

**UNITED STATES SENATE  
COMMITTEE ON THE JUDICIARY**

**QUESTIONNAIRE FOR JUDICIAL NOMINEES**

**PUBLIC**

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

John Zihun Lee

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

United States Circuit Judge for the Seventh 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.

United States District Court for the Northern District of Illinois  
Everett McKinley Dirksen United States Courthouse  
219 South Dearborn Street, Room 2156  
Chicago, Illinois 60604

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

1968; Aachen, Germany

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, Harvard Law School; J.D. (*cum laude*), 1992

1985 – 1989, Harvard College; A.B. (*magna cum laude*), 1989

1988, Yonsei University; International Summer School in Seoul, South Korea

1987, Stanford University; study abroad program in Rome, Italy

1986, Northwestern University; Summer Program

6. **Employment Record**: List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name

and address of the employer and job title or description.

2012 – present

United States District Court for the Northern District of Illinois  
Everett McKinley Dirksen United States Courthouse  
219 South Dearborn Street, Room 2156  
Chicago, Illinois 60604  
United States District Judge

1999 – 2012

Freeborn & Peters LLP  
311 South Wacker Drive, Suite 3000  
Chicago, Illinois 60606  
Equity Partner (2004 – 2012)  
Income Partner (2001 – 2004)  
Associate (1999 – 2001)

Fall 2000

The John Marshall Law School  
315 South Plymouth Court  
Chicago, Illinois 60604  
Adjunct Professor

1996 – 1999

Grippo & Elden LLC  
111 South Wacker Drive  
Chicago, Illinois 60606  
Associate

1994 – 1996

Mayer Brown (formerly, Mayer, Brown & Platt LLP)  
71 South Wacker Drive  
Chicago, Illinois 60606  
Associate

1992 – 1994

United States Department of Justice  
Environment & Natural Resources Division  
950 Pennsylvania Avenue, Northwest  
Washington, DC 20530  
Trial Attorney

Summer 1991

Perkins Coie LLP

700 Thirteenth Street, Northwest  
Washington, DC 20005  
Summer Associate

Summer 1991  
Wiley Rein LLP (formerly, Wiley, Rein & Fielding LLP)  
2050 M Street, Northwest  
Washington, DC 20036  
Summer Associate

Fall 1990, 1991  
Harvard University  
Massachusetts Hall  
Cambridge, Massachusetts 02138  
Teaching Fellow

Summer 1990  
Dentons (formerly, Sonnenschein, Nath & Rosenthal LLP)  
233 South Wacker Drive, Suite 7800  
Chicago, Illinois 60606  
Summer Associate

Summer 1989  
Alliance Holiness Church  
Asian Community Center  
4926 North Kimball Avenue  
Chicago, Illinois 60659  
Instructor

Other Affiliations (uncompensated):

2010 – present  
Asian American Bar Association of Greater Chicago (“AABA”)  
P.O. Box A3782  
Chicago, Illinois 60690  
Board Member

2006 – 2012  
Asian Human Services of Chicago  
4753 North Broadway Avenue, Suite 700  
Chicago, Illinois 60640  
Board Member (2006 – 2012)  
Board President (2010 – 2012)

2004 – 2012  
Coordinated Advice and Referral Program for Legal Services (“CARPLS”)

17 North State Street, Suite 1850  
Chicago, Illinois 60602  
Board Member (2004 – 2012)  
Board President (2009 – 2011)

2001  
The John Marshall Law School  
315 South Plymouth Court  
Chicago, Illinois 60604  
Guest Lecturer

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

I did not serve in the military. I registered for the selective service upon turning 18.

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

Korean American of the Year Award, Korean American Association of Chicago (2016)

“A Distinguished American,” ICAS Liberty Award, Institute for Corean-American Studies (2013)

Asian Pacific American Community Service Award, Cook County State’s Attorney’s Office (2013)

Leading Lawyer, *The Leading Lawyers Network*, a division of the Law Bulletin Publishing Company, in Commercial Litigation and Class Action/Mass Tort Defense Law (2008 – 2011)

Appointed representative to the Barrington School District Enrollment Monitoring Committee (“EMC”), Advisory Board to Barrington School District 220 (2007 – 2010)

“40 Under Forty Illinois Attorneys to Watch,” The Law Bulletin Publishing Company, publisher of the *Chicago Daily Law Bulletin* and the *Chicago Lawyer* (2004)

Derek Bok Prize in Teaching, Harvard University (1990 – 1991)

Classics Department Book Prize, Harvard University (1989)

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 (intermittent membership 1994 – present)

Asian American Bar Association of Greater Chicago (1994 – present)  
Board Member (2010 – 2012)

Coordinated Advice and Referral Program for Legal Services (CARPLS) (2004 – 2012)  
Board Member (2004 – 2012)  
Board President (2009 – 2011)  
Golden Gavel Awards Committee (2005 – 2008)

Federal Bar Association (2010 – present)

Illinois State Bar Association (1994 – 2012)

National Asian Pacific American Bar Association (1998 – present)

United States District Court for the Northern District of Illinois  
Court Reporter Committee (2015 – present)  
Diversity Committee (2021 – present)  
Executive Committee (2020 – present)

United States Judicial Conference  
Committee on Court Administration and Case Management (2019 – present)  
Committee on Judicial Resources, Subcommittee on Diversity  
Liaison Member from CACM (2020 – present)  
Electronic Public Access Working Group  
Liaison Member from CACM (2020 – present)

10. **Bar and Court Admission:**

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

Illinois, 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 Seventh Circuit, 2007  
United States District Court for the Northern District of Illinois, 1996

I have not sought to renew my admissions to the above-referenced courts since becoming a United States District Judge in 2012.

United States Court of Appeals for the Eighth Circuit, 2004  
United States Court of Appeals for the Ninth Circuit, 2003  
United States District Court for the Eastern District of Michigan, 1998  
United States District Court for the Southern District of Illinois, 2002

I have not sought to renew my admissions to the above-referenced courts after the particular matters in those jurisdictions came to an end.

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.

Asian Human Services of Chicago  
Board Member (2006 – 2012)  
Board President (2010 – 2012)  
School Committee (2006 – 2007)

Biltmore Country Club (2006 – 2011)

Harvard Club of Chicago (1996 – present)

The Lawyers Club of Chicago (2010 – present)

Porsche Club of America (2006 – 2011)

The Union League Club of Chicago (2005 – present)

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

To the best of my knowledge, none of the organizations listed above presently engages or formerly engaged in discrimination on the basis of race, sex, religion or national origin, either through formal membership requirements or the practical implementation of membership policies.

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

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

With Jeffrey M. Cross, *ANTITRUST LAW: SECTION 1 OF THE SHERMAN ACT*, (Federal Judicial Center 2021). Copy supplied.

With Jeffrey M. Cross, *Franchising: Antitrust Considerations*, in *ANTITRUST COUNSELING AND LITIGATION TECHNIQUES* (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.

Reports of the Committee on Court Administration and Case Management to the United States Judicial Conference during my tenure (2019 – present) are available at <https://www.uscourts.gov/about-federal-courts/reports-proceedings-2010s> and <https://www.uscourts.gov/about-federal-courts/reports-proceedings-judicial-conference-us>.

- 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 January 26, 2012, I testified before the United States Senate Committee on the Judiciary at my confirmation hearing to be a United States District Judge for the Northern District of Illinois. Responses to questions for the record supplied; video available at <https://www.judiciary.senate.gov/meetings/nominations-2012-01-26>.

- d. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports

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

I have searched my records and electronic databases in an effort to identify all events responsive to this question. I have located the events listed below, but it is possible that there are a few that I have no record of and, thus, was not able to identify.

April 8, 2022: Speaker, "Chambers Lunch with Northwestern Law Students," Appellate Advocacy Center, Northwestern Law School, Chicago, Illinois. I spoke to Northwestern Law students about the work of a federal district judge. I have no notes, transcript, or recording. The address for the Northwestern Appellate Advocacy Center is 375 East Chicago Avenue, Chicago, Illinois 60611.

January 12, 2022: Presiding Judicial Officer, Naturalization Ceremony, E.M. Dirksen United States Courthouse, Chicago, Illinois. Notes supplied.

December 30, 2021: Presiding Judicial Officer, Naturalization Ceremony, E.M. Dirksen United States Courthouse, Chicago, Illinois. My remarks were substantially identical to those given on January 12, 2022.

December 29, 2021: Presiding Judicial Officer, Naturalization Ceremony, E.M. Dirksen United States Courthouse, Chicago, Illinois. My remarks were substantially identical to those given on January 12, 2022.

November 29, 2021: Presiding Judicial Officer, Naturalization Ceremony, E.M. Dirksen United States Courthouse, Chicago, Illinois. My remarks were substantially identical to those given on January 12, 2022.

November 12, 2021: Presiding Judicial Officer, Naturalization Ceremony, E.M. Dirksen United States Courthouse, Chicago, Illinois. My remarks were substantially identical to those given on January 12, 2022.

October 12, 2021: Presiding Judicial Officer, Naturalization Ceremony, E.M. Dirksen United States Courthouse, Chicago, Illinois. My remarks were substantially identical to those given on January 12, 2022.

September 22, 2021: Presiding Judicial Officer, Naturalization Ceremony, E.M. Dirksen United States Courthouse, Chicago, Illinois. My remarks were substantially identical to those given on January 12, 2022.



August 26, 2021: Presiding Judicial Officer, Naturalization Ceremony, E.M. Dirksen United States Courthouse, Chicago, Illinois. My remarks were substantially identical to those given on January 12, 2022.

August 5, 2021: Panelist, "Hon. John F. Grady Teachers' Institute," American Bar Association, Chicago, Illinois. Video available at <https://www.youtube.com/watch?v=b0WtA2ditI>.

July 2, 2021, "Wrigley Field Naturalization Ceremony," U.S. District Court for the Northern District of Illinois, Chicago, Illinois. Video available at <https://www.youtube.com/watch?v=8dTmxmya4NE>.

June 16, 2021: Presiding Judicial Officer, Naturalization Ceremony, E.M. Dirksen United States Courthouse, Chicago, Illinois. My remarks were substantially identical to those given on January 12, 2022.

May 19, 2021: Presiding Judicial Officer, Naturalization Ceremony, E.M. Dirksen United States Courthouse, Chicago, Illinois. My remarks were substantially identical to those given on January 12, 2022.

May 3, 2021: Presiding Judicial Officer, Naturalization Ceremony, E.M. Dirksen United States Courthouse, Chicago, Illinois. My remarks were substantially identical to those given on January 12, 2022.

April 19, 2021: Speaker, "University of Chicago APALSA Luncheon," Asian Pacific American Law Students Association, University of Chicago Law School, Chicago, Illinois. Presentation supplied.

March 16, 2021: Presiding Judicial Officer, Naturalization Ceremony, E.M. Dirksen United States Courthouse, Chicago, Illinois. My remarks were substantially identical to those given on January 12, 2022.

November 10, 2020: Panelist, Harvard Law Society of Illinois, Chicago, Illinois. I participated on a panel before practicing attorneys and law students to discuss tips for success in the courtroom. I have no notes, transcript, or recording. The Harvard Law Society of Illinois does not have a physical address.

January 29, 2020: Presiding Judicial Officer, Naturalization Ceremony, E.M. Dirksen United States Courthouse, Chicago, Illinois. My remarks were substantially identical to those given on January 12, 2022.

January 23, 2020: Speaker, "University of Chicago APALSA Luncheon," Asian Pacific American Law Students Association, University of Chicago Law School, Chicago, Illinois. Slides supplied.

October 28, 2019: Presiding Judicial Officer, Naturalization Ceremony, E.M. Dirksen United States Courthouse, Chicago, Illinois. My remarks were substantially identical to those given on January 12, 2022.

October 25, 2019: Panelist, "Conference on Best Practices for Managing *Daubert* Questions," Judicial Conference Advisory Committee on Evidence Rules, Nashville, Tennessee. Transcript supplied.

October 15, 2019: Panelist, "How Judges See and Handle Patent Cases," Practising Law Institute, Chicago, Illinois. I participated on a panel of judges before an audience of practicing attorneys to discuss best practices in litigating patent cases. I have no notes, transcript, or recording. The address of the Practising Law Institute is 1177 Avenue of the Americas, 2nd Floor, New York, New York, 10036.

September 3, 2019: Speaker, "Lunch Talk with Judge John Z. Lee," Chicago Bar Association, Chicago, Illinois. I hosted approximately twelve attorneys for a brown-bag lunch in my chambers to answer questions about the work of district judges generally. I have no notes, transcript, or recording. The address for the Chicago Bar Association is 321 South Plymouth Court, Chicago, Illinois 60604.

