

UNITED STATES SENATE  
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Stephanie Dawkins Davis  
Stephanie Renaye Dawkins

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

United States Circuit Judge for the Sixth Circuit

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.

Office: United States District Court for the Eastern District of Michigan  
Federal Building and United States Courthouse  
600 Church Street  
Flint, Michigan 48502

Residence: Farmington Hills, Michigan

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

1967; Kansas City, Missouri

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.

1989 – 1992, Washington University School of Law; J.D., 1992

1985 – 1989, Wichita State University; A.A., 1988 & B.S., 1989

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.

2016 – present  
United States District Court for the Eastern District of Michigan  
Federal Building and United States Courthouse  
600 Church Street  
Flint, Michigan 48502  
United States District Judge (2019 – present)  
United States Magistrate Judge (2016 – 2019)

1997 – 2015  
United States Attorney’s Office for the Eastern District of Michigan  
211 West Fort Street, Suite 2001  
Detroit, Michigan 48226  
Executive Assistant United States Attorney (2010 – 2015)  
Deputy Chief, Controlled Substances Unit (2007 – 2010)  
Assistant United States Attorney (1997 – 2010)

Summer 1991, 1992 – 1997  
Dickinson Wright, PLLC  
500 Woodward Avenue, Suite 4000  
Detroit, Michigan 48226  
Litigation Associate (1992 – 1997)  
Summer Associate (Summer 1991)

January 1992 – April 1992  
Saint Louis City Prosecutor’s Office  
1430 Olive Street  
Saint Louis, Missouri 63101  
Assistant (Student) Prosecutor

August 1991 – December 1991  
United States Attorney’s Office for the Eastern District of Missouri  
1114 Market Street  
Saint Louis, Missouri 63101  
Student Extern (uncompensated)

Summer 1990  
Thompson & Mitchell (now known as Thompson Coburn, LLP)  
One U.S. Bank Plaza  
Saint Louis, Missouri 63101  
Summer Associate

Summer 1989  
Meyer Care Health Service  
6445 Metcalf Avenue  
Mission, Kansas 66202  
Staffing Coordinator

Other affiliations (uncompensated):

2020 – present

Leader Dog for the Blind  
1039 South Rochester Road  
Rochester Hills, Michigan 48307  
Trustee

2018 – 2021

Federal Bar Association—Detroit Chapter  
P.O. Box 5249  
Northville, Michigan 48167  
Executive Board Member

2015

Wayne Mediation Center  
19855 West Outer Drive, Suite 206 – East Building  
Dearborn, Michigan 48124  
Executive Board Member

2012 – 2015

Farmington/Farmington Hills Commission on Children, Youth & Families  
31555 West 11 Mile Road  
Farmington Hills, Michigan 48336  
Commissioner

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 was not required to register for the selective service.

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

Alumni Honor Roll, Kansas City, Kansas Public Schools (2017)

Director's Award: Outstanding Litigation Team, United States Department of Justice (2016)

Champion of Justice Award, State Bar of Michigan (2015)

Bridget Vance Vision of Service Award, Detroit Youth Violence Prevention Initiative (2015)

Time-off Awards for Outstanding Performance, United States Attorney's Office (five to ten times from 1997 to 2015)

Outstanding Service Award, United States Attorney's Office (2014)

Outstanding Service Award, Yemeni American Anti-Discrimination Coalition (2014)

Washington University School of Law

Outstanding Woman Lawyer Award (1992)

Rubey T. Hulen Scholarship (1989 – 1992)

Wiley T. Rutledge Moot Court—High Oralist (1991)

American Jurisprudence Award—Pretrial Procedure (1991)

Wichita State University

Order of Omega (Greek-letter Organization Honor Society) (1988 – 1989)

Senior Honor Woman (one of five women named) (1988 – 1989)

Mortar Board (Senior Honor Society) (1988 – 1989)

Distinguished Freshman Josephine B. Fugate Scholarship (1985)

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

American Constitution Society

Detroit Chapter Executive Board (2012 – 2015)

American Inns of Court

Master of the Bench (2013 – present)

Association of Black Judges of Michigan

Detroit Metropolitan Bar Association

Detroit Barristers Association Executive Board (1997 – 1999)

Federal Bar Association

Detroit Chapter Executive Board (2018 – 2021)

State Bar of Michigan

Representative Assembly (1997 – 1999)

United States Courts Committee (2019 – present)

United States Magistrate Judge Merit Selection Panel for the Eastern District of Michigan (2010, 2011)

Wolverine Bar Association  
Summer Law Clerk Committee, Co-Chair (1997, 1998)

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.

Michigan, 1992

There have been no lapses in membership.

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

United States Court of Appeals for the Sixth Circuit, 2000  
United States District Court for the Eastern District of Michigan, 1992

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.

Delta Sigma Theta Sorority, Inc. (1986 – present)  
Southfield Alumnae Chapter (2017)

Detroit Crime Commission, Advisory Board Member (2013 – 2015)

Farmington/Farmington Hills Commission on Children, Youth & Families,  
Commissioner (2012 – 2015)

Jack and Jill of America, Inc.—Detroit Chapter (2004 – 2016)  
Parliamentarian (2015 – 2016)  
Legislative Liaison (2012 – 2014)

Leader Dog for the Blind, Trustee (2020 – present)

University of Detroit Mercy School of Law, Dean's Advisory Board Member  
(2014 – present)

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

Delta Sigma Theta, Inc. is a national public service organization that limits its membership to women. Jack and Jill of America, Inc. is a mother's organization that historically has been comprised of women. To the best of my knowledge, none of the other organizations listed in response to Question 11a currently discriminates or formerly discriminated on the basis of race, sex, religion, or national origin, either through formal membership requirements or the practical implementation of membership policies.

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

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

*The Rule 26(b)(1) Amendments: How Are They Working in Practice?*,  
DRI Bus. Litig. (May 2017). Copy supplied.

*Letter to the Editor*, Detroit Free Press (approximately June 2008). Copy supplied.

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

None.

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

On May 22, 2019, I testified at my confirmation hearing before the Judiciary Committee of the United States Senate to be a United States District Judge for the Eastern District of Michigan. I also answered written Questions for the Record. Video of the hearing is available at <https://www.judiciary.senate.gov/meetings/05/22/2019/nominations> and a copy of my responses to the written questions is supplied.

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

November 5, 2021: Panelist, 1L Criminal Procedure Course, University of Michigan Law School, Ann Arbor, Michigan. I participated in a panel with prosecutors and defense attorneys about our individual career paths and the operation of the federal criminal justice system. I have no notes, transcript, or recording. The address for the University of Michigan Law School is 625 South State Street, Ann Arbor, Michigan 48109.

June 17, 2021: Presiding Judge, United States District Court Naturalization Ceremony, United States Customs and Immigration Services, Detroit, Michigan. Outline supplied.

April 22, 2021: Speaker, Diversity and Inclusion Event, Federal Bar Association—Detroit Chapter (virtual). I spoke about issues of diversity and inclusion in the legal profession. I have no notes, transcript, or recording. The address for the Federal Bar Association—Detroit Chapter is P.O. Box 5249, Northville, Michigan 48167.

April 19, 2021: Speaker, 1L Lawyering Skills II Course, University of California, Irvine, School of Law (virtual). I spoke about my professional journey, the role of the trial court, clerking for a judge, and practicing as an attorney. I have no notes, transcript, or recording. The address for the University of California, Irvine, School of Law is 401 East Peltason Drive, Suite 1000, Irvine, California 92697.

February 23, 2021: Panelist, Black History Month Program, United States Attorney's Office for the Eastern District of Michigan (virtual). The panel discussed collateral effects of prosecution and issues of reentry into society. I have no notes, transcript, or recording. The address for the United States Attorney's Office for the Eastern District of Michigan is 211 West Fort Street, Suite 2001, Detroit, Michigan 48226.

January 12, 2021: Panelist, New Lawyer Seminar, Federal Bar Association—Detroit Chapter (virtual). Outline supplied.

September 9, 2020: Panelist, MCBA Diversity Matters CLE Series: Part 1, Alabama Judges CLE Seminar, Magic City Bar Association Judicial Council (virtual). Video available at <https://youtu.be/vrjQIDJca7s>.

August 17, 2020: Panelist, Judges Panel, Washington University School of Law Convocation (virtual). The panel discussed career paths in the law and tips for students. I have no notes, transcript, or recording. The address for the Washington University School of Law is One Brookings Drive, Saint Louis, Missouri 63130.

April 3, 2020: Panelist, 1L Criminal Procedure Course, University of Michigan Law School (virtual). I participated in a panel with prosecutors and defense attorneys about our individual career paths and the operation of the federal criminal justice system. I have no notes, transcript, or recording. The address for the University of Michigan Law School is 625 South State Street, Ann Arbor, Michigan 48109.

February 28, 2020: Presiding Judge, United States District Court Naturalization Ceremony, United States Customs and Immigration Services, Clinton Township, Michigan. I used the same outline as that supplied in connection with the June 17, 2021 event listed above.

February 12, 2020: Speaker, Law Course, Henry Ford Community College, Dearborn, Michigan. I spoke about my career path and practicing in federal court. I have no notes, transcript, or recording. The address for Henry Ford Community College is 5101 Evergreen Road, Dearborn, Michigan 48128.

October 24, 2019: Panelist, Roadways to the Federal Bench: Who, Me? A Bankruptcy Judge, Judicial Conference of the United States Committee on the Administration of the Bankruptcy System, Detroit, Michigan. Along with a number of judges from the Eastern District of Michigan, I served as a “roaming panelist,” who traveled to different tables of attorneys to discuss our individual paths to becoming a federal judge and to answer questions from the lawyers in attendance. I have no notes, transcript, or recording. The address for the Judicial Conference of the United States is One Columbus Circle, Northeast, Washington, DC 20544.

May 16, 2018: Panelist, Practicing Before U.S. Magistrate Judges, United States Court of Appeals for the Sixth Circuit Judicial Conference, Nashville, Tennessee. I participated in a panel about the role of magistrate judges and the rules, policies, and procedures that govern practice before them. I have no notes, transcript, or recording. The address for the United States Court of Appeals for the Sixth Circuit is Potter Stewart U.S. Courthouse, 100 East Fifth Street, Cincinnati, Ohio



45202.

January 26, 2018: Breakout Session Leader, Professionalism in Action, Detroit Mercy Law School, Detroit, Michigan. I led a discussion session with law students about professionalism and ethics. I have no notes, transcript, or recording, but press coverage is supplied. The address for the Detroit Mercy Law School is 651 East Jefferson Avenue, Detroit, Michigan 48226.

November 15, 2017: Speaker, 2017 Reasons to Believe Ceremony, Kansas City, Kansas Public Schools, Kansas City, Kansas. Video available at <https://www.youtube.com/watch?v=C8i6ln1jDLw>.

September 15, 2017: Panelist, Powering BIG Futures, Big Brothers Big Sisters Rotary Club Presentation, Flint, Michigan. I participated in a panel about the Big Brothers Big Sisters community partners program. I have no notes, transcript, or recording, but a list of the questions posed to me is supplied. The address for Big Brothers Big Sisters is 410 East Second Street, Flint, Michigan 48503.

May 12, 2017: Speaker, The Rule 26(b)(1) Amendments: How Are They Working in Practice, DRI Business Litigation Seminar, Chicago, Illinois. PowerPoint supplied.

April 22, 2017: Speaker, Detroit Leadership Academy Pinning Ceremony, Detroit, Michigan. I congratulated and gave advice to graduating high school seniors and their families. I have no notes, transcript, or recording. The address for the Detroit Leadership Academy is 5845 Auburn Street, Detroit, Michigan 48228.

March 24, 2017: Presiding Judge, United States District Court Naturalization Ceremony, United States Customs and Immigration Services, Clinton Township, Michigan. I used the same outline as that supplied in connection with the June 17, 2021 event listed above.

January 16, 2017: Speaker, MLK Inspiration Breakfast, Big Brothers Big Sisters, Flint, Michigan. I spoke about the United States District Court for the Eastern District of Michigan's participation in the Big Brothers Big Sisters program. I have no notes, transcript, or recording. The address for Big Brothers Big Sisters is 410 East Second Street, Flint, Michigan 48503.

September 13, 2016: Speaker, The Image of a Public Servant, Federal Executive Board Employee Recognition Luncheon, Linden, Michigan. Outline supplied.

August 25, 2016: Moderator, Professionalism in the Practice of Law, Michigan State University School of Law, East Lansing, Michigan. I moderated a panel discussion about professionalism and ethical considerations in the practice of law. I have no notes, transcript, or recording. The address for the Michigan State

University School of Law is 648 North Shaw Lane, East Lansing, Michigan 48824.

April 14, 2016: Speaker, Investiture Ceremony of Stephanie Dawkins Davis as United States Magistrate Judge, United States District Court for the Eastern District of Michigan, Detroit, Michigan. Transcript supplied.

