch Office of the United States Securities and Exchange Commission (“SEC”). She filed suit against the SEC alleging violations of Title VII and the Equal Pay Act. I was a member of the trial team and presented and cross-examined witnesses at trial. Although the district court (the Honorable Kenneth Hoyt) ruled for the plaintiff following a month-long bench trial, the Fifth Circuit Court of Appeals reversed, granting summary judgment for the defense and finding that Ms. Barnes had failed to exhaust her administrative remedies by refusing to participate in good faith in the administrative process for resolving her claims.

Lead Counsel: Jennifer Ricketts (formerly Jennifer Rivera)
United States Department of Justice
Civil Division, Federal Programs Branch
20 Massachusetts Avenue, NW
Washington, DC 20530
202-514-3671

Co-counsel: Gary Orseck
Robbins, Russell, Englert, Orseck, Untereiner & Sauber
LLP
1801 K Street, NW, Suite 411
Washington, DC 20006
202-775-4504

Patricia Arzuaga
Kaiser Permanente
Rockville, Maryland

Opposing Counsel: Mary L. Sinderson
Steven J. Rozan and Associates
2777 Allen Parkway, 10th Floor
Houston, Texas 77019
800-682-1529

Julius J. Larry, III
Unknown contact information

9. *Knobel v. Knobel*, Eleventh Circuit Court in and for Miami-Dade County.

In this case a wife sued her husband regarding administration and ownership of their vocational school, the National School of Technology. The husband counter-claimed. Approximately two weeks before the trial, I was asked to assist

the newly-assigned lead attorney in this matter because the previously-assigned lead counsel had a conflict during the trial period and, therefore, could not try the case. During the ensuing two weeks, we simultaneously conducted discovery and prepared for trial. Following a week-long trial in May 1997 before the Honorable David L. Tobin, the jury returned a verdict in favor of our client and awarded him in excess of \$800,000, as I recall.

Lead Counsel: Marty Steinberg
Hunton & Williams
1111 Brickell Avenue, Suite 2500
Miami, Florida 33131
305-810-2505

Opposing Counsel: I cannot recall the name of opposing counsel.

10. *United States v. Garrahan*, Case No. 98-6204-CR-ROETTGER (S.D. Fla.).

Defendant Garrahan obtained building contracts for schools in Broward and Dade Counties after fraudulently procuring bonds making him eligible to receive the contracts. He failed to complete the school buildings and defaulted on the bonds. He was charged with mail and wire fraud and, following an eight-day trial before the Honorable Norman Roettger, the jury returned a verdict of guilty on all counts. Defendant Garrahan was sentenced to just over five years' imprisonment. The judgment was affirmed on appeal. I served as associate counsel in this trial and conducted some of the witness examinations and cross-examinations.

Lead Counsel: Roger Stefin
United States Attorney's Office
500 South Australian Avenue, Suite 400
West Palm Beach, Florida 33401
561-820-8711

Opposing Counsel: Fred Haddad
One Financial Plaza, Suite 2612
Fort Lauderdale, Florida 33394
954-467-6767

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.)

I have not performed lobbying activities on behalf of any client(s) or organization(s).

While at the United States Department of Justice Civil Division, I handled the matter captioned, *Sarao v. NASA* (D.D.C. 1993). In this case, the plaintiff sued NASA, seeking disclosure of certain photographs of the shuttle debris recovered in the Atlantic Ocean from the *Challenger* accident, pursuant to the Freedom of Information Act. The National Air and Space Administration, which had already released several photographs of the recovered debris, opposed the plaintiff's complaint, concerned about the privacy interests of the astronauts' families. I represented NASA and conducted negotiations with the plaintiff. After ascertaining precisely the types of images for which he was searching, we were able to settle the case in a manner that was acceptable to both parties.

After leaving the Department of Justice, I worked on the Independent Counsel's Investigation of former United States Secretary of Commerce Ronald Brown and Nolanda Hill. Independent Counsel Dan Pearson was appointed by the Special Division of the United States Court of Appeals for the District of Columbia to conduct an investigation into certain matters related to former Secretary Brown's finances. The order conferring jurisdiction on Judge Pearson also authorized him to investigate the finances and operations of an associate of Secretary Brown's, Nolanda Hill, and her "organizations." Judge Pearson put together a team consisting of six attorneys to assist him in conducting the investigation. I served in one of two staff-counsel positions. My duties included conducting research and preparing legal memoranda in furtherance of the investigation, as well as participating in the investigation itself. More specifically, I provided the other attorneys on the team with legal opinions concerning issues arising during the investigation. On April 3, 1996, Secretary Brown perished in an airplane crash while on a trade mission to Croatia. As a result, Judge Pearson referred to the Department of Justice the responsibility for continuing the investigation as it pertained to allegations involving Nolanda Hill and others who were not members of the administration. Additionally, Judge Pearson submitted a final report to the Special Division of the United States Court of Appeals for the District of Columbia. The report concluded ultimately, "The unfinished state of the investigation and considerations of fairness preclude our office from drawing conclusions about the allegations regarding possible criminal conduct by the Secretary. . . ." Final Report at 19.

As an Assistant United States Attorney, I occasionally acted as counsel to the United States Attorney's Office. For example, on one occasion I researched a group of federal regulations that appeared to be insufficient to address certain serious dangers that they were meant to prevent. At the request of the United States Attorney, I prepared a memorandum containing suggestions for improvements to the regulations, which was forwarded for consideration to the secretary of the agency in question. On another occasion, I was asked to research and prepare a proposed position memorandum regarding the advisability of the Office's prosecution of a group of cases, in view of the fact that prosecution of the cases (as opposed to dismissal of the federal employees allegedly involved) might conflict with a function of one of the federal agencies. Similarly, when the Office sought to prosecute crimes under relatively new statutes or under new theories of older statutes, I prepared model indictments. In at least two such matters, I drafted either the first or one of the first such indictments in the country.