July 20, 2019: Speaker, Midwest Korean American Association of Chicago (a.k.a. the Korean American Association of Chicago), Chicago, Illinois. I administered the oath of office to the incoming President of the Association. I have no notes, transcript, or recording. The address for the Midwest Korean American Association of Chicago is 5941 North Lincoln, Chicago, Illinois 60659.

January 18, 2019: Speaker, Asian Pacific American Law Students Association, Northwestern University Pritzker School of Law, Chicago, Illinois. I hosted approximately twelve law students to my chambers to discuss what district judges do. I have no notes, transcript, or recording. The address for the Asian Pacific American Law Students Association, Northwestern University Pritzker School of Law is 375 East Chicago Avenue, Chicago, Illinois 60611.

November 7, 2018: Panelist, "Counteracting Bias in the Courtroom," Women in Law Empowerment Forum, Bryan Cave Leighton Paisner LLP, Chicago, Illinois. I participated on a panel before an audience of practicing attorneys to discuss ways to promote attorney diversity in litigation. I have no notes, transcripts, or recording. The address for Bryan Cave Leighton Paisner LLP is 161 North Clark Street, 12th Floor, Chicago, Illinois, 60601.

November 6, 2018: Guest Lecturer, "MDL Presentation," University of Chicago Law School, Chicago, Illinois. Slides supplied.

October 23, 2018: Panelist, "Clerkships Demystified," Northwestern University Chapter, American Constitution Society, Chicago, Illinois. I participated in a

panel of judges before an audience of law students to discuss the role of law clerks and the clerkship application process. I have no notes, transcript, or recording. The address for the American Constitution Society is 1899 L Street, Northwest, Suite 200, Washington, DC 20036.

October 19, 2018: Panelist, "Who Needs Second City? Class Damages from A(kroyd) to (Lovit)z: A Three Play Act," 22nd Annual National Institute on Class Actions, Chicago, Illinois. I participated on a panel before an audience of practicing attorneys to discuss ways that attorneys present damages in class action cases. I have no notes, transcripts, or recording. The address for the American Bar Association is 321 North Clark Street, Chicago, Illinois 60654.

May 24, 2018: Presiding Judicial Officer, Naturalization Ceremony, E.M. Dirksen United States Courthouse, Chicago, Illinois. My remarks were substantially identical to those given on January 12, 2022.

March 22, 2018: Speaker, "Emerging Issues in E-Discovery," Innovative Driven, Chicago, Illinois. I spoke to an audience of practicing lawyers to discuss developments in e-discovery. I have no notes, transcript, or recording. The address for Innovative Driven is 6400 Arlington Boulevard, Suite 750, Falls Church, Virginia 22042.

February 27, 2018: Panelist, "District Court Judges Round Table," Federal Bar Association, Chicago, Illinois. I participated on a panel of district judges before an audience of practicing attorneys to discuss best practices for practicing law in the federal district court. I have no notes, transcript, or recording. The address for the Federal Bar Association is 1220 North Fillmore Street, Suite 444, Arlington, Virginia 22201.

January 30, 2018: Presiding Judicial Officer, Naturalization Ceremony, E.M. Dirksen United States Courthouse, Chicago, Illinois. My remarks were substantially identical to those given on January 12, 2022.

January 24, 2018: Speaker, Edward Levi Distinguished Jurist, "Discretion in the District Court," University of Chicago Law School, Chicago, Illinois. Notes and slides supplied.

October 17, 2017: "Chambers Lunch with Judge John Z. Lee," Federal Bar Association, Chicago, Illinois. I hosted approximately twelve attorneys for a brown-bag lunch in my chambers to answer questions about the work of district judges generally. I have no notes, transcript, or recording. The address for the Federal Bar Association is 1220 North Fillmore Street, Suite 444, Arlington, Virginia 22201.

October 13, 2017: Speaker, American Constitution Society Midwest Regional Students Convention, Illinois-Kent Law School, Chicago, Illinois. I participated

on a panel before an audience of mostly law students to discuss diversity in the legal industry. I have no notes, transcript, or recording. The address for the American Constitution Society is 1899 L Street, Northwest, Suite 200, Washington, DC 20036.

October 6, 2017: Panelist, “Foley’s 13th Annual IP Conference—Forging Ahead: Strategies for the New Unknown,” Foley & Lardner LLP, Chicago, Illinois. I spoke to an audience of practicing lawyers discussing best practices in litigating patent cases. I have no notes, transcript, or recording. The address for Foley & Lardner LLP in Chicago is 321 North Clark Street, Suite 3000, Chicago, Illinois 60654.

May 5, 2017: “What’s Next: Judicial Roundtable on the Next Hot Button Legal Issues in Discovery,” The Sedona Conference, Minneapolis, Minnesota. I spoke to an audience of practicing lawyers discussing developments in e-discovery. I have no notes, transcript, or recording. The address for the Sedona Conference is 301 East Bethany Home Road, Suite C-297, Phoenix, Arizona 85012.

May 4, 2017: Panelist, “Preservation and Discovery of Social Media,” The Sedona Conference, Minneapolis, Minnesota. I spoke to an audience of practicing lawyers discussing developments in e-discovery at it pertains to social media. I have no notes, transcript, or recording. The address for the Sedona Conference is 301 East Bethany Home Road, Suite C-297, Phoenix, Arizona 85012.

March 2, 2017: Keynote Speaker, “Asian Heritage Week Annual Dinner,” Asian Pacific American Law Students Association, Northwestern University Pritzker School of Law, Chicago, Illinois. Notes and slides supplied.

February 1, 2017: Keynote Speaker, “AABA Law Foundation Presents: Pay It Forward: How to Help Your Community and Yourself,” Asian American Bar Association Foundation, Chicago, Illinois. Notes supplied.

January 19, 2017: Panelist, “Federal Bar Association: Employment Law Seminar,” Federal Bar Association, Chicago, Illinois. Notes supplied.

November 22, 2016: Presiding Judicial Officer, Naturalization Ceremony, E.M. Dirksen United States Courthouse, Chicago, Illinois. My remarks were substantially identical to those given on January 12, 2022.

November 17, 2016: Panelist, “Current Issues in Class Actions,” Northwestern University Pritzker School of Law, Chicago, Illinois. I participated on a panel before practicing lawyers and law students to discuss developments in class action law. I have no notes, transcript, or recording. The address for the Northwestern University Pritzker School of Law is 375 East Chicago Avenue, Chicago, Illinois 60611.

November 16, 2016: Panelist, "How to Admit and Exclude Evidence," Federal Bar Association, Chicago, Illinois. Federal Bar Association, Chicago, Illinois. Slides supplied.

October 28, 2016: Panelist, Federal Defender Program's Annual CJA Seminar, John Marshall Law School, Chicago, Illinois. I participated on a panel of district judges before an audience of practicing lawyers to discuss best practices for trial advocacy in the federal courts. I have no notes, transcript, or recording. The address of the Federal Defenders Program is 55 East Monroe Street, Suite 2800, Chicago, Illinois 60603.

April 29, 2016: Lecturer, "Seventh Annual Federal Court Boot Camp: Motions for Summary Judgment," Pincus Professional Education. Slides supplied.

March 15, 2016: Presiding Judicial Officer, Naturalization Ceremony, E.M. Dirksen United States Courthouse, Chicago, Illinois. My remarks were substantially identical to those given on January 12, 2022.

February 23, 2016: Panelist, "Commercial Class Actions: Hot Topics, Trends and Settlement Fairness," Federal Bar Association, Chicago, Illinois. I participated on a panel of district judges before an audience of practicing lawyers to discuss developments in class action law. I have no notes, transcript, or recording. The address for the Federal Bar Association is 1220 North Fillmore Street, Suite 444, Arlington, Virginia 22201.

January 22, 2016: Panelist, Transportation Lawyers Association – Chicago Regional Seminar. I participated on a panel before an audience of practicing attorneys to discuss the ethical obligations of lawyers in federal court. I have no notes, transcript, or recording. The address for the Transportation Lawyers Association is 111 West Jackson Boulevard, Suite 1412, Chicago, Illinois 60604.

January 13, 2016: "Remarks to the Korean American Association of Chicago," Korean American Association of Chicago, Chicago, Illinois. Notes supplied.

January 4, 2016: Presiding Judicial Officer, Naturalization Ceremony, E.M. Dirksen United States Courthouse, Chicago, Illinois. My remarks were substantially identical to those given on January 12, 2022.

December 19, 2015: Speaker, "Remarks by Judge John. Z. Lee," Korean American Leadership Conference, Chicago, Illinois. Slides and notes supplied.

October 23, 2015: Lecturer, Judicial Symposium sponsored by the United States Department of Justice, Office of Oversea Prosecutorial Development, Assistance and Training (OPDAT), Denpasar, Indonesia. Slides supplied.

June 23, 2015: Speaker, “The Northern District: A Primer,” Vedder Price LLP, Chicago, Illinois. Slides supplied.

May 6, 2015: Panelist, “Judicial Perspectives on the Management of Class Action Cases,” Perrin Conferences, Chicago, Illinois. I participated on a panel of judges before an audience of practicing lawyers to discuss developments in class action law. I have no notes, transcript, or recording. The address for Perrin Conferences is 214 Orchard Way, Wayne, Pennsylvania 19087.

March 17, 2015: Presiding Judicial Officer, Naturalization Ceremony, E.M. Dirksen United States Courthouse, Chicago, Illinois. My remarks were substantially identical to those given on January 12, 2022.

March 3, 2015: Panelist, “Wisdom from the Bench: Judges Panel,” Asian Pacific American Law Students Association, Northwestern University Pritzker School of Law, Chicago, Illinois. I spoke on a panel of judges before an audience of law students to discuss the work of a federal district judge and my path to the bench. I have no notes, transcript, or recording. The address for the Asian Pacific American Law Students Association, Northwestern University Pritzker School of Law is 375 East Chicago Avenue, Chicago, Illinois 60611.

January 26, 2015: Speaker, “APALSA Chambers Lunch with Judge John Z. Lee,” Asian Pacific American Law Students Association, Northwestern University Pritzker School of Law, Chicago, Illinois. I hosted approximately twelve law students to a brown-bag lunch in my chambers to discuss what district judges do. I have no notes, transcript, or recording. The address for the Asian Pacific American Law Students Association, Northwestern University Pritzker School of Law is 375 East Chicago Avenue, Chicago, Illinois 60611.

October 24, 2014: Panelist, “Big Shoulders and High Standards. Can Plaintiffs Scale the Third Circuit’s New Ascertainability Wall?”, American Bar Association, Chicago, Illinois. I participated on a panel before an audience of practicing lawyers to discuss developments in patent law. I have no notes, transcript, or recording. The address for the American Bar Association is 321 North Clark Street, Chicago, Illinois 60654.

August 27, 2014: Presiding Judicial Officer, Naturalization Ceremony, E.M. Dirksen United States Courthouse, Chicago, Illinois. My remarks were substantially identical to those given on January 12, 2022.

August 11 – 15, 2014: Lecturer, “United States Civil Trial Practice: An Introduction,” Korea University, Seoul, South Korea. Handout, notes, and slides supplied.

July 15, 2014: Panelist, Just the Beginning – A Pipeline Organization, Chicago, Illinois. I participated on a panel of judges before an audience of middle school

and high school students regarding careers in the legal profession. I have no notes, transcript, or recording. The address for Just the Beginning – A Pipeline Organization is 70 West Madison Street, Suite 2900, Chicago Illinois 60602.

July 11, 2014: Panelist, Sidley Austin LLP, Chicago, Illinois. I participated on a panel before an audience of junior attorneys to talk about judicial clerkships. I have no notes, transcript, or recording. The address of Sidley Austin LLP is One South Dearborn Street, Chicago, Illinois 60603.

May 22, 2014: Lecturer, “Demystifying the Federal Court,” Lake County Bar Association. Slides supplied.

April 11, 2014: Panelist, “Judge’s Panel,” Korean American Bar Association of San Diego, San Diego, California. I participated on a panel of judges before an audience of law students to discuss what federal district judges do and my path to the bench. I have no notes, transcript, or recording. The address of the Korean American Bar Association of San Diego is P.O. Box 122831, San Diego, California 92112.

March 6, 2014: Keynote Speaker, “Keynote Speaker: Judge John Z. Lee,” Northwestern University Asian Pacific American Law Students Association, Chicago, Illinois. Notes supplied.