February 10, 2016: Speaker, Black History Month, Saginaw Valley State University, Saginaw, Michigan. I spoke about my career path and making a positive contribution to the community. I have no notes, transcript, or recording. The address for Saginaw Valley State University is 7400 Bay Road, University Center, Saginaw, Michigan 48710.

February 6, 2016: Panelist, "Black Lives Matter" Community Meeting, Vanzetti Hamilton Bar Association & National Association of Negro Business and Professional Women's Clubs, Ann Arbor, Michigan. I participated in a panel about the legal considerations associated with police stops. I have no notes, transcript, or recording, but press coverage is supplied. The address for the Vanzetti Hamilton Bar Association is 2750 Carpenter Road, Suite Five, Ann Arbor, Michigan 48108. The address for the National Association of Negro Business and Professional Women's Clubs is 1806 New Hampshire Avenue, Northwest, Washington, DC 20009.

December 15, 2015: Speaker, A Vision for Leadership in Social Justice, Detroit Delta Preparatory Academy, Detroit, Michigan. Outline supplied.

October 21, 2015: Panelist, 16th Annual Public Forum for the Enhancement of Police and Community Trust, Washtenaw County Sheriff's Office, Ann Arbor, Michigan. I participated in a panel of law enforcement leaders and others about building and maintaining positive police and community relations. I have no notes, transcript, or recording, but press coverage is supplied. The address for the Washtenaw County Sheriff's Office is 4101 Washtenaw Avenue, Ann Arbor, Michigan 48108.

July 2015 (specific date unknown): Speaker, Protecting Houses of Worship Public Forum, United States Attorney's Office for the Eastern District of Michigan, Detroit, Michigan. I spoke about the work of the United States Department of Justice to protect houses of worship following a high-profile shooting at the Emanuel AME Church in Charleston, South Carolina. I have no notes, transcript, or recording. The address for the United States Attorney's Office for the Eastern District of Michigan is 211 West Fort Street, Suite 2001, Detroit, Michigan 48226.

March 19, 2015: Speaker, Investiture Ceremony of Elizabeth A. Stafford as U.S. Magistrate Judge, United States District Court for the Eastern District of Michigan, Detroit, Michigan. Transcript supplied.

December 8, 2014: Faculty Member, Violent Crimes Seminar, National Advocacy Center of the United States Department of Justice Office of Legal Education, Columbia, South Carolina. As part of a seminar teaching prosecutors how to approach violent crime from a perspective of prevention, intervention, suppression, and reentry, I lectured about successful strategies for engaging high-risk, group- or gang-involved individuals to prevent violent crime and recidivism. I have no notes, transcript, or recording, but press coverage is supplied. The address for the National Advocacy Center of the United States Department of Justice Office of Legal Education is 1620 Pendleton Street, Columbia, South Carolina 29201.

July 18, 2014: Keynote Speaker, Eighth Anniversary Appreciation Event, SAFE, Detroit, Michigan. I spoke about public safety problems associated with domestic violence and the strength of domestic violence survivors. I have no notes, transcript, or recording. The address for SAFE is 269 Walker Street, Detroit, Michigan 48207.

May 6, 2014: Emcee, Prisoner Reentry Summit, United States Attorneys' Offices for the Eastern and Western Districts of Michigan, Lansing, Michigan. As the summit's emcee, I introduced speakers and questioned panelists on various topics related to prisoner reentry. I have no notes, transcript, or recording. The address for the United States Attorney's Office for the Eastern District of Michigan is 211 West Fort Street, Suite 2001, Detroit, Michigan 48226. The address for the United States Attorney's Office for the Western District of Michigan is P.O. Box 208, Grand Rapids, Michigan 49501.

May 5, 2014: Speaker, Detroit Ceasefire Call-In, United States Attorney's Office for the Eastern District of Michigan, Detroit, Michigan. On this and approximately three other occasions between 2013 and late 2015, I spoke to young men identified as group or gang members at risk for violent outcomes as part of the violence intervention strategy employed by the United States Attorney's Office, the Mayor of Detroit, local law enforcement, and various service providers and community members. I have no notes, transcripts, or recordings, and I am unable to recall or identify the specific dates for the other events. The address for the United States Attorney's Office for the Eastern District of Michigan is 211 West Fort Street, Suite 2001, Detroit, Michigan 48226.

May 1, 2014: Panelist, Law Day Jury Diversity Presentation, United States District Court for the Eastern District of Michigan, Detroit, Michigan. I participated in a panel about the importance of jury service to the goal of empaneling a jury of the litigants' peers. I have no notes, transcript, or recording. The address for the United States District Court for the Eastern District of Michigan is Theodore Levin United States Courthouse, 231 West Lafayette Boulevard, Detroit, Michigan 48226.

November 7, 2013: Speaker, Fourth Annual Federal Youth Law Day, Federal Bar Association—Detroit Chapter, Gerald R. Ford Presidential Library and Museum, and Thomas M. Cooley Law School (now known as Western Michigan University Cooley Law School), Auburn Hills, Michigan. I participated in a panel about practicing law in federal court. I have no notes, transcript, or recording. The address for the Federal Bar Association—Detroit Chapter is P.O. Box 5249, Northville, Michigan 48167. The address for the Gerald R. Ford Presidential Library and Museum is 303 Pearl Street, Northwest, Grand Rapids, Michigan 49504. The address for the Western Michigan University Cooley Law School is 300 South Capitol Avenue, Lansing, Michigan 48933.

August 2013 (specific date unknown): Panelist, To Carry or Not to Carry, Detroit, Michigan. I participated in a panel about federal gun laws at the Jesus Tabernacle Church in Detroit. I have no notes, transcript, or recording, and I am unable to recall or identify the organization that sponsored the event.

July 2013 (specific date unknown): Panelist, Women in Law Enforcement, National Association of Black Narcotics Agents National Convention, Detroit, Michigan. I participated in a panel about opportunities for women in law enforcement. I have no notes, transcript, or recording. The address for the National Association of Black Narcotics Agents is P.O. Box 694, Marietta, Georgia 30064.

May 6, 2013: Speaker, Detroit Job Corps Graduation, Detroit, Michigan. I gave advice to students graduating from the Detroit Job Corps program about their future endeavors. I have no notes, transcript, or recording. The address for Detroit Job Corps is 11801 Woodrow Wilson Street, Detroit, Michigan 48206.

May 1, 2013: Speaker, Youth Law Day Event, Federal Bar Association—Detroit Chapter, Detroit, Michigan. I spoke to high school students about careers in the law. I have no notes, transcript, or recording, but press coverage is supplied. The address for the Federal Bar Association—Detroit Chapter is P.O. Box 5249, Northville, Michigan 48167.

March 26, 2013: Speaker, Diversity, Women, and Upper/Senior Positions, United States Army Tank and Automotive Command, Warren, Michigan. I spoke about my experience as a woman in a senior leadership position. I have no notes, transcript, or recording, but press coverage is supplied. The address for the United States Army Tank and Automotive Command is Detroit Arsenal, 6305 East 11 Mile Road, Warren, Michigan 48092.

2013 (specific dates unknown): Faculty Member, Trial Advocacy Course, National Advocacy Center of the United States Department of Justice Office of Legal Education, Columbia, South Carolina. I coached students and lectured about witness preparation as part of a two-week trial advocacy clinic, in which

newer prosecutors from around the country learned about various trial-related topics and prepared a mock case for trial in front of real (volunteer) judges with volunteer jurors. I have no notes, transcript, or recording. The address for the National Advocacy Center of the United States Department of Justice Office of Legal Education is 1620 Pendleton Street, Columbia, South Carolina 29201.

November 13, 2012: Speaker, Public Forum on Bullying, Executive Office of the Michigan Department of Civil Rights, Flint, Michigan. I spoke about the role of federal civil rights laws in addressing certain types of bullying. I have no notes, transcript, or recording. The address for the Executive Office of the Michigan Department of Civil Rights is 3054 West Grand Boulevard, Suite 3-600, Detroit, Michigan 48202.

September 11, 2012 (approximately): Speaker, September 11th Remembrance Event, Detroit Police Department, Detroit, Michigan. I paid tribute to first responders who served during the September 11, 2001 attacks in New York, Pennsylvania, and Washington, DC. I have no notes, transcript, or recording. The address for the Detroit Police Department is 1301 Third Street, Detroit, Michigan 48226.

April 23, 2012: Panelist, Conference on Juvenile Justice, John Jay College of Criminal Justice, New York, New York. I participated in a panel about youth violence prevention initiatives. I have no notes, transcript, or recording, but press coverage is supplied. The address for the John Jay College of Criminal Justice is 524 West 59th Street, New York, New York 10019.

2011 (specific date unknown): Panelist, Public Interest Law Forum, Wayne State University Law School, Detroit, Michigan. I participated in a panel about serving as a lawyer for the federal government. I have no notes, transcript, or recording. The address for the Wayne State University Law School is 471 West Palmer Avenue, Detroit, Michigan 48202.

2010 – 2011 (specific dates unknown): Speaker, Community Forum, ARISE Detroit, Detroit, Michigan. On two occasions from 2010 to 2011, I spoke during a breakout session of a community forum about law enforcement and community relations and resources. I have no notes, transcripts, or recordings. The address for ARISE Detroit is 5555 Conner Street, Suite 1233, Detroit, Michigan 48213.

July 2008 (specific date unknown): Panelist, Daubert Seminar, Federal Bar Association—Detroit Chapter, Detroit, Michigan. I spoke about expert witness issues in federal drug prosecutions. I have no notes, transcript, or recording, but press coverage is supplied. The address for the Federal Bar Association—Detroit Chapter is P.O. Box 5249, Northville, Michigan 48167.

2002 – 2015 (specific dates unknown): Speaker, Project Sentry Presentation, United States Attorney's Office for the Eastern District of Michigan and Detroit

Youth Violence Prevention Initiative, Detroit, Michigan. Between 2002 and 2015, I spoke to middle and high school students on approximately 25 to 30 occasions about preventing violent crime and the ramifications of engaging in illegal conduct. These talks were given in connection with the United States Attorney's Office for the Eastern District of Michigan Project Sentry gun violence prevention program and the Detroit Youth Violence Prevention Initiative. I have no notes, transcripts, or recordings, and I have been unable to locate specific dates for the presentations. The address for the United States Attorney's Office for the Eastern District of Michigan is 211 West Fort Street, Suite 2001, Detroit, Michigan 48226. The address for the Detroit Youth Violence Prevention Initiative is 1301 Third Avenue, Detroit, Michigan 48226.

- 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.

*Federal Magistrate Judge Stephanie Dawkins Davis sworn in as U.S. District Judge*, WNEM TV5 (Jan. 1, 2020). Copy supplied.

*2017 Reasons to Believe Alumni Honor Roll*, Kansas City, Kansas Public Schools Newsletter (Nov. 2017). Copy supplied.

*Champion of Justice Award*, State Bar of Michigan Oral History Archive (Oct. 2015). Video available at <https://www.youtube.com/watch?v=wtYbscN7tjU&feature=youtu.be>.

*Start Snitching ... If Detroiters Are Serious About Curbing Crime*, Michigan Chronicle, Vol. 78, No. 44 (July 2015). Copy supplied.

Jonathan Oosting, *Michigan Police Shootings Have Prompted Anger, Not Violence, As Leaders Build Relationships*, Bay City Times (May 8, 2015). Copy supplied.

From 2010 to 2015, in my capacity as Executive Assistant United States Attorney at the United States Attorney's Office for the Eastern District of Michigan, I handled press briefings concerning newly-charged cases on a handful of occasions when the U.S. Attorney was away on travel. I am unable to locate any copies.

*The Craig Fahle Show*, WDET Radio (2014). I am unable to locate a copy.

*Federal Election Monitoring in Detroit, Hamtramck, and Flint*, Michigan Radio (Nov. 15, 2013). Audio available at <http://michiganradio.org/post/federal-election-monitoring-detroit-hamtramck-and-flint>.

*Due Process*, WTVS (May 2, 2011). Video available at

<https://www.youtube.com/watch?v=UwrtmBGf9nM>.

Television Interview, WDIV (Mar. 2010). I am unable to locate a copy.

W. Gardner Selby, *Enrollment of Blacks Falls at WSU*, Wichita Eagle (Jan. 20, 1988). Copy supplied.

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

Since December 31, 2019, I have served as a United States District Judge on the United States District Court for the Eastern District of Michigan. I was appointed to that position by President Donald J. Trump on December 31, 2019, and I was sworn in as a District Judge on that same date. The district court is an Article III court of general jurisdiction consistent with the United States Constitution and federal statutory law.

From January 4, 2016 to December 31, 2019, I served as a United States Magistrate Judge on the United States District Court for the Eastern District of Michigan. I was appointed to that position by majority vote of the judges of the Eastern District of Michigan on October 6, 2015, and I was sworn in as a Magistrate Judge on January 4, 2016. The authority of United States Magistrate Judges is defined by 28 U.S.C. § 636.