As the chief of the Economic Crimes Section for the Central Division (Fort Lauderdale) of the United States Attorney's Office for the Southern District of Florida, I supervised between eight and ten other Assistant United States Attorneys. The position involved reviewing and editing indictments and other legal documents for clarity and correctness; consulting with and advising the Assistant United States Attorneys in my section; meeting with representatives of various law enforcement agencies regarding the intake, development, and progress of the respective law enforcement agencies' cases; and consulting with the management of the United States Attorney's Office regarding cases pending in my section. Additionally, I continued to perform the functions of every other Assistant United States Attorney in the Economic Crimes Section, handling my own full caseload. Each year while I served in this position, the Fort Lauderdale office significantly increased the number of indictments returned, as compared with the prior year – particularly within the Economic Crimes Section, even though the number of Assistant United States Attorneys in Fort Lauderdale had decreased.

As a practicing attorney, I was significantly involved in the Broward Chapter of the Federal Bar Association from approximately 2002 to 2007, having served on its board of directors and as the vice president, president-elect, and president. As the president, I presided over the chapter, which presented monthly speaker luncheons, brown-bag luncheons with federal judges, and other events designed to encourage a high level of practice among federal practitioners and to facilitate communications between the federal bar and bench in Broward County. As a magistrate judge, I continue to support the activities of the Federal Bar Association heavily, attending nearly all of the Broward Chapter's functions and speaking regularly when asked.

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.

I have taught as an adjunct professor at the University of Miami School of Law since 2009. In the fall of 2009 through the spring of 2010, I taught the full-year, first-year course called "Legal Research and Writing." The course sought to teach first-year law students the basics of conducting legal research and preparing legal written work product. Students prepared two drafts each of a case brief, two internal memoranda regarding a case, and an appellate brief. In addition, they presented oral argument on the appellate brief.

In the summer and fall of 2010 and the spring and fall of 2011, I also taught an upper-level legal writing class. The students learn about the federal court system and motions to dismiss. They prepare two drafts each of a memorandum in support of a motion to dismiss and an opposition to a motion to dismiss. Copies of the syllabi for all courses described in answer to this question are supplied.

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

None.

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

I currently serve as an adjunct professor and teach a legal writing course at the University of Miami School of Law, and I have committed to teaching that course again in the spring of 2012.

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

See attached Financial Disclosure Report.

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

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

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

If I am confirmed, I will recuse in all cases involving any of my family members. I will also recuse in any cases involving the University of Miami (where I teach), in cases involving Florida International University Law School (where my sister is employed as the director of legal research and writing), in cases involving Miami-Dade County (my brother-in-law is employed as an attorney with the County Attorney's Office), in cases where my former law clerks are listed as counsel of record and have primary responsibility for litigating the matter, and in cases involving close friends as parties or witnesses. I would also recuse in any

cases where a close friend served as counsel, and I would use the Southern District of Florida's electronic conflict system primarily to identify such cases.

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

If I am confirmed, I will apply the standards set forth in 28 U.S.C. §§ 144 and 455 to any scenario involving a potential conflict of interest or appearance of partiality.

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

As a judge, I am not allowed to practice law on behalf of others, so I have not engaged in any pro bono legal work since my confirmation in September of 2007. During most of my legal career, I have also been subject to limitations on my ability to engage in legal activities outside of my job because I have worked in government service for the vast majority of my legal career. Consequently, although I participated briefly in a program where attorneys assist victims of domestic abuse in court, I have mostly chosen to give back to the community in other ways. Among others, I participate in the Florida Bar's Justice Teaching program. The program aims to help educate every elementary, middle, and high school student about basic principles underlying our system of justice and our Constitution. I am paired with North Fork Elementary School.

Likewise, in the recent past, I have volunteered my time to assist with the Children's Ballet Theatre of Fort Lauderdale. The program allows children to put on a ballet such as *Cinderella*, *Sleeping Beauty*, or *Coppelia* at the Broward Center for the Performing Arts, under the directorship and leadership of dance teachers who volunteer their time for the program. In addition to directing children in the production of a professional-type production, the program aspires to foster an appreciation of dance in the community, particularly among children, by making tickets available at an affordable price and by providing inexpensive or free tickets to certain financially eligible children. My volunteer activities on behalf of the program have included assisting with costuming, addressing marketing materials, and backstage supervision of some of the younger participants during dress rehearsal and the show.

In addition, I volunteer from time to time at my children's school, and year-round, I regularly provide internship opportunities for law school students in my chambers.

26. **Selection Process:**

- a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and

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

In Florida, the senators use a nominating commission. The Florida Federal Nominating Commission was appointed by Senators Bill Nelson and Marco Rubio. The Commission is comprised of members selected by both Senator Nelson (approximately 2/3 of the members) and Senator Rubio (approximately 1/3 of the members).

I submitted an application to the Florida Federal Judicial Nominating Commission in June 2011 and was interviewed by the Commission on July 25, 2011. I was selected by the Commission, along with three others, on that same date. The Commission does not recommend one candidate and does not rank the candidates. On August 3, 2011, I interviewed with Senators Nelson and Rubio in Washington, DC.

Since August 17, 2011, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On September 21, 2011, I met with officials from the White House Counsel's Office and the Department of Justice in Washington, DC. On November 30, 2011, the President submitted my nomination 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.

AFFIDAVIT

I, Robin Stacie Rosenbaum, do swear
that the information provided in this statement is, to the best
of my knowledge, true and accurate.

12/1/11
(DATE)

Robin S. Rosenbaum
(NAME)

Susan J. Fernandez
(NOTARY)