February 20, 2014: Presenter, “APALSA Conference: Driving Change—Government Panel,” Harvard Law School Asian Pacific American Law Students Association National Conference, Cambridge, Massachusetts. Notes supplied.

January 23, 2014: Panelist, “Employment Litigation Panel,” Federal Bar Association, Chicago, Illinois. Notes supplied.

October 24, 2013: Presiding Judicial Officer, Naturalization Ceremony, E.M. Dirksen United States Courthouse, Chicago, Illinois. My remarks were substantially identical to those given on January 12, 2022.

October 2013 (specific date unknown): Panelist, Panel Discussion on Professionalism and Federal Practice, Illinois Judges Association, Chicago, Illinois. I spoke to an audience of practicing lawyers discussing the ethical obligations of lawyers who practice in the federal courts. I have no notes, transcript, or recording. The address for the Illinois Judges Association is 321 South Plymouth Court, Chicago, Illinois 60604.

September 4, 2013: Speaker, “Korea Times College Fair,” The Korea Times, Seoul, South Korea. Notes supplied.

August 10, 2013: Speaker, “Empowering to Practice Good Citizenship,” Institute for Corean-American Studies, Plymouth Meeting, Pennsylvania. Notes supplied.

June 26, 2013: Speaker, "CBA Class Action Section Luncheon," Chicago Bar Association, Chicago, Illinois. Notes supplied.

June 2013: Panelist, "Intellectual Property Panel," John Marshall Law School, Chicago, Illinois. I participated on a panel before an audience of practicing lawyers and law students to discuss best practices in litigating intellectual property cases. I have no notes, transcript, or recording. The address for the John Marshall Law School is 300 South State Street, Chicago, Illinois 60604.

May 17, 2013: Speaker, Asian Pacific American Heritage Month Celebration, U.S. Attorney's Office, Chicago, Illinois. Notes supplied.

May 16, 2013: Presiding Judicial Officer, Naturalization Ceremony, E.M. Dirksen United States Courthouse, Chicago, Illinois. My remarks were substantially identical to those given on January 12, 2022.

May 9, 2013: Speaker, "Remarks to the Asian Pacific Advisory Council," Cook County State's Attorney's Office, Chicago, Illinois. Notes supplied.

January 16, 2013: "Winning Motions to Compel," Holland & Knight LLP, Chicago, Illinois. I participated on a panel of judges before an audience of practicing attorneys to discuss best practices for motions to compel. I have no notes, transcript, or recording. The address for Holland & Knight LLP is 150 North Riverside Plaza, Chicago, Illinois 60606.

December 11, 2012: Presiding Judicial Officer, Naturalization Ceremony, E.M. Dirksen United States Courthouse, Chicago, Illinois. My remarks were substantially identical to those given on January 12, 2022.

November 12, 2012: Panelist, "Managing Major Antitrust Matters," American Lawyer Media Litigation Conference, Washington, DC. I participated on a panel before an audience of practicing lawyers to discuss developments in antitrust law. I have no notes, transcript, or recording. The address for American Lawyer Media is 150 East 42nd Street, New York, New York 10017.

October 4, 2012: Speaker, "Judicial Symposium," Supreme Court of South Korea, Seoul, South Korea. Notes supplied.

October 3, 2012: Lecturer, "Becoming a United States Federal Judge," Judicial Research Training Institute, Seoul, South Korea. Slides supplied.

September 12, 2012: Keynote Speaker, "KABA's 19th Annual Banquet," Korean American Bar Association of Chicago, Chicago, Illinois. Notes supplied.



September 2012 (specific date unknown): Speaker, "AABA Installation Dinner," Asian American Bar Association of Chicago, Chicago, Illinois. I discussed my background and path to the district court. I have no notes, transcript, or recording. The address of the Asian American Bar Association of Greater Chicago is 321 South Plymouth Court # 6, Chicago, Illinois 60604.

July 13, 2012: Inductee, "Induction," U.S. District Court for the Northern District of Illinois, Chicago, Illinois. Notes supplied.

June 28, 2012: Guest of Honor, "AABA Honorarium," Asian American Bar Association of Chicago, Chicago, Illinois. I spoke to an audience of practicing lawyers and law students about my path to the bench. I have no notes, transcript, or recording. The address of the Asian American Bar Association of Greater Chicago is 321 South Plymouth Court # 6, Chicago, Illinois 60604.

May 27, 2010: Speaker, "Golden Gavel Celebration," Coordinated Advice and Referral Program for Legal Services ("CARPLS"), Chicago, Illinois. I provided introductory remarks. I have no notes, transcript, or recording. The address of CARPLS is 17 North State Street, Suite 1850, Chicago, Illinois 60602.

September 25, 2009: Speaker, "Social Networking with Your Eyes Wide Open," Chicago, Illinois. I presented to the National Asian American Association of Professionals. Presentation supplied.

June 8, 2009: Speaker, "Oral Advocacy Training," Freeborn & Peters, LLP, Chicago, Illinois. I conducted training of law firm associates related to electronic discovery issues. I have no notes, transcript, or recording. The address of Freeborn & Peters LLP is 311 South Wacker Drive, Suite 3000, Chicago, Illinois 60606.

May 20, 2009: Speaker, "Golden Gavel Celebration," CARPLS, Chicago, Illinois. I provided introductory remarks. I have no notes, transcript, or recording. The address for CARPLS is 17 North State Street, Suite 1850, Chicago, Illinois 60602.

January 29, 2009: Speaker, "Practice Tracks," Chicago Bar Association, Chicago, Illinois. I presented on antitrust law and the practice of antitrust law. I have no notes, transcript, or recording. The address of the Chicago Bar Association is 321 South Plymouth Court, Chicago, Illinois 60604.

August 14, 2007: Speaker, "Vault Legal Diversity Job Fair Conference," Vault.com, Inc., Chicago, Illinois. I participated on a panel before an audience of attorneys and law students regarding diversity and business development issues. I have no notes, transcript, or recording. The address of Vault.com, Inc., is 132 West 31st Street, 15th Floor, New York, New York 10001.

August 24, 2006: Speaker, "Use of Experts in Federal Court," Freeborn & Peters, LLP, Chicago, Illinois. I presented a seminar for law firm associates regarding expert discovery issues. Presentation supplied.

March 4, 2005: Panelist, "Are Asians Afraid of the Courtroom?," Asian Pacific American Law Students Association of Northwestern Law School Chicago, Illinois. I participated on a panel before an audience of law students to discuss challenges faced by Asian American litigators. I have no notes, transcript, or recording. The address of the Asian Pacific American Law Students Association of Northwestern Law School is 375 East Chicago Avenue, Chicago, Illinois 60611.

Fall 2002 (specific date unknown): Guest Lecturer, Antitrust Law Class, John Marshall Law School, Chicago, Illinois. I spoke to law students about antitrust law. I have no notes, transcript, or recording. The address of John Marshall Law School is 315 South Plymouth Court, Chicago, Illinois 60604.

- 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.

I have searched my records and electronic databases in an effort to identify all interviews I have given and relevant information regarding them. I have found the ones listed below, but it is possible that there are a few that I have no record of and, thus, was not able to identify.

Stephen Bough & Elizabeth Burch, *Collected Wisdom on Selecting Leaders and Managing MDLs*, JUDICATURE (Fall 2021). Copy supplied.

Patricia Manson, *Judge John Lee on His Journey to the Bench—And His Time on It*, CHI. DAILY L. BULL., Nov. 14, 2018. Copy supplied.

Daniel Thies, *Northern District Welcomes Judge John. Z. Lee*, FED. CIV. PRAC., Dec. 2012. Copy supplied.

John Flynn Rooney, *Senators Recommend Five for District Court Vacancies*, CHI. DAILY L. BULL. (July 6, 2011). Copy supplied.

*Freeborn & Peters LLP and BLSA Honor Black Leaders Feb. 22*, IN THE LOOP (published by John Marshall Law School), (Feb. 18–24, 2007). Copy supplied.

Interview on the role of partners at Freeborn & Peters LLP for law firm marketing video, 2006. I am unable to obtain a recording.

Natasha H. Leland, *Law School Group Holds Forum on Suit*, THE CRIMSON, Feb. 26, 1992. Copy supplied.

Quoted in Law Actors brochure, 1990s. Copy supplied.

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

Since, June 4, 2012, I have served as a United States District Judge on the United States District Court for the Northern District of Illinois. I was nominated to that position by President Barack Obama on November 10, 2011, and sworn in as a district judge on June 4, 2012. The district court is a federal trial court of limited civil and criminal jurisdiction.

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

I have presided over thirty-five trials.

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

jury trials:	89%
bench trials:	11%

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

civil proceedings:	54%
criminal proceedings:	46%

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

I have searched my records and electronic databases in an effort to locate all of the opinions that I have written. Based on this search, citations to the opinions that I have written are provide in the attached list.

- 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. *In re TikTok, Inc., Consumer Priv. Litig.*, MDL 2948, No. 20 C 4699, 2021 WL 4478403 (N.D. Ill. Sept. 30, 2021)

In various federal courts in Illinois and California, consumers filed class actions

against TikTok, Inc., alleging, among other things, that the company violated California and Illinois privacy statutes by collecting biometric information from its users without consent via its popular app. The Judicial Panel on Multidistrict Litigation (JPML) consolidated the cases and assigned the multidistrict litigation (MDL) to me. *See In re TikTok, Inc., Consumer Priv. Litig.*, 481 F. Supp. 3d 1331 (J.P.M.L. 2020). The parties eventually agreed on a settlement and submitted the agreement to me for approval. After requiring certain modifications to the settlement agreement, I granted preliminary approval of the settlement. The parties recently filed a motion for final approval.

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2. *United States v. Bases*, No. 18 CR 48, 2020 WL 5909072 (N.D. Ill. Oct. 6, 2020), 2020 WL 2557342 (N.D. Ill. May 20, 2020)

Defendants were indicted on charges arising from trading practices in the commodity futures markets that the government argued amounted to “spoofing”—that is, placing bids or offers with the intent not to execute them. One of the significant issues in the case was whether placing an order in the futures market could give rise to a violation of the federal wire fraud statute. Relying upon related Seventh Circuit precedent, I concluded in the affirmative. After a two-week trial, the jury found both defendants guilty on all counts.

Sentencing is pending.

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3. *Ball v. Madigan*, 245 F. Supp. 3d 1004 (N.D. Ill. 2017), *appeal dismissed*, No. 17-1896, 2017 WL 5054202 (7th Cir. May 30, 2017)

Candidates for state political office filed this lawsuit against the Illinois Attorney General and members of the Illinois Board of Elections, alleging that an Illinois statute banning medical cannabis cultivation centers and dispensaries from making political contributions (and political candidates from receiving them) violated the First Amendment. After reviewing Supreme Court and Seventh Circuit precedents, I concluded that the state had not made a sufficient showing that the statute was sufficiently tailored to promote the government's interest in preventing *quid pro quo* corruption or its appearance and entered a judgment that the statute was unconstitutional. My ruling was appealed, but the appeal was voluntarily dismissed.

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4. *City of Evanston v. N. Ill. Gas Co. & Commonwealth Edison Co.*, 381 F. Supp. 3d 941 (N.D. Ill. 2019), No. 16 C 5692, 2018 WL 11191647 (N.D. Ill. Aug. 9, 2018), 229 F. Supp. 3d 714 (N.D. Ill. 2017), 162 F. Supp. 3d 654 (N.D. Ill. 2016)

The City of Evanston brought suit against the defendants under the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6901 *et seq.*, alleging that historical operations caused chemical contamination along municipal water lines and methane gas contamination under a local park. Along with its complaint, Evanston sought a preliminary injunction requiring the defendants to remediate the contamination. After the parties conducted extensive fact and expert discovery, I held an eight-day evidentiary hearing and issued a written opinion denying the motion, finding that Evanston had not satisfied the requirements to obtain a preliminary injunction. I then presided over a mediation at the request of the parties. The parties were able to arrive at a settlement, and the case was dismissed.

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5. *Mohammed v. Uber Tech., Inc.*, No. 16 C 2537, 2018 WL 1184733 (N.D. Ill. Mar. 3, 2018); 237 F. Supp. 3d 719 (N.D. Ill. 2017)

Plaintiff, who was a former driver for Defendant Uber Technologies, Inc., filed a complaint against Uber and various affiliates, alleging various violations of federal and state law. Uber filed a motion to dismiss, arguing that its standard driver's contract required Plaintiff to arbitrate his claims and that it was for the arbitrator to decide whether Plaintiff, in fact, had entered into an arbitration agreement with Uber. Plaintiff argued that the arbitration provision in the driver's contract did not apply to him, because he had not accepted the terms of the provision on his phone when registering to be a driver for Uber. I denied Uber's motion to dismiss, holding that the court had the authority to decide whether an arbitration agreement existed between the parties and ordered an evidentiary hearing to determine whether Plaintiff had assented to the arbitration agreement. Later, based on the evidence presented during the bench trial, I found that Uber had proven by a preponderance of the evidence that Plaintiff had entered into a written agreement to arbitrate his dispute with Uber and stayed the case pending the outcome of the arbitration. The arbitrator eventually ruled against Plaintiff, and Plaintiff filed a motion to vacate the arbitration award. I denied the motion and entered judgment in Defendants' favor.