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

I have presided over three trials that have gone to verdict or judgment. All three were bench trials I conducted when I was a United States Magistrate Judge. Two of the trials were referrals from United States District Judges, and they resulted in reports and recommendations that were adopted by the District Judge, who, in turn, entered judgment. The third was a case before me on the parties' consent, and I entered judgment following trial.

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

jury trials:	0%
bench trials:	100%

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

civil proceedings:	100%
criminal proceedings:	0%

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

See attached list of opinions.

- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature of the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (4) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).
1. *Porter v. Nat'l Football League Players Ass'n*, No. 19-13651, 2021 WL 1193162 (E.D. Mich. Mar. 30, 2021), *appeal dismissed*, No. 21-1413, 2021 WL 5112490 (6th Cir. June 15, 2021)

This case was a diversity action brought against the NFL Players Association (NFLPA) following an arbitration award issued against it. The plaintiff was a certified contract advisor who was licensed by the NFLPA to negotiate player contracts. When the plaintiff was charged in a criminal complaint with conspiracy to commit wire fraud, the NFLPA's Committee on Agent Regulation and Discipline (CARD)—pursuant to its internal regulations—initiated its own investigation into his conduct, which led to a disciplinary complaint being filed against him. CARD also suspended the plaintiff's advisor certification. After the plaintiff fulfilled the terms of a deferred prosecution agreement, the criminal charges against him were dismissed, and on appeal from CARD's decision, the arbitrator reversed CARD's finding that the plaintiff had engaged in prohibited conduct and expunged his suspension. Nevertheless, CARD continued to investigate the accuracy of the plaintiff's sworn statements made during his arbitration appeal. The plaintiff accordingly filed this suit alleging that CARD's actions tortiously interfered with a business expectancy and violated other aspects of state common law. Because the plaintiff's state law claims sought to challenge the NFLPA's enforcement of its agent disciplinary regime, I found that the claims were preempted by Sections 9 and 301 of the National Labor Relations Act. The plaintiff appealed, and the United States Court of Appeals for the Sixth Circuit dismissed his appeal for want of prosecution.

Counsel for Plaintiff:

Gerald K. Evelyn  
Robert Edward Higbee (formerly with Law Offices of Robert E. Higbee PLLC)  
Law Offices of Gerald K. Evelyn  
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2. *Clendening v. Stillman, P.C.*, No. 20-11820, 2021 WL 1313235 (E.D. Mich. Apr. 8, 2021)

I presided over this Fair Debt Collection Practices Act case in which the plaintiff sued a law firm for effectuating in-person service of a lawsuit while the State of Michigan was under emergency orders due to the COVID-19 pandemic. The plaintiff also sought to serve as a class representative for others who were similarly situated. The defendant moved to dismiss the lawsuit for lack of subject matter jurisdiction based on the plaintiff's failure to establish a concrete injury and resultant failure to establish Article III standing. The plaintiff argued that she suffered anxiety over her potential exposure to COVID-19 from the process server the law firm used. She also claimed to have suffered an informational injury based on the defendant's failure to disclose that the standard 21-day answer deadline had been extended due to the pandemic pursuant to emergency orders of the Michigan Supreme Court. Applying U.S. Supreme Court precedent, I dismissed the case, concluding that the harms the plaintiff alleged were insufficient to establish the existence of a concrete injury, thus leaving the district court with no subject matter jurisdiction to hear her claims.

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3. *Golden Star Wholesale, Inc. v. ZB Importing, Inc.*, 531 F. Supp. 3d 1231 (E.D. Mich. 2021)

This case involved cross-claims for trade dress and copyright infringement between companies that produce and sell a beverage known as “float” juice. The products of both parties are slightly carbonated juice drinks with pieces of fruit in the can. The cans of both beverages are blue with pictures of fruit and yellow or orange juice droplets on them along with the name brand and the word “float.” The plaintiff accused the defendants of copying their cans, resulting in copyright and trade dress infringement as well as unfair competition under federal and state law. The defendants counterclaimed that the plaintiff violated the Lanham Act, defendants’ copyrights, the Michigan Consumer Protection Act, and Michigan common law on tortious interference with business relationships and expectancies. The plaintiff moved to dismiss the defendants’ counterclaims or for judgment on the pleadings. After conducting the multifactor analysis for trade dress infringement, I concluded that the defendants alleged sufficient facts to support the claim. Likewise, I held that the defendants’ counterclaim plausibly alleged the elements of copyright infringement. I concluded, however, that the counterclaim failed to make out a claim for a violation of the Michigan Consumer Protection Act. After a period of discovery, the parties subsequently agreed to dismiss the action with prejudice.

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4. *CEI Grp., LLC v. CEI Composite Materials, LLC*, No. 19-11611, 2021 WL 357018 (E.D. Mich. Feb. 2, 2021); 2021 WL 534485 (E.D. Mich. Feb. 12, 2021)

The plaintiff, CEI Group, Inc., brought a trademark infringement claim against the defendant and moved to enjoin the defendant from using the CEI mark. The defendant counterclaimed against the plaintiff.

The plaintiff moved to dismiss certain counterclaims asserted by the defendant—namely, for fraud under § 1120 of the Lanham Act, and cancellation of the plaintiff’s trademark under § 1119 of the Lanham Act. As to the first claim, I held that it must be dismissed because the countercomplaint failed to set forth facts from which it could reasonably be inferred that the plaintiff had knowledge of the defendant’s claimed superior rights. I also held that the defendant did not have standing to assert a claim under § 1119. Lastly, I denied the motion to strike certain allegations from the countercomplaint.

In a separate order, I denied the plaintiff’s motion for a preliminary injunction. I concluded that the plaintiff had unduly delayed in seeking injunctive relief and thus could not establish irreparable harm. Additionally, I concluded that the plaintiff was unlikely to succeed on the merits of its infringement claim. And

weighing those factors, along with the balance of harms to the parties and the public interest, I held that a preliminary injunction was not warranted.

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5. *Polselli v. United States*, No. 19-10956, 2020 WL 12688176 (E.D. Mich. Nov. 16, 2020), *aff'd*, No. 21-1010, 2022 WL 71953 (6th Cir. Jan. 7, 2022)

In this action, the petitioner's husband faced an assessment by the Internal Revenue Service (IRS) for unpaid taxes exceeding \$2 million. In an effort to collect on its assessment, the IRS issued administrative summonses seeking information from three bank accounts: one held by the taxpayer's wife and two belonging to a law firm that had represented the taxpayer for a long time. The petitioner and law firm sought to quash the summonses on the ground that they had not been notified about them pursuant to 26 U.S.C. § 7609(a). The government sought to dismiss the petition to quash, arguing that the district court lacked subject matter jurisdiction since the government had not waived sovereign

immunity under the facts presented. The Sixth Circuit had not previously ruled on the issue and, amongst those circuits that had done so, there was a split of opinion. The Seventh and Tenth Circuits both held that summonses issued to third parties for purposes of collecting a taxpayer assessment generally do not require notice to the third party, while the Ninth Circuit took a more nuanced approach, finding that notice may be required in certain instances. I concluded that—under the circumstances of this case, and based on the plain language of the statute—notice was not required, and therefore the district court lacked subject matter jurisdiction. On appeal, the Sixth Circuit affirmed.

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6. *Detroit Unity Fund v. Whitmer*, No. 20-12016, 2020 WL 6580458 (E.D. Mich. Aug. 17, 2020), *aff'd*, 819 F. App'x 421 (6th Cir. 2020)

In this case, the plaintiffs sought injunctive relief to restrain the State of Michigan defendants from enforcing a local deadline for ballot initiatives so that the plaintiffs could have more time to gather the necessary signatures for their proposed initiative. The plaintiffs claimed that the Governor's emergency executive orders issued in response to the COVID-19 pandemic impaired their ability to obtain the necessary signatures. After a hearing, I denied the plaintiffs' emergency motion for a temporary restraining order and/or a preliminary injunction. I first weighed the two-part test for laches, concluding that (i) the plaintiffs were not diligent in asserting their rights, and (ii) they were not likely to succeed on the merits because they failed to bring forth sufficient evidence that the executive orders unduly burdened their efforts to obtain signatures. Additionally, several methods for obtaining signatures were available, despite the

constraints contained in the executive orders. Further, I concluded that the filing deadline served an important government interest, which weighed against injunctive relief. And, given that the plaintiffs were unlikely to succeed on the merits, I held that they could not show irreparable injury. Finally, I ruled that the public interest would not be served by the issuance of an injunction and irreparable harm would result to the State if it were prevented from conducting its elections pursuant to a constitutional statute. The parties subsequently stipulated to dismiss the action.

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7. *Cummings v. Klee*, No. 14-10957, 2018 U.S. Dist. LEXIS 155478 (E.D. Mich. Aug. 19, 2018), *R&R adopted*, 2018 WL 4352681 (E.D. Mich. Sept. 12, 2018) (Tarnow, J.); 2019 WL 5800289 (E.D. Mich. Aug. 4, 2019), *R&R adopted*, 410 F. Supp. 3d 837 (E.D. Mich. 2019) (Tarnow, J.)

The plaintiff sued the prison where he was housed, 13 prison officials, and a physician's assistant who worked for a company that contracts with the Michigan Department of Corrections (MDOC) to provide medical care for inmates, for violating his rights under the Fourth and Eighth Amendments, the Americans with Disabilities Act (ADA), and for medical malpractice. The plaintiff claimed that prison guards used excessive force in throwing him to the floor, placing their knees on his head, neck, and lower back, pointing a Taser gun at him, and dragging him from the emergency room to segregation, where they left him naked on the floor after he had urinated on himself. He also claimed that a number of the defendants were deliberately indifferent to his serious medical needs. In that regard, the plaintiff, who was 68 years old and 6'7" at the relevant times, offered evidence showing that despite his difficulty with ambulation, he was denied the

full-time use of a wheelchair or a wheelchair-accessible cell. He was instead relegated to scooting around the prison on the ground and pulling himself up by rails to traverse stairs, causing him to repeatedly fall and injure himself. As a magistrate judge, I was referred all pre-trial matters, including motions for summary judgment filed by all of the defendants. In separate reports and recommendations, I recommended that the plaintiff be permitted to proceed to trial on his claims for excessive force against the guards, his ADA claims against the warden, and his Eighth Amendment claims against the guards and medical professionals. I recommended dismissal of the excessive force claims against the warden and the nurse, the ADA claim against any defendant other than the warden, and the medical malpractice claim against the physician's assistant. After the United States District Judge adopted my recommendations, the plaintiff and MDOC defendants reached agreements for dismissal and the matter was set for trial as to the physician's assistant defendant. About a month before the trial date, however, the plaintiff died and the remaining defendant settled with the plaintiff's estate.

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8. *Am. Furukawa, Inc. v. Hossain*, No. 14-13633, 2017 WL 4324945 (E.D. Mich. Sept. 29, 2017)

In this case, the plaintiff—a distributor of automotive and electrical components—sued a former employee, alleging that he took information from the company upon his departure and used it to set up a new business, also named as a defendant, as a subsidiary of a competitor. The plaintiff asserted violations of the Computer Fraud and Abuse Act, along with fraud, breach of contract, breach of fiduciary duty, misappropriation of trade secrets, conversion, tortious interference with a business relationship and expectancies, and civil conspiracy. The individual defendant’s downloading of the plaintiff’s information was not seriously in dispute, and the conversion count was dismissed before trial. But questions about the defendants’ actions and representations, the nature of the items downloaded, and the extent of damages, if any, remained contested. I conducted a week-long bench trial on these issues in which witnesses from as far away as Japan were called upon to testify. As the trier of fact, I found the defendants liable on all trial counts, and awarded damages totaling \$551,089. The plaintiff then filed a post-judgment motion seeking over \$500,000 more in attorney’s fees, which the parties resolved via stipulation and order of dismissal. The defendants appealed to the Sixth Circuit, but the parties settled the matter before any appellate briefing was filed.