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6. *Chatman v. City of Chi.*, No. 14 C 2945, 2018 WL 1519160 (N.D. Ill. Mar. 28, 2018), 2016 WL 4734361 (N.D. Ill. Sept. 12, 2016), 2016 WL 3145128 (N.D. Ill. May 3, 2016), 2015 WL 1090965 (N.D. Ill. Mar. 10, 2015)

Plaintiff spent more than a decade in prison after being convicted for sexually assaulting a woman at the Daley Center courthouse in Chicago, only to be released and his conviction vacated. Based on his false conviction, Chatman sued the City of Chicago, various Chicago police officers, the county sheriff deputies, members of the Cook County State's Attorney office, and the alleged victim, Ms. Riggio, for violating his rights under the Fourth, Fifth, and Fourteenth Amendments, as well as federal and state laws. He alleged that certain defendants had coerced and fabricated his confession, manufactured evidence, failed to disclose exculpatory evidence, conspired to deprive him of his constitutional rights, failed to intervene to prevent the deprivation of his constitutional rights, maliciously prosecuted him, and intentionally inflicted on him emotional distress. After years of discovery, the defendants filed motions for summary judgment. The motions were granted in part and denied in part, and the case was within days of proceeding to a multi-week trial, when the parties entered into a settlement agreement. Certain defendants filed a notice of appeal, but the appeal was voluntarily dismissed.

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7. *In re: Nat'l Collegiate Athletic Ass'n Student-Athlete Concussion Inj. Litig.*, MDL No. 2492, No. 13 C 9116 (N.D. Ill.)

In federal district courts throughout the country, former student-athletes of NCAA-affiliated schools filed putative class actions alleging that the NCAA and individual schools had acted negligently in failing to protect them from known concussion risks. They sought, among other things, injunctive relief and medical monitoring. The JPML consolidated the cases and assigned the MDL to me. *See In re: Nat'l Collegiate Athletic Ass'n Student-Athlete Concussion Inj. Litig.*, 988 F. Supp. 2d 1373 (J.P.M.L. 2013). After significant litigation, including extensive discovery, the plaintiffs and the NCAA arrived at a settlement and submitted it to me for approval. As part of the settlement, the NCAA agreed, among other things, to pay \$70 million to create a medical monitoring program that would provide screening and evaluation services to any current or former student-athletes who attended NCAA-affiliated schools. The NCAA also agreed to change its return-to-play protocols and implement other concussion-mitigation practices. After requiring certain modifications to the settlement, I granted final approval of the settlement agreement, and my decision was affirmed by the Seventh Circuit in *Walker v. Nat'l Collegiate Athletic Ass'n*, No. 19-2638, 2019 WL 8058082 (7th Cir. Oct. 25, 2019).

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Additional Case Citations:

332 F.R.D. 202 (N.D. Ill. 2019)  
No. 13 C 9116, 2016 WL 3854603 (N.D. Ill. July 15, 2016)  
314 F.R.D. 580 (N.D. Ill. 2016)  
No. 13 C 9116, 2014 WL 7237208 (N.D. Ill. Dec. 17, 2014)

8. *United States v. Kolbusz*, No. 12 CR 782, 2014 WL 4214948 (N.D. Ill. Aug. 26, 2014), 2013 WL 1883078 (N.D. Ill. May 6, 2013)

Defendant Kolbusz was charged with multiple counts of wire and mail fraud for writing fictitious diagnoses for hundreds of patients and submitting insurance claims for thousands of medically unnecessary procedures. I granted in part defendant's motion for a bill of particulars, requiring the government to provide a list of patients, fraudulent claims, and funds relevant to the charges in the indictment. The jury found defendant guilty on all counts, and I sentenced him to eighty-four months of imprisonment. The judgment was affirmed by the Seventh Circuit. *United States v. Kolbusz*, 837 F.3d 811 (7th Cir. 2016).

Lead Counsel for Defendant

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9. *Henry v. Hulett*, 930 F.3d 836 (7th Cir. 2019) (Lee, J., dissenting), *vacated*, 788 F. App'x 387 (7th Cir. 2019), *on reh'g*, 969 F.3d 769 (7th Cir. 2020) (*en banc*)

In this case, a group of female inmates at an Illinois prison were subjected to a strip-search as part of a training exercise for cadet correctional officers. During the search, the women were ordered to expose private parts of their bodies, some in full view of male guards. The women filed a lawsuit against the warden alleging, among other things, that the strip search had violated their rights under the Fourth and Eighth Amendments. The district court dismissed the Fourth Amendment claim, reasoning that convicted inmates had no expectation of privacy cognizable under the Fourth Amendment, and the plaintiffs appealed. The Court of Appeals for the Seventh Circuit invited me to sit by designation, and I was on the panel to hear the appeal. In the end, the majority agreed with the district court and affirmed, and I wrote a dissenting opinion, concluding that convicted inmates did possess an expectation of privacy to be free from strip searches of their persons and that the district court should have proceeded to determine whether the search in question was reasonable under the Fourth Amendment. The Seventh Circuit granted the petition for rehearing *en banc*, vacated the majority opinion, and issued an opinion substantially agreeing with my reasoning.

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10. *Woodward v. Victory Recs., Inc.*, No. 11 C 7594, 2016 WL 6476460 (N.D. Ill. Nov. 2, 2016), 2016 WL 1270423 (N.D. Ill. Mar. 31, 2016), 2016 WL 1274419 (N.D. Ill. Mar. 31, 2016), 2013 WL 5517926 (N.D. Ill. Oct. 4, 2013), 2013 WL 4659562 (N.D. Ill. Aug. 30, 2013)

The members of an alternative rock band, “A Day to Remember” (ADTR), sued their former record company, seeking a declaratory judgment that ADTR had performed its obligation under its recording agreement and that its members owned the copyrights to all of the songs. The written agreement consisted of a brief form agreement and raised novel copyright issues. After a contentious discovery process, both sides filed motions for summary judgment, which I granted in part and denied in part. The case then proceeded to a two-week jury trial, after which the jury found for the plaintiffs and awarded them more than \$4 million in damages.

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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. *Troogstad v. City of Chi.*, No. 21 C 5600, \_\_\_ F. Supp. 3d \_\_\_, 2021 WL 5505542 (N.D. Ill. Nov. 24, 2021)

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2. *United States v. Donagher*, 520 F. Supp. 3d 1034 (N.D. Ill. 2021)

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3. *United States v. Bases*, 549 F. Supp. 3d 822 (N.D. Ill. 2020)

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4. *Weston v. Big Sky Conf.*, 466 F. Supp. 3d 896 (N.D. Ill. 2020)

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5. *Cnty. of Cook v. Kellogg Co.*, 374 F. Supp. 3d 744 (N.D. Ill. 2019)

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6. *Ball v. Madigan*, 245 F. Supp. 3d 1004 (N.D. Ill. 2017)

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7. *Moreno v. Napolitano*, 213 F. Supp. 3d 999 (N.D. Ill. 2016)

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8. *City of Evanston v. N. Ill. Gas Co. & Commonwealth Edison Co.*, 162 F. Supp. 3d 654 (N.D. Ill. 2016)

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9. *In re: Nat'l Collegiate Athletic Ass'n Student-Athlete Concussion Inj. Litig.*, 314 F.R.D. 580 (N.D. Ill. 2016)

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10. *Krik v. Crane Co.*, 76 F. Supp. 3d 747 (N.D. Ill. 2014)

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

I have searched my records and electronic databases to determine whether certiorari was requested or granted in any case that I presided over in the district court or sat by designation in the U.S. Circuit Court of Appeals for the Seventh Circuit. My search did not reveal any cases where certiorari was granted.

Below is a list of cases that I have found where certiorari was denied:

*Troesch v. Chi. Tchrs. Union, Loc. Union No. 1*, 522 F. Supp. 3d 425 (N.D. Ill.), *aff'd*, No. 21-1525, 2021 WL 2587783 (7th Cir. Apr. 15, 2021), *cert. denied sub nom. Troesch v. Chi. Tchrs. Union*, 142 S. Ct. 425 (2021)

*Gakuba v. Neese*, No. 17 C 50337 (N.D. Ill. Apr. 26, 2020), *aff'd sub nom. Gakuba v. Grissom*, No. 20-1137 (7th Cir. Oct. 22, 2020), *cert. denied*, 141 S. Ct. 2692 (2021)

*Johnson v. Lew*, No. 14 C 2233 (N.D. Ill. Sept. 19, 2019), *aff'd sub nom. Johnson v. Mnuchin*, 827 F. App'x 603 (7th Cir. 2020), *cert. denied sub nom. Johnson v. Yellen*, 141 S. Ct. 2629 (2021)

*Thomas v. Varga*, No. 19 C 5847, 2020 WL 7873277 (N.D. Ill. Sept. 23, 2020), *appeal denied sub nom. Thomas v. Nicklaus*, No. 20-3126, 2021 WL 1206655 (7th Cir. Jan. 21, 2021), *cert. denied*, 141 S. Ct. 2583 (2021).

*Williams v. Williams*, No. 14 C 7407, 2018 WL 3208535 (N.D. Ill. June 29, 2018), *aff'd sub nom. Williams v. Jackson*, 964 F.3d 621 (7th Cir. 2020), *cert. denied*, 141 S. Ct. 1237 (2021)

*Thompson v. Bd. of Educ. City of Chi.*, No. 14 C 6340, 2018 WL 1441108 (N.D. Ill. Mar. 22, 2018), *aff'd*, 790 F. App'x 811 (7th Cir. 2019), *cert. denied*, 141 S. Ct. 163 (2020)

*United States v. Clark*, 16 CR 381 (N.D. Ill. Oct. 10, 2017), *aff'd*, 906 F.3d 667 (7th Cir. 2018), *cert. denied*, 139 S. Ct. 852 (2019)

*United States v. Pickett*, No. 16 C 6461, 2017 WL 1196954 (N.D. Ill. Mar. 31, 2017), *appeal denied sub nom. Pickett v. United States*, No. 17-2110, 2017 WL 5899317 (7th Cir. Sept. 21, 2017), *cert. denied*, 138 S. Ct. 1312 (2018)

*Saskatchewan Mut. Ins. v. CE Design, Ltd.*, No. 15 C 4921 (N.D. Ill. Oct. 6, 2015), *aff'd*, 865 F.3d 537 (7th Cir. 2017), *cert. denied*, 138 S. Ct. 993 (2018)

*United States v. Sanders*, No. 14 CR 111-1 (N.D. Ill. Aug. 29, 2016), *aff'd*, 690 F. App'x 424 (7th Cir. 2017), *cert. denied*, 138 S. Ct. 695 (2018)

*Morfin v. Kerry*, No. 14 C 10198, 2015 WL 13439820 (N.D. Ill. Sept. 22, 2015), *aff'd as modified sub nom. Morfin v. Tillerson*, 851 F.3d 710 (7th Cir.), *cert. denied*, 138 S. Ct. 380 (2017)

*Midwest Operating Eng'rs Welfare Fund v. Allied Stone*, 175 F. Supp. 3d 945 (N.D. Ill.), *aff'd sub nom. Midwest Operating Eng'rs Welfare Fund v. Cleveland Quarry*, 844 F.3d 627 (7th Cir. 2016), *cert. denied*, 138 S. Ct. 84 (2017)

*United States v. Kolbusz*, No. 12 C 782 (N.D. Ill. Feb. 22, 2016), *aff'd*, 837 F.3d 811 (7th Cir. 2016), *cert. denied*, 137 S. Ct. 2147 (2017)

*Thompson v. Brannon*, No. 04 C 3174 (N.D. Ill. Sept. 1, 2015), *appeal denied*, No. 15-3165 (7th Cir. Oct. 17, 2016), *cert. denied*, 137 S. Ct. 1212 (2017)

*White v. City of Chi.*, No. 11-CV-7802, 2015 WL 225395 (N.D. Ill. Jan. 15, 2015), *aff'd with criticism*, 829 F.3d 837 (7th Cir.), *cert. denied*, 137 S. Ct. 526 (2016)

*Wright vs. Ill. Dep't of Parole*, No. 13 C 6689 (N.D. Ill. Oct. 17, 2013), *appeal denied*, No. 15-1120 (7th Cir.), *cert. denied*, 577 U.S. 839 (2015)

*Wright vs. Ill. Dep't of Parole*, No. 14 C 1542 (N.D. Ill. July 25, 2014), *appeal denied*, No. 15-1120 (7th Cir.), *cert. denied*, 577 S. Ct. 839 (2015)

*DeKeyser v. Thyssenkrupp Waupaca, Inc.*, 735 F.3d 568 (7th Cir. 2013), *cert. denied*, 135 S. Ct. 436 (2014)

*United States v. Scott*, 731 F.3d 659 (7th Cir. 2013), *cert. denied*, 572 U.S. 1053 (2014)

*Taylor v. Michael*, 724 F.3d 806 (7th Cir. 2013), *cert. denied sub nom. Taylor v. Good*, 134 S. Ct. 926 (2014).

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

I have searched my records and electronic databases concerning the opinions I have written in cases that have been assigned to me. I found eleven decisions that the Seventh Circuit or the Federal Circuit reversed, vacated, or remanded, either in whole or in part.

*Fernando-Mateo v. Prim*, No. 20-CV-2999, 2020 WL 7059447 (N.D. Ill. Dec. 2, 2020), *vacated as moot*, No. 21-1181 (7th Cir. Nov. 23, 2021). This case involved a citizen of Guatemala who filed a petition for habeas corpus under 28 U.S.C. § 2241, alleging that he was entitled to a bond hearing under 8 U.S.C. § 1226(a) while his removal was withheld to determine whether he should be returned to Guatemala or another country. Noting that there was a circuit split on the issue and that the Seventh Circuit had yet to address it, I held that §1226(a) applied in this case and that the petitioner was entitled to a bond hearing. In a case shortly after my ruling, the Supreme Court held that a noncitizen in identical circumstances was not entitled to a bond hearing. *See Johnson v. Guzman Chavez*, 141 S. Ct. 2271 (2021). The Seventh Circuit then vacated my ruling and remanded the case with instructions to dismiss it as moot.

*Gracia v. SigmaTron Int'l, Inc.*, No. 16 C 7297, 2019 WL 1254898 (N.D. Ill. Mar. 19, 2019), *vacated and remanded*, 986 F.3d 1058 (7th Cir. 2021). In this

employment discrimination case, the plaintiff brought claims under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq.*, the Illinois Human Rights Act, 775 Ill. Comp. Stat. 5, as well as defamation and false light invasion of privacy claims against her employer. In an earlier opinion, *see* 244 F. Supp. 3d 762 (N.D. Ill. 2017), I granted defendant's motion to dismiss the defamation and false light claims and, later, granted summary judgment on the remaining claims. The Seventh Circuit vacated and remanded with instructions to dismiss the case for lack of standing, because the plaintiff's allegations at the summary judgment stage did not establish that she had suffered Article III injury.

*Arwa Chiropractic, P.C. v. Med-Care Diabetic & Med. Supplies, Inc.*, No. 14 C 5602, 2019 WL 527497 (N.D. Ill. Feb. 11, 2019), *aff'd in part, rev'd in part, and remanded*, 961 F.3d 942 (7th Cir. 2020). In this case, a medical provider sued a medical supply company under the Telephone Consumer Protection Act, 47 U.S.C. § 227. The company failed to appear, so I entered default judgment for the provider as to liability but not damages. Later, I granted summary judgment against an individual defendant and, based on the particular facts of the case, I vacated the order granting default judgment against the company to avoid inconsistent judgments. On appeal, the Seventh Circuit reversed, holding that I should not have vacated the entry of default judgment without a showing of good cause by the defendant and should have decided the issue of damages. The Seventh Circuit also disagreed with my conclusion that default judgment against the company would be inconsistent with the later summary judgment order as to the individual defendant.

*United States v. Austin*, No. 16 CR 359 (N.D. Ill. Mar. 9, 2018), *aff'd in part, vacated in part, and remanded*, 760 F. App'x 456 (7th Cir. 2019). The defendant in this case pleaded guilty to a charge of unlawful possession of a firearm, and I sentenced him to 70 months of imprisonment and a three-year term of supervised release. The Seventh Circuit affirmed the 70-month sentence but vacated and remanded one of the conditions of supervised release, in which I required the defendant to remain within the "jurisdiction" of the court as provided in the judgment form, holding that the term was impermissibly vague. The Seventh Circuit instructed me to substitute "judicial district" for the word "jurisdiction."

*BankOne Cap. Fin., LLC v. Cap. Premium Fin., Inc.*, No. 15 C 10340, 2017 WL 5890924 (N.D. Ill. Nov. 29, 2017), *vacated and remanded*, 912 F.3d 1054 (7th Cir. 2019). This case was transferred to me from another judge, who granted a motion for preliminary injunction requiring one of the parties to continue purchasing loans from the other party but did not require the movant to post bond as required by Federal Rule of Civil Procedure 65(c). After the case was reassigned to me, I continued to extend the deadline to post bond and denied the nonmovant's request for a terminal date, based on my reading of the former judge's injunction. The Seventh Circuit vacated the injunction order based on its failure to specify a terminal date and require bond.

*Holcomb v. Freedman Anselmo Lindberg, LLC*, 245 F. Supp. 3d 998 (N.D. Ill. 2017), *rev'd and remanded*, 900 F.3d 990 (7th Cir. 2018). The plaintiff in this case sued a law firm for allegedly mailing court filings directly to her address, despite knowing that she was represented by other counsel, in violation of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* The parties filed cross-motions for summary judgment, and I granted plaintiff's motion and denied defendant's motion, based in part on my determination that Illinois Supreme Court Rule 11 did not grant defendant express permission to serve plaintiff directly, because plaintiff had an "attorney of record." The Seventh Circuit reversed and remanded on grounds that I had misinterpreted the term "attorney of record" as it appears in the rule.

*United States v. Givens*, No. 12 CR 241 (N.D. Ill. Dec. 22, 2016), *aff'd and remanded*, 875 F.3d 387 (7th Cir. 2017). After a jury convicted the defendant on three counts of possession with intent to distribute, I sentenced the defendant to 186 months of imprisonment, followed by five years of supervised release. The Seventh Circuit affirmed the sentence and remanded the case for the limited purpose of clarifying the written judgment to conform to the definition of "excessive" use of alcohol that I orally stated during the sentencing hearing.

*Basile v. Prometheus Global Media*, 225 F. Supp. 3d 737 (N.D. Ill. 2016), *remanded*, No. 17-1028 (7th Cir. July 26, 2017). I granted defendant's motion for judgment on the pleadings in this defamation case because the alleged defamatory statements did not satisfy the elements of defamation per se or false light. The Seventh Circuit remanded with orders to dismiss the case for lack of subject matter jurisdiction. Although the parties never raised the issue at the trial level, the Seventh Circuit found that the parties lacked complete diversity.

*Berkheimer v. Hewlett-Packard Co.*, 224 F. Supp. 3d 635 (N.D. Ill. 2016), *aff'd in part, vacated in part sub nom. Berkheimer v. HP Inc.*, 881 F.3d 1360 (Fed. Cir. 2018). This case involved a patent describing a method for digitally archiving and modifying electronic files. After construing the claims, I granted defendant's motion for summary judgment on ineligibility as to all claims. The Federal Circuit affirmed as to claims 1 through 3 and 9 but reversed as to claims 4 through 7 (claim 8 was not appealed). The Federal Circuit ruled that there was a factual dispute regarding whether claims 4 through 7 described understood, routine, and conventional activities to a person with ordinary skill in the art.

*Addison Automatics, Inc. v. Hartford Cas. Ins. Co.*, No. 13-CV-1922, 2013 WL 12155314 (N.D. Ill. June 25, 2013), *rev'd and remanded*, 731 F.3d 740 (7th Cir. 2013). This insurance suit commenced in state court, and the insurer-defendant removed to federal court under the Class Action Fairness Act ("CAFA"), 8 U.S.C. §§ 1711–15, on the basis that the plaintiff was an assignee of the rights of numerous other insureds who had previously brought and settled a class action. I remanded for lack of subject matter jurisdiction on grounds that the plaintiff had asserted that it was suing only in its individual capacity, and not for the class. The

Seventh Circuit disagreed and held that jurisdiction under CAFA was proper because the case was “in substance” a class action, given that the plaintiff only had standing to bring the suit in its capacity as a class representative.

*Rupcich v. United Food & Com. Workers Int’l Union*, 69 F. Supp. 3d 889 (N.D. Ill. 2014), *aff’d in part, rev’d in part, and remanded sub nom. Rupcich v. United Food & Com. Workers Int’l Union*, 833 F.3d 847 (7th Cir. 2016). In this case, the plaintiff sued her employer for making defamatory statements and violating the collective bargaining agreement (“CBA”). The plaintiff also sued the union for breaching its fiduciary duty to her. The parties filed cross-motions for summary judgment, and I granted the defendants’ motions. The Seventh Circuit reversed my decision as to the breach of the duty of fair representation claims, holding that factual issues remained as to whether the decision not to represent the plaintiff was arbitrary and whether the employer had breached the CBA.

Additionally, I found seven decisions in which the Seventh Circuit affirmed my decision but criticized my substantive rulings.

*Stevens v. U.S. Dep’t of State*, No. 17 C 2494, 2020 WL 1330653 (N.D. Ill. Mar. 23, 2020), *aff’d*, 20 F.4th 337 (7th Cir. 2021). In this case, the plaintiff alleged that the State Department had failed to conduct a reasonable search of, and withheld certain of, its records in violation of the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552. I granted summary judgment because I found that the searches satisfied FOIA’s reasonableness standard. The Seventh Circuit affirmed but criticized the reasoning I used to strike certain factual allegations from the complaint.

*Williams v. Williams*, No. 14 C 7407, 2018 WL 3208535 (N.D. Ill. June 29, 2018), *aff’d sub nom. Williams v. Jackson*, 964 F.3d 621 (7th Cir. 2020). Petitioner in this habeas case, who was convicted of two separate rapes in Illinois state court, alleged that his defense attorney had provided ineffective assistance of counsel in violation of the Sixth Amendment. I denied the petition on grounds that the state court’s application of the Sixth Amendment was reasonable and denied petitioner’s request for an evidentiary hearing because the petitioner had not claimed innocence. The Seventh Circuit affirmed but noted that my decision not to grant the petitioner an evidentiary hearing was not founded on the record, because I had failed to examine whether the petitioner had exercised sufficient diligence in developing the factual basis for his claim so as to render the innocence requirement inapplicable.

*United States v. Rosario*, 1:15-cr-00611-3, 2017 WL 2117534 (N.D. Ill. May 16, 2017), *aff’d*, 5 F.4th 706 (7th Cir. 2021). I denied defendant’s motion to suppress his cell-site location information, applying then-current Supreme Court precedent on the third-party doctrine to conclude that the defendant had lacked a reasonable expectation of privacy in that data. Shortly after the defendant’s trial, the Supreme Court issued *Carpenter v. United States*, 138 S. Ct. 2206 (2018), which

held that individuals have a legitimate expectation of privacy in cell-site location information. The Seventh Circuit affirmed my denial of the motion to suppress on the grounds that the good faith and inevitable discovery exceptions to the exclusionary rule applied.

*Morfin v. Kerry*, No. 14 C 10198, 2015 WL 13439820 (N.D. Ill. Sept. 22, 2015), *aff'd as modified sub nom. Morfin v. Tillerson*, 851 F.3d 710 (7th Cir. 2017). This case involved judicial review of the State Department's decision to deny a visa to the plaintiff, who was a citizen of Mexico. I dismissed the suit under Federal Rule of Civil Procedure 12(b)(1) for lack of subject matter jurisdiction, because I reasoned that the decision to deny the visa was committed to agency discretion under the Administrative Procedure Act ("APA"), 5 U.S.C. § 1001 *et seq.* For the sake of completeness, I also denied the petition on the merits. The Seventh Circuit noted that agency discretion under APA § 701(a) is not a jurisdictional bar, rejecting my dismissal on that ground. The panel, however, affirmed based on my analysis of the merits.