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9. *Maye v. Klee*, No. 14-10864, 2017 WL 9802821 (E.D. Mich. Mar. 3, 2017) & 2018 WL 3259786 (E.D. Mich. Jan. 24, 2018), *R&Rs adopted*, 2018 WL 1384234 (E.D. Mich. Mar. 19, 2018), *aff'd*, 915 F.3d 1076 (6th Cir. 2019)

In this prisoner civil rights case, the plaintiff claimed that the prison where he was housed and 16 of its employees violated his constitutional rights under the First and Fourteenth Amendments. The plaintiff's claims centered around the fact that he was not permitted to participate in the Eid El Fitr at the close of Ramadan—even though members of other sects within his faith were permitted to participate, and members of other faiths were permitted to participate in services and celebrations deemed to be foundational to their respective religions. More specifically, the plaintiff was a member of the Nation of Islam, and he was told that if he wanted to participate in the Eid, he should switch to the majority Al-Islam sect. The case involved several rounds of summary judgment briefing. As the magistrate judge, I recommended that the plaintiff be granted summary judgment on his First Amendment Free Exercise Clause and Establishment Clause claims and his Fourteenth Amendment Equal Protection claim against a prison chaplain who had denied his request. I also recommended that the plaintiff's First Amendment Free Exercise claim against another chaplain at a different facility to which he was later transferred be allowed to proceed to trial. I recommended, however, that three defendants be granted summary judgment on all claims and that two other defendants be granted summary judgment on four out of five claims. The district court adopted my recommendation, and the Sixth Circuit affirmed that decision.

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10. *Conway v. Purves*, No. 13-10271, 2016 WL 11474792 (E.D. Mich. Aug. 1, 2016), *R&R adopted*, 2016 WL 5027597 (E.D. Mich. Sept. 20, 2016)

In this prisoner civil rights case, the four plaintiffs—three of whom had been released from custody by the time the matter resolved—claimed that they were denied a balanced nutritional diet containing a sufficient number of calories to maintain good health as a result of their religion. The plaintiffs were Muslims who observe Ramadan as a month of fasting. Because the fast lasted daily from dawn until sunset, the plaintiffs could not eat during the regularly scheduled mealtimes set by the prison. Though the prison made some accommodation for the inmates' fast, it acknowledged that, in each of two years, the menu served to Ramadan adherents included caloric levels that were substantially below the recommended caloric intake for even moderately active men of the plaintiffs' ages. The plaintiffs experienced hunger pains, headaches, extreme weight loss, dizziness, and shakiness from the diminished diets. The plaintiffs claimed that the prison's actions violated their First, Eighth, and Fourteenth Amendment rights, as well as their rights under the Religious Land Use and Institutionalized Persons Act. The defendants argued that they were entitled to qualified immunity for their actions. The case was referred to me to handle all pre-trial matters, including the parties' cross-motions for summary judgment. In ruling upon those motions, I concluded that the plaintiffs' Equal Protection claims failed, but that their claims for violation of the First and Eighth Amendments implicated disputed factual issues sufficient to defeat summary judgment. The district court adopted my report and recommendation. Thereafter, I conducted a settlement conference with the parties, and the case was settled prior to trial.

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- d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.
1. *Cipolletti v. Wayne Cty. Airport Auth.*, No. 19-13120, 2021 WL 3089262 (E.D. Mich. July 22, 2021)

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2. *Porter v. Nat'l Football League Players Ass'n*, No. 19-13651, 2021 WL 1193162 (E.D. Mich. Mar. 30, 2021), *appeal dismissed*, No. 21-1413, 2021 WL 5112490 (6th Cir. June 15, 2021)

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3. *CEI Grp. LLC v. C.E.I. Composite Materials, LLC*, No. 19-11611, 2021 WL 534485 (E.D. Mich. Feb. 12, 2021)

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4. *PolSELLI v. United States*, No. 19-10956, 2020 WL 12688176 (E.D. Mich. Nov. 16, 2020), *aff'd*, No. 21-1010, 2022 WL 71953 (6th Cir. Jan. 7, 2022)

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5. *Detroit Unity Fund v. Whitmer*, No. 20-12016, 2020 WL 6580458 (E.D. Mich. Aug. 17, 2020), *aff'd*, 819 F. App'x 421 (6th Cir. 2020)

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6. *Cummings v. Klee*, No. 14-10957, 2018 U.S. Dist. LEXIS 155478 (E.D. Mich. Aug. 19, 2018), *R&R adopted*, 2018 WL 4352681 (E.D. Mich. Sept. 12, 2018) (Tarnow, J.); 2019 WL 5800289 (E.D. Mich. Aug. 4, 2019), *R&R adopted*, 410 F. Supp. 3d 837 (E.D. Mich. 2019) (Tarnow, J.)

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7. *Am. Furukawa, Inc. v. Hossain*, No. 14-13633, 2017 WL 4324945 (E.D. Mich. Sept. 29, 2017)

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8. *State Farm Mut. Auto. Ins. Co. v. Pointe Physical Therapy, LLC*, 255 F. Supp. 3d 700 (E.D. Mich. 2017), *aff'd*, No. 14-11700, 2017 WL 3116261 (E.D. Mich. July 21, 2017)

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9. *Maye v. Klee*, No. 14-10864, 2017 WL 9802821 (E.D. Mich. Mar. 3, 2017) & 2018 WL 3259786 (E.D. Mich. Jan. 24, 2018), *R&Rs adopted*, 2018 WL 1384234 (E.D. Mich. Mar. 19, 2018)

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10. *Conway v. Purves*, No. 13-10271, 2016 WL 11474792 (E.D. Mich. Aug. 1, 2016), *R&R adopted*, 2016 WL 5027597 (E.D. Mich. Sept. 20, 2016)

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

*Ramsey v. Comm’r of Soc. Sec.*, No. 17-13713, 2019 WL 2035595 (E.D. Mich. Feb. 25, 2019), *R&R adopted*, 2019 WL 1397241 (E.D. Mich. Mar. 28, 2019), *vacated and remanded*, 973 F.3d 537 (6th Cir. 2020), *cert. denied*, 141 S. Ct. 2699 (2021).

*Arucan v. Cambridge E. Healthcare/Sava Seniorcare LLC*, No. 16-12726, 2018 U.S. Dist. LEXIS 54537 (E.D. Mich. Feb. 28, 2018), *R&R adopted*, 347 F. Supp. 3d 318 (E.D. Mich. 2018), *aff’d*, 763 F. App’x 415 (6th Cir. 2019), *cert. denied*, 140 S. Ct. 61 (2019), *reh’g denied*, 140 S. Ct. 549 (2019).

*Dietrich v. City of Grosse Pointe Park*, No. 16-11049, 2017 WL 5709592 (E.D. Mich. Jan. 12, 2017), *R&R adopted*, 2017 WL 764613 (E.D. Mich. Feb. 28, 2017), *aff'd*, No. 17-1387, 2017 WL 11645272 (6th Cir. Sept. 29, 2017), *cert. denied*, 138 S. Ct. 1002 (2018), *reh'g denied*, 138 S. Ct. 1589 (2018).

*Iannucci v. State of Michigan*, No. 16-10255, 2016 WL 4150462 (E.D. Mich. May 10, 2016), *R&R adopted*, 2016 WL 4089215 (E.D. Mich. Aug. 2, 2016), *aff'd sub nom. Iannucci v. State*, No. 16-2214, 2017 WL 3951849 (6th Cir. Mar. 22, 2017), *cert. denied*, 138 S. Ct. 260 (2017), *reh'g denied*, 138 S. Ct. 540 (2017).

- 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.

Since my appointment as a United States District Judge, I have had two decisions reversed by the United States Court of Appeals for the Sixth Circuit:

*Priorities USA v. Nessel*, 487 F. Supp. 3d 599 (E.D. Mich. 2020), *stay granted*, 978 F.3d 976 (6th Cir. 2020), *rev'd and remanded*, 860 F. App'x 419 (6th Cir. 2021). In this case, the plaintiffs sought to invalidate the Michigan Absentee Ballot Law and Michigan Voter Transportation Law as violative of their rights under the First and Fourteenth Amendments and as preempted by federal law. I issued a preliminary injunction, finding that the factors to be weighed, including the likelihood of success on the merits, favored the plaintiffs' position on the issue of federal preemption as to the Michigan Voter Transportation Law, but not as to the Michigan Absentee Ballot Law. The intervenors appealed to the Sixth Circuit, which reversed, concluding that the plaintiffs did not show a likelihood of success on the merits of their preemption claim and that the public interest weighed in favor of denying the injunction.

*United States v. Black*, No. 10-20225, 2020 U.S. Dist. LEXIS 81600 (E.D. Mich. May 7, 2020), *vacated and remanded*, No. 20-1426, 2020 U.S. App. LEXIS 31528 (6th Cir. Oct. 2, 2020). Here, the defendant, a federal prisoner, claims that his sentence should be vacated based on an alleged due process violation at trial. More specifically, the defendant asserts that there was insufficient evidence to convict him and that his counsel was ineffective. I entered an order under 28 U.S.C. § 2255 transferring the motion to the Sixth Circuit as a second or successive § 2255 motion. The Sixth Circuit disagreed, concluding that, though it was the petitioner's second such motion, it was the first involving his resentencing and should thus be treated as an initial § 2255 motion. The petition remains pending on remand.

To the best of my knowledge, of the hundreds of final orders I authored as a

United States Magistrate Judge, only one was reversed by the district court, and none were reversed by the Sixth Circuit:

*Estate of Romain v. City of Grosse Pointe Farms*, No. 14-12289, Dkt. 266 (E.D. Mich. Jan. 11, 2017) (copy supplied), *rev'd*, 2017 WL 1438770 (E.D. Mich. Apr. 24, 2017). In this case, a defendant filed a motion for a protective order to quash the deposition subpoena of a third party, which scheduled the deposition to take place after the close of discovery. I applied the standard for modifying scheduling orders and found that the plaintiffs had not established good cause to take a deposition beyond the deadline set forth in the scheduling order. United States District Judge Linda V. Parker ruled that the good cause standard governing protective orders should have been applied instead, that under that standard the defendant was not entitled to a protective order, and that the deposition could thus proceed.

Of the approximately 338 reports and recommendations I authored as a United States Magistrate Judge, 331 were adopted in whole or in part. The following list includes those that were rejected or adopted only in part:

*Pasiak v. Comm'r of Soc. Sec.*, No. 17-11401, 2018 WL 4609986 (E.D. Mich. Aug. 30, 2018), *R&R adopted*, 2018 WL 4600232 (E.D. Mich. Sept. 25, 2018), *objections overruled*, 2019 WL 423839 (E.D. Mich. Feb. 4, 2019), *rev'd and remanded*, No. 19-1212, 800 F. App'x 301 (6th Cir. Dec. 9, 2019). I concluded that the plaintiff did not raise a substantial question that he equaled the medical listings at issue. I also concluded that the administrative law judge (ALJ) did not err in declining to obtain an updated state agency physician opinion. United States District Judge Avern Cohn adopted my recommendations in full. On appeal, the Sixth Circuit agreed with my conclusion that the ALJ did not err in not seeking an updated medical opinion. The court also agreed with my analysis that the plaintiff did not raise a substantial question that he could meet or equal two of the three listings at issue. But the court disagreed with my conclusion that the plaintiff's election to forego a particular treatment included in the third listing showed that the treatment was not required and thus precluded the existence of a substantial question. The court concluded that "requiring" might include even treatments that a plaintiff skips, and the plaintiff therefore raised a substantial question as to the final listing.

*Pike v. Comm'r of Soc. Sec.*, No. 18-11262, 2019 WL 5800302 (E.D. Mich. Aug. 15, 2019), *R&R adopted in part, rejected in part*, 2019 WL 4593625 (E.D. Mich. Sept. 23, 2019), *modified*, 2019 WL 7593714 (E.D. Mich. Oct. 31, 2019). I concluded that the administrative law judge (ALJ) did not commit a Step Five error and correctly determined that the claimant's treating physician opinion was not entitled to controlling weight. United States District Judge Steven J. Murphy, III agreed with my conclusion that the ALJ did not commit any error at Step Five in assessing the type of work available to the claimant, but he disagreed with my analysis of the ALJ's treatment of the treating physician opinion, finding instead

that the reasons advanced for discounting the treating physician's opinion did not meet the standard.

*Wilson v. Mich. Dep't of Corr.*, No. 18-10008, 2019 WL 5800292 (E.D. Mich. June 6, 2019), *R&R adopted in part, rejected in part*, 2019 WL 3759424 (E.D. Mich. Aug. 9, 2019). I recommended granting the first defendant's motion to dismiss, but denying a second group of defendants' motion for summary judgment based on the claim that the plaintiff failed to exhaust administrative remedies. As to a third group of defendants, I determined that they failed to offer any evidence in support of their motion for summary judgment and did not provide proper notice to the plaintiff that they would seek dismissal under Federal Rule of Civil Procedure 12(b)(6). Accordingly, I recommended that the third group of defendants' motion for summary judgment be denied. United States District Judge Murphy adopted my recommendation to grant the motion to dismiss the first defendant. Judge Murphy disagreed with my analysis of the exhaustion issue, however, and granted summary judgment in favor of the second group of defendants. Judge Murphy also disagreed with my recommendation as to the third motion for summary judgment, proceeding instead to screening the complaint under 28 U.S.C. § 1915A, and dismissing the third group of defendants.