*Naperville Smart Meter Awareness v. City of Naperville*, 114 F. Supp. 3d 606 (N.D. Ill. 2015), *aff'd as modified*, 900 F.3d 521 (7th Cir. 2018). A group of Naperville residents sued the city over its replacement of analog electricity meters with "smart meters" that collect a resident's energy consumption data in fifteen-minute intervals, alleging that the collection of this data constituted an unreasonable search under the United States and Illinois Constitutions. I granted the city's motion to dismiss on grounds that the collection of the data was not a Fourth Amendment "search." The Seventh Circuit disagreed and held that the use of the smart meters did constitute a search, but affirmed my dismissal on the grounds that the search was reasonable.

*White v. City of Chi.*, No. 11 C 7802, 2014 WL 958714 (N.D. Ill. Mar. 12, 2014), *aff'd with criticism*, 829 F.3d 837 (7th Cir.), *cert. denied*, 137 S. Ct. 526 (2016). The plaintiff in this case brought claims pursuant to 42 U.S.C. § 1983, alleging violations of the Fourth and Fourteenth Amendments, and a malicious prosecution claim under Illinois law, in connection with his arrest for selling heroin. I dismissed the claim brought pursuant to *Monell v. Department of Social Services of the City of New York*, 436 U.S. 658 (1978), because the plaintiff had not pleaded sufficient facts to state a claim that the alleged practice was so widespread as to constitute a "policy or custom" under *Monell*. The Seventh Circuit held that I incorrectly applied a heightened pleading standard to the plaintiff's *Monell* claim but noted that this was harmless error because the claim was properly dismissed on other grounds.

*Hall v. Vill. of Flossmoor Police Dep't*, No. 11 C 5283, 2012 WL 6021659 (N.D. Ill. Dec. 4, 2012), *aff'd with criticism sub nom. Hall v. Vill. of Flossmoor*, 520 F. App'x 468 (7th Cir. 2013). This was a race discrimination case where the plaintiff, a Black police officer who was terminated after having sex in a patrol car while on duty, claimed that he was punished more harshly for his misconduct

than comparable white officers. I granted the village's motion for summary judgment in part because the plaintiff had failed to prove disparate treatment by not identifying another officer who had been disciplined for having sex while on duty. On appeal, the Seventh Circuit affirmed, but noted that a complete similarity with a comparator is not essential to prove uneven punishment resulting from racial bias.

- 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.

To my knowledge, when I issue a Memorandum Opinion via the court's electronic filing system (CM/ECF), it is automatically posted on the district court's website as a recently-issued decision. The publishing services obtain decisions from that website, and they determine whether to report any such decision in the Federal Supplement and/or to make it available electronically. To the extent that I have issued decisions that have not been posted by publishing services, the decisions are maintained in the court's CM/ECF system.

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

I have searched my records and electronic databases in an effort to locate all of my significant opinions on federal or state constitutional issues in response to this question. The significant opinions of mine that concern constitutional issues are listed below. For cases in which two or more significant opinions were issued concerning constitutional issues, the opinions are grouped together.

*United States v. Sykes*, 20 CR 658, \_\_\_ F. Supp. 3d \_\_\_, 2022 WL 36099 (N.D. Ill. Jan. 4, 2022)

*Troogstad v. City of Chi.*, 21 C 5600, \_\_\_ F. Supp. 3d \_\_\_, 2021 WL 6049975 (N.D. Ill. Dec. 21, 2021)

*Troogstad v. City of Chi.*, 21 C 5600, \_\_\_ F. Supp. 3d \_\_\_, 2021 WL 5505542 (N.D. Ill. Nov. 24, 2021)

*United States v. Storme*, 20 CR 650, 2021 WL 3674611 (N.D. Ill. Aug. 19, 2021)

*Matter of Search of A Single-Family Home*, 20 M 684, \_\_\_ F. Supp. 3d \_\_\_, 2021 WL 5992468 (N.D. Ill. May 14, 2021)

*Mitchell v. Doherty*, 530 F. Supp. 3d 744 (N.D. Ill. 2021), *appeal filed*, No. 21-1764 (7th Cir. Apr. 29, 2021)



*Troesch v. Chi. Tchrs. Union, Local Union No. 1*, 522 F. Supp. 3d 425 (N.D. Ill. 2021), *aff'd*, No. 21-1525, 2021 WL 2587783 (7th Cir. Apr. 15, 2021)

*United States v. Donagher*, 520 F. Supp. 3d 1034 (N.D. Ill. 2021)

*Garrick v. Moody Bible Inst.*, 494 F. Supp. 3d 570 (N.D. Ill. 2020), *appeal filed*, No. 21-2683 (7th Cir. Sept. 14, 2021)

*Garrick v. Moody Bible Inst.*, 412 F. Supp. 3d 859 (N.D. Ill. 2019)

*Cassell v. Snyders*, 458 F. Supp. 3d 981 (N.D. Ill. 2020), *aff'd*, 990 F.3d 539 (7th Cir. 2021)

*United States v. King*, 439 F. Supp. 3d 1051 (N.D. Ill. 2020)

*Cnty. of Cook v. Kellogg Co.*, 374 F. Supp. 3d 744 (N.D. Ill. 2019)

*Ball v. Madigan*, 245 F. Supp. 3d 1004 (N.D. Ill. 2017), *appeal voluntarily dismissed*, No. 17-1896, 2017 WL 5054202 (7th Cir. May 30, 2017)

*Moreno v. Napolitano*, 213 F. Supp. 3d 999 (N.D. Ill. 2016)

*Cnty. of Cook v. HSBC N. Am. Holdings Inc.*, 136 F. Supp. 3d 952 (N.D. Ill. 2015)

*Naperville Smart Meter Awareness v. City of Naperville*, 11 C 9299, 2016 WL 5373052 (N.D. Ill. Sept. 26, 2016), *aff'd as modified*, 900 F.3d 521 (7th Cir. 2018)

*Naperville Smart Meter Awareness v. City of Naperville*, 114 F. Supp. 3d 606 (N.D. Ill. 2015), *aff'd as modified*, 900 F.3d 521 (7th Cir. 2018)

*Naperville Smart Meter Awareness v. City of Naperville*, 69 F. Supp. 3d 830 (N.D. Ill. 2014), *aff'd as modified*, 900 F.3d 521 (7th Cir. 2018).

*Naperville Smart Meter Awareness v. City of Naperville*, 11 C 9299, 2013 WL 1196580 (N.D. Ill. Mar. 22, 2013), *aff'd as modified*, 900 F.3d 521 (7th Cir. 2018)

*Henry v. Hulett*, 16-4234, 930 F.3d 836, 839 (7th Cir.) (Lee, J., dissenting)

- 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 sat by designation on the Seventh Circuit on several occasions. I authored the opinion of the court in eight cases and wrote a dissenting opinion in one case. These are listed first. I sat on the panel in fifteen additional cases but did not write the opinion. These are listed second.

#### Authored Opinions

1. *Henry v. Hulett*, 930 F.3d 836, 839 (7th Cir.) (Lee, J., dissenting), *reh'g en banc granted, opinion vacated*, 788 F. App'x 387 (7th Cir. 2019), *and on reh'g en banc*, 969 F.3d 769 (7th Cir. 2020)

In this case, a group of female inmates at an Illinois prison were subjected to a strip-search as part of a training exercise for cadet correctional officers. During the search, the women were ordered to expose private parts of their bodies, some in full view of male guards. The women filed a lawsuit against the warden alleging, among other things, that the strip search violated their rights under the Fourth and Eighth Amendments. The district court dismissed the Fourth Amendment claim, reasoning that convicted inmates had no expectation of privacy cognizable under the Fourth Amendment, and the plaintiffs appealed. The majority agreed with the district court and affirmed, and I dissented, concluding that convicted inmates did possess an expectation of privacy to be free from strip searches of their persons and that the district court should have proceeded to determine whether the search in question was reasonable under the Fourth Amendment. The Seventh Circuit then granted the petition for rehearing *en banc*, vacated the majority opinion, and issued an opinion substantially agreeing with my reasoning.

2. *Taylor v. City of Lawrenceburg*, 909 F.3d 177 (7th Cir. 2018)

A police officer sued a city and numerous municipal officials under 42 U.S.C. § 1983 for terminating his employment in violation of the First Amendment, because he had accused the officials of wrongdoing. We held that the plaintiff's § 1983 claims against the city and the officials were barred by issue preclusion and an Indiana qualified immunity statute, as well as failing on the merits.

3. *Riley v. Kokomo*, 909 F.3d 182 (7th Cir. 2018)

Plaintiff, a former housing authority employee who suffered from seizures, anxiety disorder, PTSD, and depression, brought claims under the Family and Medical Leave Act ("FMLA"), 29 U.S.C. § 2601 *et seq.*, the Americans with Disabilities Act ("ADA"), 42 U.S.C. § 12101 *et seq.*, the Fair Housing Act ("FHA"), 42 U.S.C. §§ 3601–619, and Title VII of the Civil Rights Act of 1964 ("Title VII"), 42 U.S.C. § 2000e *et seq.*, for improperly denying her requests for medical leave, failing to make reasonable accommodations, and retaliation. We affirmed the district court's grant of summary judgment to defendants on all claims, holding that the plaintiff had failed to raise a triable issue of fact as to whether the housing authority retaliated against her in violation of the FMLA, ADA, FHA, and Title VII, and because the ADA reasonable accommodations claim exceeded the scope of her EEOC charge.

4. *Doe No. 55 v. Madison Metro. Sch. Dist.*, 897 F.3d 819 (7th Cir. 2018), *reh'g en banc granted, opinion vacated*, No. 17-1521 (Oct. 11, 2018)

In this case, a middle school student sued her school district under the private right of action implied in Title IX of the Education Amendments Act of 1972 (“Title IX”), 20 U.S.C. § 1681 *et seq.*, for failing to prevent sexual assault by a school security guard. Applying the deliberate indifference standard for Title IX claims set forth in *Gebser v. Lago Vista Independent School District*, 524 U.S. 274 (1998), we held that the plaintiff had not alleged sufficient facts to support the claim that school officials, who possessed the authority to address the discrimination, had actual knowledge of the security guard’s misconduct. The Seventh Circuit granted rehearing *en banc* and vacated the panel’s opinion. The *en banc* opinion has yet to be issued.

5. *United States v. Canfield*, 893 F.3d 491 (7th Cir. 2018)

The defendant, who had been convicted of possessing child pornography, contested four conditions of supervised release imposed by the district court after his release from prison. On behalf of a unanimous panel, I wrote the opinion vacating three of the four conditions, because the district court had failed to provide an adequate explanation of reasons for imposing the conditions, and affirmed the imposition of the fourth condition. On remand, the district court reimposed the conditions during proceedings consistent with the opinion.

6. *Hussey v. Milwaukee Cnty.*, 740 F.3d 1139 (7th Cir. 2014)

The plaintiff alleged that Milwaukee County’s failure to provide “cost-free” health insurance to retired county employees constituted a taking of property without due process of law in violation of the United States and Wisconsin Constitutions. We affirmed summary judgment for the defendant on grounds that, given the particular facts of the case, the plaintiff did not possess a secure and durable property right in completely free health insurance.

7. *DeKeyser v. ThyssenKrupp Waupaca*, 735 F.3d 568 (7th Cir. 2013), *cert. denied*, 574 U.S. 987 (2014)

Plaintiffs, employees at a foundry, alleged that their employer had violated the Fair Labor Standards Act, 29 U.S.C. § 201 *et seq.*, by not compensating them for time spent showering and changing clothes at the foundry. We reversed the district court’s grant of summary judgment to the employer, holding that the district court had ignored the disputed evidence concerning the health effects of chemical exposure at foundries and the degree to which showering and changing would mitigate them.

8. *United States v. Scott*, 731 F.3d 659 (7th Cir. 2013), *cert. denied*, 572 U.S. 1053 (2014)

The defendant in this case moved to suppress the fruits of a search on grounds that the search warrant was based on an improperly recorded conversation. We affirmed the district court's denial of the motion, holding that, even if the recording had been illegally obtained, the warrant contained sufficient facts independent of the conversation to support probable cause.

9. *Judson Atkinson Candies, Inc. v. Kenray Assocs.*, 719 F.3d 635 (7th Cir. 2013).

The plaintiff sought to invalidate a settlement agreement, alleging it had been fraudulently induced to enter into it. We held that the district court erred by concluding that Indiana law required the plaintiff to show that it had been fraudulently induced to enter into the integration clause in particular, rather than the agreement as a whole.

#### Other Cases Where I Have Sat by Designation

1. *Rhodes v. Dittman*, 903 F.3d 646 (7th Cir. 2018) (Hamilton, J.)
2. *W.G.A. v. Sessions*, 900 F.3d 957 (7th Cir. 2018) (Hamilton, J.)
3. *Dunbar v. Kohn Law Firm, S.C.*, 896 F.3d 762 (7th Cir. 2018) (Sykes, J.)
4. *Van Cannon v. United States*, 890 F.3d 656 (7th Cir. 2018) (Sykes, J.)
5. *Milchtein v. Chisholm*, 880 F.3d 895 (7th Cir. 2018) (Easterbrook, J.)
6. *Ennin v. CNH Indus. Am., LLC*, 878 F.3d 590 (7th Cir. 2017) (Manion, J.)
7. *United States v. Pettis*, 720 F. App'x. 306 (7th Cir. 2017) (per curiam)
8. *United States v. King-Vassel*, 728 F.3d 707 (7th Cir. 2013) (Kanne, J.)
9. *Taylor v. Michael*, 724 F.3d 806 (7th Cir. 2013) (Kanne, J.), *cert. denied*, 571 U.S. 1138 (2014)
10. *Gutierrez v. Kermon*, 722 F.3d 1003 (7th Cir. 2013) (Tinder, J.)
11. *Leveski v. ITT Educ. Servs., Inc.*, 719 F.3d 818 (7th Cir. 2013) (Tinder, J.)
12. *Koransky, Bouwer & Poracky, P.C. v. Bar Plan Mut. Ins. Co.*, 712 F.3d 336 (7th Cir. 2013) (Manion, J.)
13. *Marin-Rodriguez v. Holder*, 710 F.3d 734 (7th Cir. 2013) (Manion, J.)

14. *Cooper v. Asset Acceptance, LLC*, 532 F. App'x. 639 (7th Cir. 2013) (per curiam)

15. *Quad/Graphics, Inc. v. One2One Commc'ns, LLC*, 529 F. App'x 784 (7th Cir. 2013) (per curiam)

14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:
- a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;
  - b. a brief description of the asserted conflict of interest or other ground for recusal;
  - c. the procedure you followed in determining whether or not to recuse yourself;
  - d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

I review every new case that is assigned to me to determine whether I have a conflict of interest. In addition, the clerk's office uses a computer program to conduct a conflict check when a case is filed. My recusals have primarily been due to the fact that a party was represented either by my former law firm, Freeborn & Peters, LLP, or a former partner of Freeborn & Peters, within five years of the termination of my association with the firm.

Even if I do not have a conflict of interest in a particular case, if I think there is a risk of an appearance of impropriety, I will raise it with the lawyers on the record and give them the opportunity to object to my continued involvement in the case.

Based upon my review of my records and the records of the court, I have recused myself *sua sponte* in the following cases for the reasons described.

In *Kramer v. American Bank & Trust Co.*, No. 1:11-cv-08758, I recused myself when the putative class retained a new attorney from Freeborn & Peters. I transferred the case to the Executive Committee for reassignment pursuant to Internal Operating Procedure 13(f)(2)(b).

In *Lauria v. BiSante Pharmaceuticals*, No. 1:12-cv-00772, I recused myself due to the

fact that a party was represented by a former partner of Freeborn & Peters. I transferred the case to the Executive Committee for reassignment pursuant to Internal Operating Procedure 13(f)(2)(b).

In *Advanced Multilevel Concepts, Inc. v. Sterling*, No. 1:12-cv-04832, I recused myself because a party was represented by an attorney from Freeborn & Peters. I transferred the case to the Executive Committee for reassignment pursuant to Internal Operating Procedure 13(f)(2)(b).

In *Hill v. Wells Fargo Bank, N.A.*, No. 1:12-cv-07240, I recused myself because a party was represented by an attorney from Freeborn & Peters. I transferred the case to the Executive Committee for reassignment pursuant to Internal Operating Procedure 13(f)(2)(b).

In *Sunlust Pictures LLC v. Weitendorf*, No. 1:12-cv-07826, I recused myself because a party was represented by a former partner of Freeborn & Peters. I transferred the case to the Executive Committee for reassignment pursuant to Internal Operating Procedure 13(f)(2)(b).

In *Ksure New York Corp. v. Richmond Chemical Corp.*, No. 1:12-cv-09536, I recused myself because a party was represented by a former partner of Freeborn & Peters. I transferred the case to the Executive Committee for reassignment pursuant to Internal Operating Procedure 13(f)(2)(b).

In *Deng v. Ecosmart Homes, Inc.*, No. 1:13-cv-02870, I recused myself because a party was represented by a former partner of Freeborn & Peters. I transferred the case to the Executive Committee for reassignment pursuant to Internal Operating Procedure 13(f)(2)(b).

In *Manley v. Boat/U.S., Inc.*, No. 1:13-cv-05551, I recused myself because a party was represented by a former partner of Freeborn & Peters. I transferred the case to the Executive Committee for reassignment pursuant to Internal Operating Procedure 13(f)(2)(b).

In *Tolaro v. Invitation Homes L.P.*, No. 1:14-cv-00794, I recused myself because a party was represented by a former partner of Freeborn & Peters. I transferred the case to the Executive Committee for reassignment pursuant to Internal Operating Procedure 13(f)(2)(b).

In *Eckert v. Levin*, No. 1:14-cv-02871, I recused myself because one of the parties was Freeborn & Peters. I transferred the case to the Executive Committee for reassignment pursuant to Internal Operating Procedure 13(f)(2)(b).

In *Martino v. RWJ Enterprises, Inc.*, No. 1:14-cv-08335, I recused myself because a party was represented by Freeborn & Peters. I transferred the case to the Executive Committee for reassignment pursuant to Internal Operating Procedure 13(f)(2)(b).

In *Myers v. Harold*, No. 1:15-cv-07418, I recused myself because a party was represented by Freeborn & Peters. I transferred the case to the Executive Committee for reassignment pursuant to Internal Operating Procedure 13(f)(2)(b).

In *McAllister v. Freixenet USA, Inc.*, No. 1:17-cv-00557, I recused myself because a party was represented by Freeborn & Peters. I transferred the case to the Executive Committee for reassignment pursuant to Internal Operating Procedure 13(f)(2)(b).

In *Huff v. Trump*, No. 1:17-cv-02081, I recused myself because a party was represented by Freeborn & Peters. I transferred the case to the Executive Committee for reassignment pursuant to Internal Operating Procedure 13(f)(2)(b).

In *Montoya v. Atkcore Int'l, Inc.*, No. 1:17-cv-03628, I recused myself because I had a financial relationship with one of the parties. I transferred the case to the Executive Committee for reassignment pursuant to Internal Operating Procedure 13(f).

In *Flaherty v. Johnson & Johnson Consumer Inc.*, No. 1:20-cv-7255, I recused myself because this civil case involved potential money damages, and my spouse owns stock in Johnson & Johnson. I transferred the case to the Executive Committee for reassignment pursuant to Internal Operating Procedure 13(f).

In *Svoboda v. Amazon.com Inc.*, No. 1:21-cv-5336, I recused myself because this civil case involved potential money damages, and my spouse owns stock in Amazon.com Inc. I transferred the case to the Executive Committee for reassignment pursuant to Internal Operating Procedure 13(f).

**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.

None.

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

None.

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

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

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

I have not served as a clerk to a judge.

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

I have not practiced 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;

1992 – 1994

United States Department of Justice  
Environment & Natural Resources Division  
950 Pennsylvania Avenue, Northwest  
Washington, DC 20530  
Trial Attorney

1994 – 1996

Mayer Brown (formerly, Mayer, Brown & Platt LLP)  
71 South Wacker Drive  
Chicago, Illinois 60606  
Associate

1996 – 1999

Grippo & Elden LLC  
111 South Wacker Drive  
Chicago, Illinois 60606  
Associate

1999 – 2012

Freeborn & Peters LLP  
311 South Wacker Drive, Suite 3000  
Chicago, Illinois 60606  
Equity Partner (2004 – 2012)  
Income Partner (2001 – 2004)  
Associate (1999 – 2001)

iv. whether you served as a mediator or arbitrator in alternative dispute resolution proceedings and, if so, a description of the 10 most significant



matters with which you were involved in that capacity.

I have not served as a mediator or arbitrator.

b. Describe:

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

When I was practicing law from 1992 to 2012, the vast majority of my legal practice was before the federal courts. As a trial attorney at the United States Department of Justice, my responsibilities included representing the United States in federal courts in the Third, Seventh, and Ninth Circuits. Most of the cases arose under federal environmental statutes, such as the Clean Water Act, 33 U.S.C. § 1151, the Clean Air Act, 42 U.S.C. §§ 7401–7671q, the Resource Conservation and Recovery Act (“RCRA”), 42 U.S.C. § 6901 *et seq.*, and the Comprehensive Environmental Response, Compensation, and Liability Act (“CERCLA”), 42 U.S.C. § 9601 *et seq.*

Once I started private practice, I expanded my legal practice to include the litigation of complex commercial disputes, including cases involving antitrust, intellectual property, employment, and business tort issues. Most of these cases were in federal courts, particularly those in the Seventh and Ninth Circuits. I also represented clients in a number of criminal investigations in matters involving antitrust and financial regulations.

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

During my tenure at the United States Department of Justice, I represented the United States in environmental matters and worked closely with the Environmental Protection Agency and the Departments of Defense and Interior. While in private practice, I represented public and private companies as well as individuals. I also represented low-income clients on a *pro bono* basis.

- c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

When practicing law, I focused almost entirely on litigation. During the time that I served as a trial attorney in the Environment & Natural Resources Division of the United States Department of Justice, I appeared in court whenever my matters required it, typically once every several months. In private practice, I appeared in

court on average once a month, often more frequently depending upon the needs of a particular case.

i. Indicate the percentage of your practice in:

- |                             |     |
|-----------------------------|-----|
| 1. federal courts:          | 85% |
| 2. state courts of record:  | 10% |
| 3. other courts:            | 0%  |
| 4. administrative agencies: | 5%  |

ii. Indicate the percentage of your practice in:

- |                          |     |
|--------------------------|-----|
| 1. civil proceedings:    | 95% |
| 2. criminal proceedings: | 5%  |

d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

While an attorney, I tried to verdict, judgment or final decision an eight-week jury trial as second chair counsel, as well as three shorter bench trials as lead counsel. I also served as co-lead trial counsel in a two-week AAA arbitration and as second chair counsel in a JAMS arbitration.

i. What percentage of these trials were:

- |              |     |
|--------------|-----|
| 1. jury:     | 17% |
| 2. non-jury: | 83% |

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

*Trigen-Oklahoma City Energy Corp. v. Okla. Gas and Elec. Co.*, No. 01-178, *cert. denied*, (Oct. 29, 2001) (brief in opposition). Copy supplied.

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:

- the date of representation;
- 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. *In re Sulfuric Acid Antitrust Litig.*, 03-CV-4576 (N.D. Ill.) (Holderman, C.J.) (2003 – 2012)

In this multi-district class action, plaintiffs alleged that the defendants conspired to fix prices and reduce output in the sulfuric acid industry in violation of the antitrust laws. I was one of the senior attorneys at the firm representing defendants Noranda, Inc., Falconbridge Limited, and NorFalco LLC, and participated in all stages of this action, including fact and expert discovery, class certification briefing, dispositive motion practice, and pre-trial preparations. The district court dismissed the case prior to trial, and the dismissal was affirmed by the Seventh Circuit.

Opposing Counsel

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Case Citations

703 F.3d 1004 (7th Cir. 2012)  
847 F. Supp. 2d 1079 (N.D. Ill. 2011)  
743 F. Supp. 2d 827 (N.D. Ill. 2010)  
MDL No. 1536, 2007 WL 898600 (N.D. Ill. Mar. 21, 2007)  
446 F. Supp. 2d 910 (N.D. Ill. 2006)  
432 F. Supp. 2d 794 (N.D. Ill. 2006)  
235 F.R.D. 646 (N.D. Ill. 2006)  
231 F.R.D. 351 (N.D. Ill. 2005)  
230 F.R.D. 527 (N.D. Ill. 2005)  
231 F.R.D. 331 (N.D. Ill. 2005)  
231 F.R.D. 320 (N.D. Ill. 2005)  
MDL No. 1536, 2004 WL 769376 (N.D. Ill. Apr. 9, 2004)  
270 F. Supp. 2d 1379 (N.D. Ill. 2003)

2. *Taylor Bean & Whitaker Mortg. Corp. v. GMAC Mortg. Corp.*, 05-CV-260 (M.D. Fla.) (Jones, J.) (2005 – 2009)

This case involved a dispute over the sale of servicing rights related to certain residential mortgage loan portfolios. I was the lead attorney on the case on behalf of the plaintiff and participated in all stages of this action, including fact and expert discovery, dispositive motion practice, and pre-trial preparations. The case settled shortly before the commencement of a four-week jury trial.