*Ramsey v. Comm'r of Soc. Sec.*, No. 17-13713, 2019 WL 2035595 (E.D. Mich. Feb. 25, 2019), *R&R adopted*, 2019 WL 1397241 (E.D. Mich. Mar. 28, 2019), *vacated and remanded*, 973 F.3d 537 (6th Cir. 2020), *cert. denied*, 141 S. Ct. 2699 (2021). Among other points of error, the claimant challenged the administrative law judge's (ALJ) decision on the ground that the ALJ had been appointed in violation of the Appointments Clause. Consistent with the majority of decisions on the issue at that time, I concluded that the challenge was untimely because it had not been raised before the ALJ. United States District Judge Nancy G. Edmunds adopted that recommendation. Recognizing the issue as one of first impression in the circuit, the Sixth Circuit consolidated *Ramsey* with five other cases on appeal. The court then reversed all six cases, concluding that a social security claimant is not required to exhaust the Appointments Clause issue at the administrative level. The Sixth Circuit did not disturb any of my other recommendations.

*Gallmore v. York*, No. 15-13283, 2018 WL 3245209 (E.D. Mich. Feb. 14, 2018), *R&R adopted in part*, 2018 WL 1737120 (E.D. Mich. Apr. 11, 2018). I recommended that the defendants' motion for summary judgment be denied. As United States District Judge Laurie J. Michelson explained, the defendants submitted significant additional evidence with their objections to my report and recommendation that had not been presented at the magistrate judge level. Based on this new evidence, Judge Michelson granted summary judgment in the defendants' favor.

*Vitale v. Comm'r of Soc. Sec.*, No. 16-12654, 2017 WL 9470705 (E.D. Mich. Sept. 1, 2017), *R&R adopted in part, rejected in part*, 2017 WL 4296608 (E.D. Mich. Sept. 28, 2017). I recommended that the plaintiff's social security disability claim be remanded to the administrative law judge for review of two medical opinions. United States District Judge Sean F. Cox agreed that the matter should be remanded for further review of one opinion, but not the other opinion.

*Day v. Comm'r of Soc. Sec.*, No. 16-12913, Dkt. 22 (E.D. Mich. Aug. 21, 2017) (decision supplied), *objections sustained*, 2017 WL 4960178 (E.D. Mich. Sept. 28, 2017). In my report and recommendation, I found that the administrative law judge (ALJ) erred at Step 3 of the sequential analysis for determining entitlement to disability benefits, that the error was not harmless, and that the ALJ did not properly consider the treating physician's opinion. United States District Judge Marianne O. Battani agreed that there was a Step 3 error, but found that it was harmless and that the plaintiff failed to raise the treating-physician issue.

*Annabel v. Erichsen*, No. 15-10345, 2017 WL 9472886 (E.D. Mich. June 26, 2017), *adopted in part, objection sustained in part, and R&R held in abeyance*, 2017 WL 3493609 (E.D. Mich. Aug. 15, 2017), *R&R adopted in part, rejected in part*, Dkt. 101 (E.D. Mich. Oct. 17, 2017). I recommended that three unserved defendants in this prisoner civil rights action be dismissed based on the plaintiff's failure to identify them such that service could be effectuated. United States District Judge Steven J. Murphy, III held this recommendation in abeyance pending one final attempt to identify and serve the defendants. Judge Murphy later adopted the recommendation as to two defendants, but ordered that the third defendant be served with the summons and complaint.

*Syzak v. Benson*, No. 15-10928, Dkt. 27 (E.D. Mich. Mar. 9, 2017) (decision supplied), *R&R rejected*, 2017 WL 2962875 (E.D. Mich. July 12, 2017). I recommended dismissal of the complaint based on the plaintiff's failure to ensure that the defendant was served with the summons and complaint. United States District Judge Nancy G. Edmunds disagreed—concluding that the plaintiff had taken sufficient steps to avoid dismissal, and directing the U.S. Marshals Service to take reasonable steps to identify an appropriate address for the defendant.

*Berkshire v. Dahl*, No. 12-12038, 2017 WL 9471684 (E.D. Mich. Mar. 3, 2017), *R&R adopted in part, rejected in part*, 2017 WL 3276466 (E.D. Mich. Aug. 2, 2017). In my report and recommendation, I concluded that the application of *Barker v. Goodrich*, 649 F.3d 428 (6th Cir. 2011), to the plaintiff prisoner's deliberate indifference claim against one defendant was indistinguishable from a similar claim against another defendant that had already been dismissed. United States District Judge Arthur J. Tarnow disagreed, holding that a question of material fact existed as to that question.

*Harper v. Comm'r of Soc. Sec.*, No. 15-13971, 2017 WL 2262498 (E.D. Mich. Feb. 23, 2017), *R&R rejected*, 2017 WL 2242510 (E.D. Mich. May 23, 2017). I

concluded that the administrative law judge's decision was not based on substantial evidence. United States District Judge Gershwin A. Drain disagreed and rejected my recommendation.

*Sarp v. Comm'r of Soc. Sec.*, No. 16-10099, Dkt. 19 (E.D. Mich. Feb. 23, 2017) (decision supplied), *R&R rejected*, 2017 WL 1365414 (E.D. Mich. Apr. 14, 2017), *on remand*, 2017 WL 8896206 (E.D. Mich. Aug. 18, 2017), *R&R adopted*, 2017 WL 4129534 (E.D. Mich. Sept. 19, 2017). I concluded that the administrative law judge's (ALJ) decision was not supported by substantial evidence because the ALJ did not properly assess certain medical opinions. United States District Judge Thomas L. Ludington disagreed, concluding that there was no error and even if there were, it was harmless. The matter was remanded to me, and my subsequent report and recommendation was adopted by Judge Ludington in full.

*Draughn v. Bouchard*, No. 15-14446, 2017 WL 9473404 (E.D. Mich. Feb. 15, 2017), *R&R adopted in part, rejected in part*, 2017 WL 1173769 (E.D. Mich. Mar. 30, 2017). I elected not to address the defendant's requested dismissal of a *Monell* claim that I did not perceive to have been alleged by the plaintiff. United States District Judge Gershwin A. Drain agreed that the plaintiff had not made such a claim, but sustained the defendant's objection and dismissed any perceived *Monell* claim.

*Pearce v. Chrysler LLC Pension Plan*, No. 10-14720, 2017 WL 9440777 (E.D. Mich. Feb. 14, 2017), *R&R adopted*, 2017 WL 1130087 (E.D. Mich. Mar. 27, 2017), *aff'd in part, rev'd in part, and remanded sub nom.*, *Pearce v. Chrysler Grp. LLC Pension Plan*, 893 F.3d 339 (6th Cir. 2018). I recommended that the plaintiff's motion for summary judgment on his ERISA § 502(a)(3) claim be denied and that the defendant's motion be granted. I found that the remedy of reformation was not available to the plaintiff, that the plaintiff's claim for estoppel failed, that he had failed to plead a claim for surcharge in the amended complaint, and that his claim for surcharge had no merit. United States District Judge Sean F. Cox agreed and adopted my report and recommendation in full. The Sixth Circuit largely affirmed, except that it concluded that a different legal standard should have been applied to the equitable claim for reformation under ERISA.

*Trevino v. Kelly*, No. 14-14376, 2017 WL 1148938 (E.D. Mich. Feb. 14, 2017), *R&R rejected*, 245 F. Supp. 3d 935 (E.D. Mich. 2017). I recommended dismissal of the plaintiff's prisoner civil rights complaint based on *Heck v. Humphrey*. United States District Judge David M. Lawson disagreed, finding the *Heck v. Humphrey* doctrine inapplicable.

*Watson v. Willow Enters., Inc.*, No. 14-14124, 2017 WL 9471689 (E.D. Mich. Feb. 14, 2017), *R&R adopted in part, rejected in part*, 2017 WL 1192886 (E.D. Mich. Mar. 31, 2017). I recommended dismissing the plaintiff's deliberate

indifference claims, concluding that they sounded in mere negligence. United States District Judge Denise Page Hood overruled a number of objections asserted by the plaintiff, but found a genuine issue of material fact on the plaintiff's deliberate indifference claims.

*Bartee v. Comm'r of Soc. Sec.*, No. 16-10083, 2017 WL 9473405 (E.D. Mich. Jan. 31, 2017), *R&R adopted in part, rejected in part*, 2017 WL 1173771 (E.D. Mich. Mar. 30, 2017). I rejected the Commissioner's post hoc argument that the claimant's residual functional capacity (RFC) formulated by the administrative law judge (ALJ) was supported by the opinion of a state agency physician, because the ALJ had expressly declined to rely on that opinion, finding (albeit incorrectly) that the opinion was from a single decision-maker. United States District Judge Gershwin A. Drain sustained the Commissioner's objection, concluding that this particular error by the ALJ did not warrant remand. Judge Drain still ordered a remand to the Commissioner, however, agreeing with my conclusions that the RFC was not supported by substantial evidence and that the ALJ did not give sufficiently good reasons for giving the treating physician opinion less than controlling weight.

*Gerrick v. Colvin*, No. 15-12998, 2016 WL 5402942 (E.D. Mich. Aug. 22, 2016), *R&R rejected*, 2016 WL 5369620 (E.D. Mich. Sept. 26, 2016), *aff'd*, No. 16-2664, 2017 WL 5992235 (6th Cir. Aug. 14, 2017). I concluded that the administrative law judge's decision was not based on substantial evidence. United States District Judge George Caram Steeh disagreed and rejected my recommendation, and the Sixth Circuit affirmed.

*Ayotte v. Stemen*, No. 15-13826, 2016 WL 5539765 (E.D. Mich. Aug. 11, 2016), *R&R adopted in part, rejected in part*, 2016 WL 5027594 (E.D. Mich. Sept. 20, 2016). In this prisoner civil rights case, I concluded that the issue of whether the plaintiff had exhausted his administrative remedies for his retaliation claim could not be decided on the record before the court and that other claims against certain officials were not exhausted by the grievance he submitted to prison officials. The plaintiff made six objections to the report and recommendation, all but one of which were rejected. United States District Judge Arthur J. Tarnow adopted my recommendation that the plaintiff's exhaustion of his retaliation claim against two defendants could not be decided on the record before the court, but he also determined that a question of fact precluded a finding of exhaustion as to two additional defendants against whom I had found exhaustion applied. Judge Tarnow also agreed with the remainder of my substantive findings, namely that the plaintiff's due process claims failed and that the defendants were entitled to sovereign immunity for claims against them in their official capacities.

*Imelmann v. Corizon, Inc.*, No. 15-10343, 2016 WL 11472334 (E.D. Mich. Aug. 10, 2016), *R&R accepted in part, rejected in part*, 2016 WL 5402964 (E.D. Mich. Sept. 28, 2016). I recommended granting the defendants' motions for summary judgment, concluding that the plaintiff's Eighth Amendment claim constituted a



mere disagreement with the course of medical treatment provided. United States District Judge Marc A. Goldsmith disagreed, finding that there was a material question of fact on the subjective prong of the Eighth Amendment deliberate indifference standard.

*Bryson v. Comm’r of Soc. Sec.*, No. 15-12352, 2016 WL 7985328 (E.D. Mich. Aug. 8, 2016), *R&R adopted in part, rejected in part*, 2016 WL 5402960 (E.D. Mich. Sept. 28, 2016), *appeal dismissed*, No. 16-2683, 2017 WL 6048877 (6th Cir. Jan. 17, 2017). I concluded that the administrative law judge’s finding of residual functional capacity (RFC) was not supported by substantial evidence because it relied on an outdated medical opinion. United States District Judge Thomas L. Ludington disagreed, concluding that the RFC finding was supported by substantial evidence. The plaintiff appealed the ruling, but later successfully moved to voluntarily dismiss the appeal.

*Daniel v. Goodyear Tire/CBSD*, No. 15-11479, 2016 WL 4607739 (E.D. Mich. Aug. 8, 2016), *R&R adopted in part*, 2016 WL 4593838 (E.D. Mich. Sept. 2, 2016). United States District Judge Marc A. Goldsmith adopted the substance of my report and recommendation in its entirety. The adoption was “in part,” however, because Judge Goldsmith ruled that the *pro se* plaintiff would be afforded 14 days from the court’s order to file an amended complaint, rather than the 30 days that I had recommended.

*Cain v. Carroll*, No. 13-10525, 2016 WL 8671204 (E.D. Mich. Aug. 5, 2016), *R&R adopted*, 2016 WL 4926167 (E.D. Mich. Sept. 16, 2016), *rev’d and remanded*, No. 16-2463, 2017 WL 4863194 (6th Cir. Oct. 5, 2017). United States District Judge Paul D. Borman adopted my recommendation to grant summary judgment in favor of the defendants, but declined to adopt my alternative recommended basis for dismissing the plaintiff’s claims (i.e., the *Rooker-Feldman* doctrine). The Sixth Circuit reversed the grant of summary judgment for the defendants, based on evidence not presented before me.