Opposing Counsel

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(205) 521-8454

Case Citations

No. 05-CV-260, 2008 WL 3819752 (M.D. Fla. Aug. 12, 2008)  
No. 05-CV-260, 2008 WL 3305486 (M.D. Fla. Aug. 8, 2008)  
No. 05-CV-260, 2008 WL 3200284 (M.D. Fla. Aug. 6, 2008)

3. *Benford v. Chi. Beverage Sys., Inc.*, 07-CV-06958 (N.D. Ill.) (Coar, J.) (2007 – 2009)

I was appointed as lead trial counsel by the court to represent *pro bono* the plaintiff, Mr. Benford, in a lawsuit alleging age discrimination in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq.*, and Illinois common law. Mr. Benford was a forklift operator seeking damages for wrongful termination. We were able to develop a litigation strategy that resulted in a favorable settlement, and the case was dismissed.

Opposing Counsel

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(312) 609-7868

Case Citations

No. 07 C 6958, 2009 WL 1684461 (N.D. Ill. June 15, 2009)

4. *Boumehti v. Plastag Holdings LLC*, 04-CV-672 (N.D. Ill.) (Shadur, J.) (2004 – 2007)

In this case, the plaintiff, Ms. Boumehti, filed an action under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq.*, and the Equal Pay Act, 29 U.S.C. § 206, alleging gender discrimination in the workplace. Representing the defendant, I obtained summary judgment on behalf of the defendant. The Court of Appeals for the Seventh Circuit reversed the ruling on several grounds, the matter eventually settled, and the case was dismissed.

Opposing Counsel

Carol Oshana  
Oshana Law Firm  
20 North Clark Street, Suite 3100  
Chicago, Illinois 60602  
(312) 404-8390

Case Citations

489 F.3d 781 (7th Cir. 2007)  
No. 04 C 672, 2006 WL 8460614 (N.D. Ill. Oct. 20, 2006)

5. *In re Burlington N. & Santa Fe Ry. Emp. Settlement Agreements Litig.*, MDL No. 1418 (W.D. Wash.) (Pechman, J.) (2001 – 2003)

In this multi-district employment class action, plaintiffs were former employees of the Burlington Northern and Santa Fe Railway, who negotiated and executed settlement agreements to resolve claims of work-related hearing loss. Plaintiffs alleged, among other things, that they were fraudulently induced to enter into the agreements. Freeborn & Peters represented the defendant. After a multi-week trial, the jury rendered a verdict in our client's favor. I participated in all stages of this matter, including fact and expert discovery, class certification briefing, dispositive motion practice, and pre-trial preparations. I also served as second chair counsel during the trial.

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Hagens Berman  
1301 Second Avenue, Suite 2000  
Seattle, Washington 98101  
(206) 623-7292

#### Case Citations

162 F. Supp. 2d 699 (W.D. Wash. 2001).

6. *McDonald's Corp. v. MGA Ent., Inc.*, No. 03 C 1026 (N.D. Ill.) (Gettleman, J.) (2003)

The dispute in this action involved McDonald's right to manufacture and use toys based upon the Bratz line of dolls manufactured by MGA Entertainment. The parties had entered into a license agreement that provided McDonald's certain rights to use the Bratz trademark, design and copyrights. MGA, however, sent McDonald's a letter prohibiting McDonald's from using the dolls. McDonald's filed suit against MGA, alleging that it had breached its contract with McDonald's. MGA counterclaimed, alleging that McDonald's had breached its trademarks and copyrights, and filed a motion for preliminary injunction. Representing McDonald's, we prevailed after a multi-week preliminary injunction hearing. My partner, Michael Freeborn, and I served as lead counsel for McDonald's in this matter.

#### Opposing Counsel

Richard O'Brien, Jr.

Paul Veith  
Sidley Austin LLP  
One South Dearborn Street  
Chicago, Illinois 60603  
(312) 853-4718

Case Citation

No. 03 C 1026, 2003 WL 25669323 (N.D. Ill. Mar. 6, 2003)

7. *Taylor Bean & Whitaker Mortg. Corp. v. Cebulak*, 03 C 7425 (N.D. Ill.) (Mason, J.)  
(2003 – 2004)

Freeborn & Peters represented the plaintiff in this action against a number of defendants who were alleged to have been involved in a conspiracy to commit mortgage fraud. The defendants included building construction contractors, real estate brokers, title company agents and real estate appraisers. I was lead counsel for plaintiff in this case. As we were conducting extensive fact discovery, we also were assisting the United States Attorney's Office in Rockford, Illinois, in the government's investigation of the conspiracy. Eventually, the primary defendants were indicted, and the civil case was settled.

Opposing Counsel

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Case Citation

No. 03 C 7425, 2004 WL 2106605 (N.D. Ill. Sept. 20, 2004)

8. *Scialabba v. Sierra Blanca No. 1 Condo. Ass'n*, No. 00 C 5344 (N.D. Ill.) (Conlon, J.)  
(2000 – 2002)

In this *pro bono* matter, I was asked by the Chicago Lawyers' Committee on Civil Rights Under Law to represent Mr. Scialabba and his parents in a lawsuit against their condominium association for violations of the Fair Housing Act ("FHA"), 42 U.S.C. §§

3601–619, among other claims. Mr. Scialabba had been seriously injured in an automobile accident and suffered from extensive brain injuries. The court’s ruling on summary judgment was significant because the court found that, under the FHA, housing providers had a duty to make good faith efforts to accommodate residents with disabilities, even if the landlord or housing association believed that the resident posed a threat to the property, health or safety of others. The matter eventually was settled, and the case was dismissed. I was the lead attorney in this matter.

Opposing Counsel

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Co-counsel

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Chicago, Illinois 60603  
(312) 939-6074

Case Citation

No. 00 C 5344, 2001 WL 803676 (N.D. Ill. July 16, 2002)

9. *Aetna Cas. & Sur. Co. v. Dow Chem. Co.*, No. 93-73601 (E.D. Mich.) (Edmunds, J.) (1996 – 1999)

This case involved a declaratory judgment action brought by a number of insurance companies to enforce the terms of certain general comprehensive liability insurance policies. At issue were environmental clean-up costs related to hundreds of different manufacturing and waste disposal sites located throughout the country. After a multi-week jury trial, the parties settled during jury deliberations. I represented one of the defendants and participated in all stages of this matter, including fact and expert discovery, dispositive motion practice, and pre-trial preparations. I also served as a member of the trial team.

Opposing Counsel

Michael Foradas  
Kirkland & Ellis LLP  
300 North LaSalle Street  
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(312) 862-2308



Co-counsel

Joseph Hinkhouse  
Hinkhouse Williams Walsh LLP  
180 North Stetson Avenue, Suite 3400  
Chicago, Illinois 60601  
(312) 784-5400

Case Citations

28 F. Supp. 2d 440 (E.D. Mich. 1998)  
28 F. Supp. 2d 421 (E.D. Mich. 1998)  
10 F. Supp. 2d 800 (E.D. Mich. 1998)

10. *Rospatch Jessco Corp. v. Chrysler Corp.*, 829 F. Supp. 224 (W.D. Mich. 1993) (Bell, J.) (1992 – 1993)

In one of my first cases at the Department of Justice, the government was sued by plaintiff for recovery of clean-up costs associated with its manufacturing site. According to plaintiff, the government had used the facility in the early 1950's as a production plant for airplane parts. As lead attorney for the United States, I argued that the government could not be held liable under the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. § 9601 *et seq.*, for such actions under the doctrine of sovereign immunity. The district court agreed and, in so doing, clarified the applicability of CERCLA to government activities.

Opposing Counsel

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Ronald Baylor  
Miller Canfield  
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Kalamazoo, Michigan 49007  
(269) 383-5849

Steven Kohl  
Warner Norcross & Judd LLP  
2000 Town Center, Suite 2700  
Southfield, Michigan 48075  
(248) 784-5000

Case Citation

829 F. Supp. 224 (W.D. Mich. 1993)

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.)

1. Coordinated Advice and Referral Program for Legal Services

Prior to becoming a district judge, I served on the Board of Directors of the Coordinated Advice and Referral Program for Legal Services (“CARPLS”) from August 2004 to May 2012. I also served as President of the Board. CARPLS is the legal services “hotline” for Cook County, serving more than 50,000 low-income clients every year. CARPLS also established and provides client services at the Domestic Court Help Desk and the Landlord-Tenant Help Desk, as well as other Help Desks at the Daley Center. This program has received acclaim from the Cook County Circuit Court and the Chicago Bar Association.

2. Willow Creek Legal Aid Clinic

Prior to becoming a district judge, I and two attorneys from Freeborn & Peters LLP founded a legal aid clinic in Hoffman Estates, Illinois, based upon a partnership between Willow Creek Church and CARPLS. The clinic provides free legal services to low-income individuals in the Northwest suburbs, an area where legal aid services are scarce. I regularly served as an attorney at the clinic and advised clients who visited the clinic.

3. Asian Human Services of Chicago

I served on the Board of Directors of Asian Human Services of Chicago (“AHS”) from approximately August 2006 to May 2012, where I advised the organization on a variety of strategic and legal issues. I also served as its President. AHS was established in 1978 to meet the social service needs of the Asian American immigrant communities in Chicago. Its programs include mental health and community health services, employment training and placement services, and literary services. AHS also operates a federally funded community health care clinic as well as a local charter school.

4. Asian American Bar Association of Greater Chicago (“AABA”)

Prior to becoming a district judge, I served as a member of the Board of Directors of the AABA. There, I worked to address various issues affecting Asian Americans in the legal profession and concentrated my energies on the professional development of Asian American attorneys, particularly as it relates to client service and client development.

5. Efforts to Increase Diversity in the Profession and Professional Mentoring

As an attorney, I actively participated in efforts to increase diversity in the legal profession. I served as the Chairman of Freeborn & Peters's Diversity Committee, which was dedicated to the recruitment, mentoring and promotion of women attorneys and attorneys of color. I also served on the firm's Recruiting Committee and Professional Review Committee. I also worked with the Minority Corporate Counsel Association and the Chicago Committee on Minorities in Large Law Firms to promote diversity in the legal profession and attorney mentoring.

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.

August 2014: Visiting Instructor, Korea University Law School, where I taught a class on federal civil procedure and trial practice. Syllabus supplied.

Fall 2000: Adjunct Professor at The John Marshall Law School in Chicago, Illinois, where I co-taught a class on antitrust law. I have not retained a syllabus.

Fall 1991 and Fall 1990: Teaching Fellow at Harvard University, where I taught a class on Greek mythology. I have not retained a syllabus.

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

None.

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

None.

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

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

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

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

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

I will continue to recuse myself from all cases where I or my spouse own stock in one of the parties to the case.

My spouse is a physician at a private practice located in Illinois. If her practice or one of her colleagues is a party to a case before me, I will recuse myself from the case.

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

In addition to recusing myself as set forth above, I will continue to review and address any real or potential conflicts by reference to the Code of Conduct for United States Judges and relevant statutory provisions.

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 district judge, I am precluded from engaging in pro bono legal work. However, I have tried to contribute to the legal community in other ways, including through participating in educational programs for attorneys and speaking to students at area law schools.

Before becoming a district judge, I served on the Board of Directors of the Coordinated Advice and Referral Program for Legal Services ("CARPLS"), and was a member of the Board from August 2004 to May 2012 and a past President of the Board. CARPLS is the legal services "hotline" for Cook County, serving more than 50,000 low-income clients every year. My duties as a Board member required approximately 15 to 20 hours annually of my time.

The Willow Creek Legal Aid Clinic in Hoffman Estates, Illinois, was a partnership between Willow Creek Church and CARPLS and provided free legal services to low-

income individuals in Chicago's Northwest suburbs. When I was a practicing attorney, I regularly served as an attorney at the clinic and worked approximately 40 to 60 hours a year advising clients at the clinic.

I served as the President of the Board of Directors of Asian Human Services of Chicago ("AHS"), and was a member of the Board from August 2006 to May 2012. AHS was established in 1978 to meet the social service needs of the Asian American immigrant communities in Chicago. I spent approximately 20 to 30 hours a year on matters related to AHS.

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 28, 2021, staff for Senator Dick Durbin contacted me regarding my potential nomination to the Seventh Circuit Court of Appeals to fill the anticipated vacancy that would arise when Judge Diane Wood takes senior status. On January 6, 2022, an attorney from the White House Counsel's Office contacted me to discuss my potential nomination. Since that date, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On [date], 2022, [the President announced his intent to nominate me/my nomination was transmitted 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.