*Theus v. Green Planet Servicing, LLC*, No. 15-14285, 2016 WL 4473460 (E.D. Mich. Aug. 2, 2016), *R&R adopted in part*, 2016 WL 4437688 (E.D. Mich. Aug. 23, 2016). I recommended that the complaint be dismissed with prejudice. United States District Judge David M. Lawson agreed that the complaint should be dismissed, but concluded that the dismissal should be without prejudice.

*Bailey v. City of Ann Arbor*, No. 14-12002, 2016 WL 11486918 (E.D. Mich. Aug. 1, 2016), *R&R adopted*, 2016 WL 5349144 (E.D. Mich. Sept. 26, 2016), *rev’d*, 860 F.3d 382 (6th Cir. 2017). In this civil rights case, I recommended that the plaintiff’s excessive force claim be dismissed, but found that he sufficiently stated claims for unlawful search and seizure, false arrest/malicious prosecution, and a *Monell* claim against the municipality. United States District Judge Linda V. Parker adopted my report and recommendation to deny the defendant’s motion to dismiss the complaint. The Sixth Circuit reversed, concluding that a video

mentioned in the plaintiff's complaint, but not presented at the magistrate level of the proceedings, established probable cause, negating his claims for unlawful search and seizure, false arrest/malicious prosecution, and under *Monell*.

*Johnson v. Oakland Univ.*, No. 15-12482, Dkt. 43 (E.D. Mich. Aug. 1, 2016) (decision supplied), *affirming order and overruling objections in part*, 2016 WL 5928999 (E.D. Mich. Oct. 12, 2016). After analyzing the multifactor test for determining whether a party has waived privilege, I granted the plaintiff's motion to allow the use of a document produced in discovery, which the defendant had later claimed was privileged. United States District Judge Arthur J. Tarnow affirmed and adopted my decision allowing use of a document claimed to be protected by privilege, but disagreed with my analysis of one factor used in the standard for evaluating waiver of privilege.

*Hall v. Fed. Bureau of Prisons*, No. 15-12376, 2016 WL 11474767 (E.D. Mich. June 20, 2016), *R&R adopted in part*, 2016 WL 4500881 (E.D. Mich. Aug. 29, 2016). I recommended dismissing the plaintiff's complaint with prejudice. United States District Judge Arthur J. Tarnow agreed that the complaint should be dismissed, but concluded that the dismissal should be without prejudice.

*Uduko v. Finch*, No. 14-11041, 2016 WL 8701738 (E.D. Mich. Mar. 4, 2016), *R&R adopted in part, rejected in part*, 2016 WL 1156738 (E.D. Mich. Mar. 24, 2016). The defendants filed a motion to dismiss, and I recommended that the plaintiff's *Bivens* conspiracy claim be dismissed, that the motion to dismiss for failure to exhaust administrative remedies be denied, that the supervisory claims against certain defendants be dismissed, and that only certain defendants were entitled to qualified immunity. United States District Judge Steven J. Murphy, III adopted my report and recommendation, except that he concluded certain claims should be dismissed with prejudice rather than without, and that additional defendants were entitled to qualified immunity.

*Palmer v. Wayne Cty. Sheriff's Dep't*, No. 13-15164, 2016 WL 3922630 (E.D. Mich. Jan. 27, 2016), *R&R rejected*, 2016 WL 3913715 (E.D. Mich. July 20, 2016). I recommended that the City's motion to dismiss be denied without prejudice because the record was incomplete and further recommended that the missing evidence could be submitted as a supplement with the objections to the report and recommendation. United States District Judge Marc A. Goldsmith converted the motion to dismiss into a motion for summary judgment, and permitted the defendants to submit additional evidence, as I recommended. Ultimately, however, Judge Goldsmith rejected my recommendation to deny the motion to dismiss and granted the converted motion for summary judgment based on evidence not presented at the magistrate judge level.

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

As a United States Magistrate Judge, I issued hundreds of opinions, the vast majority of which were unpublished. As a United States District Judge, I have issued approximately 144 decisions, 138 of which were unpublished. Most of my opinions are available on Westlaw or Lexis, and all of them are available electronically in the case management system of the United States District Court for the Eastern District of Michigan.

- 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.

*Cummings v. Klee*, No. 14-10957, 2018 U.S. Dist. LEXIS 155478 (E.D. Mich. Aug. 19, 2018), *R&R adopted*, 2018 WL 4352681 (E.D. Mich. Sept. 12, 2018); 2019 WL 5800289 (E.D. Mich. Aug. 4, 2019), *R&R adopted*, 410 F. Supp. 3d 837 (E.D. Mich. 2019).

*Miller v. Klee*, No. 17-11006, 2018 WL 1354473 (E.D. Mich. Feb. 23, 2018), *R&R adopted*, 2018 WL 1326382 (E.D. Mich. Mar. 15, 2018).

*Maye v. Klee*, No. 14-10864, 2017 WL 9802821 (E.D. Mich. Mar. 3, 2017) & 2018 WL 3259786 (E.D. Mich. Jan. 24, 2018), *R&Rs adopted*, 2018 WL 1384234 (E.D. Mich. Mar. 19, 2018).

*Broskey v. Gidley*, No. 16-13572, 2017 WL 4052188 (E.D. Mich. Aug. 17, 2017), *R&R adopted*, 2017 WL 4042357 (E.D. Mich. Sept. 13, 2017).

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

I have never sat by designation on a federal court of appeals.

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

- a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;
- b. a brief description of the asserted conflict of interest or other ground for recusal;

- c. the procedure you followed in determining whether or not to recuse yourself;
- d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

The United States District Court for the Eastern District of Michigan has an automated conflict screening program to identify conflicts of interest for each judge. Judges in the Eastern District of Michigan give the Clerk's Office a list of individuals and entities in whose cases we would recuse. I have provided, and regularly updated, such a list to the Clerk's Office. I have also *sua sponte* recused myself from matters involving my husband's employer, Ford Motor Company, in which he also owns stock; matters in which certain close personal friends and former colleagues are involved; and matters about which I have knowledge from my time at the United States Attorney's Office. These matters are listed below:

*United States v. Gentry*, No. 21-20222

*Metro. Life Ins. Co. v. Adams*, No. 21-12393

*Robinson v. United States*, No. 21-10947

*Nelms v. Lenawee County*, No. 21-10917

*Protective Life Ins. Co. v. Patel*, No. 20-13289

*Taylor v. City of Detroit*, No. 20-11860

*Savage v. Savage*, No. 20-10001

*Pecherkiewicz v. Oakland County*, No. 19-12659

*Ruston v. Ford Motor Co.*, No. 18-11108

*Davis v. Lincoln Nat'l Life Ins. Co.*, No. 18-10939

*Carley v. Ford Motor Co.*, No. 17-14030

*Persad v. Ford Motor Co.*, No. 17-12599

*Dobronski v. All. Sec., Inc.*, No. 17-12471

*McClure v. Ford Motor Co.*, No. 17-12328

*Reeves v. Southfield Bd. of Educ.*, No. 17-12093

*Ford Motor Co. v. Intermotive, Inc.*, No. 17-11584

*Southfield Educ. Ass'n v. Bd. of Educ. of Southfield Pub. Schs.*,  
No. 17-11259

*Arabian Motors Grp. W.L.L. v. Ford Motor Co.*, No. 16-13655

*Yazaki N. Am., Inc. v. Ueda*, No. 16-12941

*Pransch v. Guardian Life Ins. Co. of Am.*, No. 16-10723

*Khalaf v. Ford Motor Co.*, No. 15-12604

*Stockwell v. Hamilton*, No. 15-11609

*Ford Global Techs. v. New World Int'l, Inc.*, No. 15-10394

*Auto. Body Parts Ass'n v. Ford Global Techs., LLC*, No. 15-10137

*United States v. Murrie*, No. 97-80625

Finally, in six cases, a party requested that I recuse myself:

In *West v. Ann Arbor Fair Housing Authority*, No. 17-10566, the *pro se* plaintiff in a civil rights action filed a motion for me to recuse myself from the matter based on the fact that I formerly worked as an attorney for the U.S. government, and the government—specifically, the United States Department of Housing and Urban Development—was a named defendant in the case. I analyzed the purported conflict pursuant 28 U.S.C. §§ 144 and 455, which address judicial recusal and disqualification, and determined that my prior employment, which never involved the subject dispute or representation of any of the parties to the litigation, did not warrant recusal. The plaintiff objected to my order declining to recuse, and the district court upheld the order. Dkt. 34 (E.D. Mich. July 14, 2017), *as amended*, Dkt. 36 (E.D. Mich. July 27, 2017), *objections overruled*, Dkt. 38 (E.D. Mich. Sept. 12, 2017).

In *Annabel v. Erichsen*, No. 15-10345, a *pro se* prisoner in a civil rights action sought the recusal of both the United States District Judge and me based on perceived delays in litigation. The District Judge had denied a prior recusal motion before the matter was referred to me, and the plaintiff filed a new motion within a few months of my assignment to the case. I analyzed the purported conflict pursuant 28 U.S.C. §§ 144 and 455, which address judicial recusal and disqualification, and determined that the plaintiff's call for recusal was without merit. The plaintiff objected to my order declining to recuse, and the district court upheld the order. The plaintiff appealed, and the Sixth Circuit dismissed the plaintiff's appeal for want of jurisdiction. Dkt. 71 (E.D. Mich. Mar. 8, 2017),

*objections overruled, Annabel v. Erichsen*, No. 15-10345, 2017 WL 1243353 (E.D. Mich. Apr. 5, 2017), *appeal dismissed*, No. 17-1542, 2017 WL 5439426 (6th Cir. June 14, 2017).

In *Rajapakse v. Credit Acceptance Corp.*, No. 17-12970, a *pro se* plaintiff in a consumer fraud case filed a motion to disqualify me, arguing that my adverse rulings showed I was biased against her. I analyzed the purported conflict pursuant 28 U.S.C. §§ 144 and 455, which address judicial recusal and disqualification, and determined that the plaintiff's call for recusal was without merit. The district court later rejected the plaintiff's claims of bias, characterizing them as "baseless[,] ... meritless and unsupported attacks," in a separate order addressing the plaintiff's objections to my report and recommendation to deny her motion for injunctive relief. Dkt. 72 (E.D. Mich. June 1, 2018); *Rajapakse v. Credit Acceptance Corp.*, No. 17-12970, 2019 WL 948767, at \*1 (E.D. Mich. Feb. 27, 2019), *aff'd*, No. 19-1192, 2021 WL 3059755 (6th Cir. Mar. 5, 2021).

In *United States v. Black*, No. 10-20225, the defendant moved for the assignment of a new judge to evaluate his 28 U.S.C. § 2255 motion on the ground that during my time as an Assistant United States Attorney, I served as co-counsel on unrelated criminal matters with the prosecutors who handled his criminal case. I analyzed the purported conflict pursuant 28 U.S.C. §§ 144 and 455, which address judicial recusal and disqualification, and determined that the plaintiff's call for recusal was without merit under Sixth Circuit precedent making clear that my connection to the prosecutors who handled the defendant's prosecution was not a basis to warrant recusal. Dkt. 206 (E.D. Mich. Oct. 9, 2020), *as amended*, Dkt. 208 (E.D. Mich. Oct. 9, 2020).

In *United States v. Duke*, No. 17-20733, the defendant moved to disqualify me within days of the case being assigned to me because I was a former colleague of a person who the defendant was previously charged with assaulting. After reviewing the matter, I recused—determining that, under 28 U.S.C. § 455, there existed grounds for me to recuse from the matter based on information to which I was privy during my time as the Executive Assistant United States Attorney. Dkt. 58 (E.D. Mich. Jan. 16, 2020).

In *Fortner v. 36th District Court*, No. 20-11423, the plaintiff filed a motion seeking my recusal based on my relationship to a potential witness who is a former colleague from my time in private practice. The motion to recuse remains pending.

**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.

From 2012 to 2015, I served as a Commissioner on the Farmington/Farmington Hills Commission on Children, Youth, and Families. I was appointed to that position by Farmington Hills Mayor Barry Brickner on February 1, 2012. Otherwise, I have held no public office other than judicial office, and I have had no 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 a membership or office in or rendered any services to any political party or election committee. In 1993, I served as a technical writer in the area of the Department of Public Works for the transition team of former Detroit Mayor Dennis Archer. During the 2008 election, I served as a volunteer election protection lawyer for Barack Obama's presidential campaign in southwest Detroit.

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

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

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

I have never served as a clerk to a judge.

- 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;

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Assistant United States Attorney (1997 – 2010)  
Deputy Chief, Controlled Substances Unit (2007 – 2010)  
Executive Assistant United States Attorney (2010 – 2015)

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

I have never served as a mediator or arbitrator, aside from in my capacity as a United States Magistrate and District Judge.

d. Describe:

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

After graduating from law school in 1992, I joined Dickinson Wright, LLP as a litigation associate. During my five years in that role, I focused on civil corporate defense litigation in the areas of products liability, commercial law, automobile negligence, insurance, and professional malpractice. Initially, I served as the second or third chair on complex matters, which included, amongst other things, drafting pleadings and discovery requests, working with clients to draft discovery responses, conducting legal research, taking fact witness depositions, and drafting various motions and responses to motions. Later, I served as first chair on smaller matters and second chair with principal client contact and day-to-day case management on larger matters. I typically handled cases from inception through appeal, drafting and arguing motions, conducting and defending depositions, handling significant discovery, and briefing and arguing appeals. In this capacity, I also second-chaired the lengthy trial (approximately five months) of a legal malpractice suit in which we represented an attorney and prominent firm sued for their underlying representation of a client in a complex commercial real estate matter.

In 1997, I joined the United States Attorney's Office for the Eastern District of Michigan, initially as an Assistant United States Attorney (from 1997 to 2010), then as Deputy Chief of the Controlled Substances Unit (2007 to 2010), and finally as Executive Assistant United States Attorney (from 2010 to 2015). I spent my first three years in the Office's Civil Division, before transferring to the Criminal Division in 2000. In the Civil Division, I was assigned to the Forfeiture Unit, where I handled from inception through appeal, if warranted, civil forfeiture proceedings involving property used to facilitate or obtained through the commission of certain enumerated crimes. I also served as second chair in criminal cases that included an element of forfeiture or money laundering, serving



as the subject matter expert. As a criminal prosecutor, I practiced in both the General Crimes Unit and the Controlled Substances Unit, where I eventually became Deputy Chief and the High Intensity Drug Trafficking Area Liaison. I investigated and prosecuted a variety of cases at both the trial and appellate levels, including matters involving fraud, extortion, bank robbery, embezzlement, violent crime, public corruption, narcotics trafficking, money laundering, and conspiracy. I handled approximately 250 matters, conducted numerous evidentiary and other hearings, tried approximately eight cases (six to verdict and two which ended with guilty pleas before the conclusion of trial), and handled five appeals in the United States Court of Appeals for the Sixth Circuit. In 2010, I was appointed to serve as the Executive Assistant United States Attorney. In that position, I oversaw a variety of law enforcement and community initiatives, including Project Safe Neighborhoods and the Detroit Youth Violence Prevention Initiative. I also led the Office's reentry efforts, redesigned and oversaw its legal intern program, helped lead the hiring committee, and served as a senior advisor to the U.S. Attorney.

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

In private practice, I typically represented large companies, including automotive manufacturers, telecommunications companies, and producers of consumer goods. I focused on products liability and commercial litigation.

As a federal prosecutor, I represented the United States government in various civil and criminal cases. In the civil realm, I specialized in asset forfeiture, and I handled all manner of criminal investigations and prosecutions.

- e. 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.

Until 2010, the entirety of my practice was in litigation. I appeared in court frequently throughout my career as a lawyer. In private practice from 1992 to 1997, I primarily practiced in state court, but also had a meaningful federal court docket. And as a federal prosecutor from 1997 to 2015, all of my litigation took place in federal trial and appellate courts. In 2010, I became the Executive Assistant United States Attorney. For my first four years in that role, the lion's share of my responsibilities were managerial, administrative, and community-oriented, but I also occasionally appeared in court. In 2014, I joined the trial team in a sprawling public corruption case, and thereafter regularly appeared in court in connection with pre-trial motions practice and the trial itself.

- i. Indicate the percentage of your practice in:
  - 1. federal courts: 75%
  - 2. state courts of record: 25%
  - 3. other courts: 0%
  - 4. administrative agencies: 0%
- ii. Indicate the percentage of your practice in:
  - 1. civil proceedings: 35%
  - 2. criminal proceedings: 65%
- f. 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.

Since graduating from law school, I have tried approximately seven cases to verdict, judgment, or final decision. Six were jury trials and one was a lengthy bench trial. I was sole counsel in all but two of these cases. In the remaining two cases, I was part of a two-person team during a civil bench trial and a three-person trial team during a lengthy criminal trial. Additionally, I tried two other cases that ended in guilty pleas prior to the conclusion of trial. Moreover, as an Assistant (Student) Prosecutor in the Saint Louis City Prosecutor's Office in 1991, I tried perhaps as many as ten misdemeanor cases to verdict, judgment, or final decision; all of the cases involved bench trials.

- i. What percentage of these trials were:
  - 1. jury: 35%
  - 2. non-jury: 65%
- g. 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 never practiced before the Supreme Court of the United States.

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

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

- c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.
1. *United States v. Beasley*, 27 F. Supp. 3d 793 (E.D. Mich. 2014) (Edmunds, J.); No. 12-20030, 2015 WL 1737478 (E.D. Mich. Apr. 16, 2015) (Edmunds, J.); 700 F. App'x 394 (6th Cir. 2017) (Norris, Gibbons, Rogers, JJ.)

This case grew out of an investigation into Detroit City Hall during the administration of former Detroit Mayor Kwame Kilpatrick. The lead defendant, Mr. Beasley, was the City Treasurer. As Treasurer, Mr. Beasley held a seat as trustee on each of Detroit's two public pension systems, the General Retirement System (GRS) and the Police and Fire Retirement System (PFRS). Mr. Beasley's co-defendants were Mr. Stewart—a police officer and trustee on the PFRS; Mr. Zajac—the lawyer for one of the systems; Mr. Dixon—a businessman who sought or conducted business before both systems; Mr. Mayfield—an investment advisor and fiduciary of both systems; and Mr. Stanton—an agent of the City of Detroit who served on the board of trustees of one of the systems. All four defendants were charged in a 13-count indictment for their involvement in an honest services fraud scheme that featured the payment of bribes and kickbacks by individuals seeking to conduct business before the boards of the two systems. The litigation involved over 50 pre-trial motions and a three-month trial. Mr. Mayfield and Mr. Stanton pleaded guilty before trial, and Mr. Dixon pleaded guilty on the first day of trial. The jury found the remaining three defendants guilty following trial, though Mr. Zajac's conviction was vacated due to his death before sentencing. The district court sentenced Mr. Beasley to 11 years' imprisonment, Mr. Stewart to approximately five years' imprisonment, Mr. Dixon to three-and-one-half years' imprisonment, Mr. Mayfield to three years' probation, and Mr. Stanton to two years' probation.

Throughout 2014, I served as one of three federal prosecutors in this significant public corruption case, handling numerous key aspects of the investigation and prosecution. In particular, amongst other things, I drafted, I responded to, and argued a number of pre-trial motions, prepared witnesses for testimony, helped craft the trial strategy, and helped decide on exhibits before trial. At trial, we divided things roughly equally, and I conducted voir dire, examined and cross-examined witnesses (including one of the defendants, Mr. Stewart), and argued against the defendants' motions for acquittal at the close of the government's proofs. I also authored and argued the government's motion to exclude certain evidence that Mr. Stewart sought to offer during the defendants' presentation of evidence. And I handled the sentencings of Mr. Mayfield and Mr. Stewart, drafting the sentencing memorandums and arguing at the sentencing hearings. After my involvement in the case ended, the United States Court of Appeals for the Sixth Circuit affirmed the district court's denial of the defendants' motions for acquittal and for a new trial.

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2. *United States v. Lara-Tello*, No. 08-20669 (E.D. Mich.) (Borman, J.)

In this case, Mr. Lara-Tello and eight co-conspirators were indicted based on their participation in a large-scale cocaine trafficking conspiracy involving the transport of cocaine from Mexico to Detroit and cocaine sale negotiations in Chicago. During the course of the investigation, agents wiretapped phones used to run the drug trafficking organization and seized multiple kilograms of cocaine, various quantities of crack and heroin, and around \$150,000 in U.S. currency. All but one of the defendants who did not

flee the jurisdiction (several fled to Mexico) pleaded guilty to the charges against them, with two of them agreeing to cooperate and testify against their co-defendants, and they received sentences ranging from approximately two to 17 years' imprisonment. The remaining defendant, Mr. Soler-Norona, elected to go to trial. Following a one-week trial, the jury convicted Mr. Soler-Norona on all charges: conspiracy, possession with intent to deliver cocaine, and use of a communication facility to facilitate the crimes. The district court then sentenced Mr. Soler-Norona to a mandatory ten years' imprisonment.

From 2009 to 2010, I served as sole counsel for the United States in this matter, handling every key aspect of the case, from the investigation through its conclusion. Before trial, I conducted plea negotiations, entered pleas, and conducted trial preparations, including meeting one-on-one with witnesses. At trial, I gave the opening statement, examined about a dozen witnesses, introduced an array of wiretap and other evidence, and presented the closing argument. I was not involved in Mr. Soler-Norona's sentencing, as I was serving as the Executive Assistant United States Attorney by that time.

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3. *United States v. Shafinia*, No. 09-20039 (E.D. Mich.) (Tarnow, J.), *aff'd in part, rev'd in part, and remanded*, *United States v. Richards*, 508 F. App'x 444 (6th Cir. 2012) (Cole, Kethledge, Thapar, JJ.)

This case was one of the first prosecutions in the Eastern District of Michigan combating the rising opioid crisis in the region. Five defendants were charged in a 43-count indictment for conspiring to issue and fill fraudulent prescriptions for oxycontin and other controlled substances for the purpose of selling the pills on the street. The lead defendant, Dr. Shafinia, was one of the highest prescribers of oxycodone, a Schedule II controlled substance, in Michigan at the time of his prosecution. Three of Dr. Shafinia's co-conspirators worked with him to recruit people who would pose as patients and make office visits to obtain the prescriptions. The doctor did not examine the "patients" and did not have a legitimate medical reason to prescribe the narcotics involved. The recruiters then directed or escorted the "patients" to the fifth co-conspirator, a pharmacist, who filled the prescriptions without questions, despite numerous signs that they were illegitimate. Four of the five defendants pleaded guilty before trial, and they received sentences ranging from three to nine years' imprisonment. The fifth defendant changed his plea to guilty on the second day of trial, and he was sentenced to nine years in prison.

From 2008 to 2010, I served as sole counsel for the United States in this matter. Before trial, I conducted all trial preparations, including preparing exhibits and meeting with

witnesses to prepare to testify. And at trial, I selected the jury and put on the testimony of one witness, after which Mr. Richards indicated that he wished to plead guilty. At that point, I transferred the case to another prosecutor for sentencing, following my appointment as the Executive Assistant United States Attorney.

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4. *United States v. Trammell*, No. 06-20625 (E.D. Mich.) (Cohn, J.)

Mr. Trammell was charged with conspiracy to distribute a controlled substance (heroin), and with being a felon in possession of a firearm. The evidence showed that Mr. Trammell traveled to Las Vegas, obtained heroin while there, and shipped the heroin in a package addressed to a co-conspirator at his home in Detroit. The next day, Mr. Trammell flew back to Detroit, and was present at the recipient address when agents showed up to conduct a controlled delivery of the package. Mr. Trammell accepted the package, signed a fictitious name on the receipt log, and immediately called another co-conspirator to notify him of the delivery. The co-conspirator admitted to acting as a

distributor for Mr. Trammell and pleaded guilty, but he would not cooperate against Mr. Trammell. The government proceeded to trial against Mr. Trammell, relying solely on law enforcement witnesses. Following a one-week trial and just over two hours of deliberation, the jury convicted Mr. Trammel of both counts, and he was sentenced to nearly four years' imprisonment. From 2007 to 2008, I served as sole counsel for the United States in this matter. In that role, I supervised the investigation, presented the case to the grand jury for indictment, prepared the matter for trial, tried the case, and argued at sentencing.

Opposing Counsel:

Marvin Barnett

(Current business contact information unavailable.)

5. *United States v. Perez*, No. 05-80433 (E.D. Mich.) (Edmunds, J.)

Law enforcement in Missouri intercepted a 630-pound load of marijuana en route to Detroit. The driver and passenger of the semi-trailer in which the drugs were found agreed to cooperate, thus enabling the government to identify other individuals who were involved in the criminal conspiracy to transport drugs. All told, six defendants were charged with conspiracy to possess with intent to distribute a controlled substance—four in this action, and the two truck occupants in separate actions. Three of the four defendants in this case pleaded guilty and were sentenced to approximately three to five years' imprisonment. The remaining defendant, Mr. Mowinski—the owner of a trucking company that supplied the trucks and drivers for the conspiracy—proceeded to trial. Early in the trial, however, Mr. Mowinski pleaded guilty, and he was sentenced to over three years' imprisonment. From 2005 to 2008, I served as sole counsel for the United States in this matter. In that capacity, I supervised the investigation, presented the case to the grand jury for indictment, handled plea hearings, prepared for the trial of one defendant, conducted the initial trial proceedings, and argued all sentencings.

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6. *United States v. Love*, No. 05-80330 (E.D. Mich.) (Steeh, J.), *aff'd*, *United States v. Solomon*, 257 F. App'x 901 (6th Cir. 2007) (Siler, Moore, Gilman, JJ.)

The prosecution of Ms. Love and Ms. Solomon arose from the revelation that they depleted the life savings of an elderly victim, who maintained a certificate of deposit at the bank where Ms. Love was the manager. Ms. Love was indicted for one count of bank fraud and three counts of bank embezzlement. Ms. Solomon was indicted for one count of aiding and abetting bank fraud. Following a week-long trial, Ms. Love and Ms. Solomon were both convicted on all counts, and they were sentenced to approximately one and two years' imprisonment, respectively. From 2005 to 2012, I served as sole counsel for the United States in this matter. Before trial, I successfully opposed numerous motions filed by the defense, including an unusually contentious discovery motion, separate defense motions to sever the proceedings, and a motion to preclude introduction of Rule 404(b) evidence. At trial, I gave the opening statement, examined numerous witnesses, including the elderly victim, and presented the closing argument. And after trial, I successfully opposed the defendants' motions for judgment of acquittal. After my involvement in the case ended, the Sixth Circuit affirmed both defendants' convictions.

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7. *United States v. Holcomb*, No. 04-80642 (E.D. Mich.) (Borman, J.)

In this case, 15 defendants were charged based on their involvement in a complex conspiracy to transport thousands of pounds of marijuana from Arizona to Detroit. The lead defendants used an area trucking firm to supply semi-trailers to transport the marijuana from the Arizona suppliers to the Detroit area. The defendants also shipped large amounts of cash to pay for the marijuana in this same manner. The case involved voluminous documentary evidence as well as numerous recordings of wiretapped conversations. The district court denied all but one of the defendants' motions to suppress. Thereafter, all 15 defendants pleaded guilty, and they received sentences ranging from one-and-a-half to ten years' imprisonment. From 2004 to 2008, I served as part of a three-person trial team, comprised of two criminal prosecutors and one forfeiture attorney, for the United States in this matter. In that capacity, I helped draft the indictments, briefed and argued the government's oppositions to the defendants' suppression motions, co-led plea negotiations, and handled pleas and sentencings – several of which involved contentious evidentiary hearings regarding the amounts of drugs to be attributed to each defendant.

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8. *United States v. Stonefish*, No. 02-81106 (E.D. Mich.) (Tarnow, J.), *aff'd*, 402 F.3d 691 (6th Cir. 2005) (Merritt, Moore, Gilman, JJ.)

This case involved the first trial in the Eastern District of Michigan culminating from an investigation by the International Border Enforcement Team—a border security alliance

formed between United States and Canadian authorities in response to the September 11, 2001 attacks. Mr. Stonefish was indicted for illegally smuggling undocumented foreign nationals based on his picking up seven Chinese nationals in Marysville, Michigan after they had traveled to the United States via Canada across Lake Saint Clair in a small boat. Mr. Stonefish was the last link in a chain of individuals who assisted the Chinese nationals in their travel from China to Canada, then ultimately to the United States. In addition to several law enforcement witnesses, all seven of the Chinese nationals testified (with the assistance of an interpreter). After a four-day trial, Mr. Stonefish was found guilty. The district court later denied Mr. Stonefish's motions to vacate his conviction and to dismiss the indictment, and sentenced him to two-and-a-half years' imprisonment.

From 2002 to 2005, I served as sole counsel for the United States in this matter. In that capacity, I conducted material witness depositions of the Chinese nationals before they were removed by U.S. immigration authorities, presented the case to the grand jury, prepared the case for trial, tried the case, briefed and argued against the defendant's motion for acquittal and for new trial, argued at sentencing, and briefed and argued against Mr. Stonefish's motion to vacate his sentence. Following sentencing, I received a congratulatory note from then Deputy Assistant Attorney General John Malcolm for the prosecution. After my involvement in the case ended, the Sixth Circuit affirmed Mr. Stonefish's conviction.

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9. *United States v. Payton*, No. 03-80291 (E.D. Mich.) (Hood, J.), 257 F. App'x 879 (6th Cir. 2006) (Cole, Cook, Frost, JJ.)

Mr. Payton orchestrated a string of seven bank robberies throughout the Detroit area utilizing drug-addicted prostitutes to carry out the robberies. They became known as the "Bonnet Bandit" robberies in local news media because the women wore floppy hats and sunglasses during the crimes. The litigation was protracted because Mr. Payton went through three different attorneys and ultimately elected to proceed *pro se*. On the final trial date, Mr. Payton entered a conditional plea of guilty, preserving two contested issues for appeal, and he was sentenced to ten years' imprisonment. Mr. Payton appealed, and the Sixth Circuit affirmed on both issues.

From 2002 to 2008, I served as sole counsel for the United States in this matter. In that capacity, I filed two motions, one to strike Mr. Payton's motion to dismiss the indictment and a motion to adjourn trial. Mr. Payton filed 14 separate motions during the course of the litigation; I argued against and where permitted, filed briefs responding to those motions that the government opposed. I also conducted a two-day evidentiary hearing on a motion to suppress and prepared the case for trial four times, including preparing the victim bank tellers to testify each time. Further, I spearheaded plea bargaining negotiations. And I successfully briefed and argued the case on appeal.

Opposing Counsel:

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William B. Daniel  
(deceased)

10. *In re Extradition of Wilson*, No. 08-50872 (E.D. Mich.) (Friedman, J.)

Mr. Wilson, a convicted drug trafficker, walked away from his prison facility in the United Kingdom after being released during the daytime for work and never returned. After Mr. Wilson's desertion, British authorities lodged murder and arson charges against him and an accomplice for shooting a man and setting him on fire, based on events that pre-dated his drug conviction. The entire flat where the victim lived went up in flames, and tenants in other units were injured. British authorities requested that Mr. Wilson be extradited to Britain quickly, as one of the witnesses was then near death. As sole counsel for the United States in this matter in 2008, I handled every key aspect of the case. I quickly coordinated with the United States Department of Justice Office of International Affairs, obtained a provisional arrest warrant for Mr. Wilson, and after his arrest, scheduled an extradition hearing. I then successfully opposed Mr. Wilson's requests for bond, as well as his identity challenge (he was using an alias). In preparation for the extradition hearing, we located and debriefed a jailhouse informant to whom Mr. Wilson had confessed his crime and provided details that ostensibly only the killer would have known. As a result, on the day scheduled for the extradition hearing, I was able to negotiate Mr. Wilson's consent to be extradited. Thereafter, Mr. Wilson was extradited and information concerning his confession was relayed to British authorities.

Opposing Counsel:  
Marcellus Long, Jr.  
(Current business contact information unavailable.)

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.)

On top of the extensive litigation experience described above, I have been involved in various other important legal activities. For example, from 2002 to 2003, I handled an extradition request from the Belgian government under the United States' extradition treaty with Belgium, seeking the extradition of Mr. Jakaj following his conviction in absentia for trafficking in persons. After the case was vetted through the United States Department of Justice Office of International Affairs, I obtained a provisional arrest warrant for Mr. Jakaj, and an extradition hearing was scheduled. I then reviewed the official documents submitted by the Belgian authorities, conducted substantial research into the legal issues surrounding the Belgians' request, prepared various briefs and memoranda, and consulted with the Office of International Affairs. Based on all of those efforts, I became convinced that the request fell outside the parameters of the treaty. After being informed of these findings, the Belgians withdrew their request, and I received a time-off award for my handling of the matter.

Additionally, as the Executive Assistant United States Attorney, I served as the principal liaison between the United States Attorney's Office for the Eastern District of Michigan and the United States Department of Justice Office of Justice Programs, which had initiated a number of violence prevention, intervention, and reentry measures in the Eastern District of Michigan. I also served as the liaison between our Office and the United States District Court for the Eastern District of Michigan in convening forums throughout metropolitan Detroit on the topic of jury diversity. In addition, I served on a committee to form the Michigan Technical Assistance Project—an effort led by the Wayne County Prosecutor's Office to identify and gather resources to examine and address the backlog of untested rape kits in Wayne County. Moreover, I chaired our Office's Diversity Committee, which included overseeing the drafting of the Diversity Policy and Operational Diversity Plan mandated by the United States Department of Justice. And I served as the Office's representative on the United States District Court's Magistrate Judge Merit Selection Panel for the Eastern District of Michigan in both 2010 and 2011.

Further, I served as a Steering Committee member and the United States Department of Justice representative for the Detroit Youth Violence Prevention Initiative. In that capacity, I worked with local stakeholders to organize a competition for community youth to compose an anti-violence public service announcement. I also organized several community forums on various topics, including immigrants' rights, addressing violent crime, and prisoner reentry. Additionally, I oversaw Project Sentry, a program through which prosecutors and police

officers educated middle school students about the dangers of firearms, penalties for firearm violations, and good decision-making. And apart from my work in connection with the United States Attorney's Office, I served on the Board of Directors for the Wayne Mediation Center, which seeks to provide youth and citizens with alternative means of dispute resolution, including restorative justice practices.

As both a United States Magistrate Judge and a United States District Judge, I accepted two referrals for appointment as a special master in a matter before the United States Court of Appeals for the Sixth Circuit (*Nat'l Labor Relations Bd. v. Park Ave. Inv. Advisor, LLC*, Nos. 12-1787, 12-2613, 13-2089, 13-2491, 14-1281 & 14-1669 (6th Cir.)). The National Labor Relations Board (NLRB) petitioned the court to hold the respondents in contempt for failing to adhere to an order of the court. As special master on the first referral, I convened the parties to determine the need for discovery, resolved discovery disputes, evaluated the parties' proposed resolution of the matter, and made a recommendation to the Sixth Circuit as to the proposed disposition of the petition, which the court adopted. The second referral concerned the respondents' failure to adhere to the agreement that the parties had reached as reflected in my first recommendation. After an initial conference with the parties, they were able to come to an agreed resolution, and I issued a report and recommendation to the Sixth Circuit that the parties' resolution be accepted. The Sixth Circuit adopted the recommendation and granted the NLRB's motion to voluntarily dismiss the case.

Finally, since joining the bench, I have been active in various activities geared toward enhancing the work of the court and its role in the legal community. For instance, I serve on the United States District Court for the Eastern District of Michigan's Magistrate Judges and Criminal Committees. I was also designated by the Chief Judge to serve as our court's representative on the U.S. Courts Committee of the State Bar of Michigan. And I have served on several ad hoc committees convened by the Chief Judge, including the Jury Trial Prioritization Committee, the Flint Magistrate Judge Selection Committee, and two separate committees convened to evaluate the performance of specific magistrate judges.

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

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

In approximately 1994, I co-taught a semester-long class on character development and teen issues at Pelham Middle School as part of the Detroit Compact—a program through which attorneys were matched with students to serve as mentors and tutors. The class addressed issues of popular culture, the media, self-esteem, and acceptance. If there was a syllabus or official course materials, I am unable to locate copies.

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.

If confirmed, I do not have any plans, commitments, or agreements to pursue outside employment.

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

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

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

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

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

My spouse works for and owns stock in Ford Motor Company. I accordingly do and would continue to recuse myself from matters in which Ford is a party. I would also recuse myself from any case in which I previously had been involved. I am not aware of any other persons, parties, categories of litigation, or financial arrangements that are likely to present a potential conflict of interest when I first assume the position to which I have been nominated. If confirmed, I will continue to evaluate and resolve any potential conflict of interest by carefully applying 28 U.S.C. § 455, Canon 3 of the Code of Conduct for United States Judges, and any other applicable statutes, canons, and opinions.

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



procedure you will follow in determining these areas of concern.

If confirmed, I will continue to evaluate and resolve any potential conflict of interest by carefully applying 28 U.S.C. § 455, Canon 3 of the Code of Conduct for United States Judges, and any other applicable statutes, canons, and opinions. In addition, I will continue to use the court's automated conflict checking system and regularly update my conflicts list with the Clerk's Office.

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 federal prosecutor and a United States Magistrate and District Judge, I have been unable to take on direct pro bono representations. In private practice, however, I regularly took on pro bono cases. For example, through the Women's Justice Center, I obtained orders of personal protection for several battered women. I also handled a few prisoner civil rights cases. Throughout my career, moreover, I have sought to serve the disadvantaged in other ways. For instance, as a prosecutor, I volunteered via the National Bar Association to answer general legal questions from young women residing in Alternatives for Girls, a non-profit shelter serving homeless and high-risk young women in Detroit.

26. **Selection Process:**

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

On December 12, 2021, attorneys from the White House Counsel's Office contacted me about a judicial vacancy on the United States Court of Appeals for the Sixth Circuit. On December 13, 2021, I interviewed with attorneys from the White House Counsel's Office. Since that date, I have been in contact with attorneys from the Office of Legal Policy at the United States Department of Justice. On February 2, 2022, my nomination was submitted to the Senate.

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

No.