

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Dena Michaela Coggins
Dena Coggins-Hackett
Dena Hackett (former)

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

United States District Judge for the Eastern District of California

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.

Superior Court of California, County of Sacramento
B.T. Collins Juvenile Justice Center
9605 Kiefer Boulevard
Sacramento, California 95827

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

1979; Sacramento, California

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.

2003 – 2006, University of the Pacific, McGeorge School of Law; J.D., 2006

2002, University of Technology, Sydney; no degree received (study abroad program)

1997 – 2003, California State University, Sacramento; B.S., 2003

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

2021 – present
Superior Court of California, County of Sacramento
B.T. Collins Juvenile Justice Center, Department 90
9605 Kiefer Boulevard
Sacramento, California 95827
Presiding Judge of the Juvenile Court (2023 – present)
Judge (2021 – present)

2018 – 2021; 2015 – 2017
State of California
Office of Administrative Hearings
2349 Gateway Oaks Drive
Sacramento, California 95833
Administrative Law Judge (General Jurisdiction Division) (2018 – 2021)
Administrative Law Judge (Special Education Division) (2015 – 2017)

2017 – 2018
State of California
California Victim Compensation Board
400 R Street, Sacramento, California 95814
Supervising Attorney

2013 – 2015
State of California
Office of Governor Edmund G. Brown Jr.
State Capitol Building
Sacramento, California 95814
Deputy Legal Affairs Secretary

2012 – 2013
Downey Brand LLP
621 Capitol Mall
Sacramento, California 95814
Associate

2007 – 2012; Summer 2005
Morrison & Foerster LLP
425 Market Street
San Francisco, California 94105
Associate (2007 – 2012)
Summer Associate (Summer 2005)

Fall 2006
County of Yolo
Yolo County Public Defender's Office
814 North Street

Woodland, California 95695
Legal Intern

Spring 2006
United States District Court, Eastern District of California
501 I Street
Sacramento, California 95814
Judicial Extern for the Honorable Kimberly J. Mueller

2005 – 2006
University of the Pacific, McGeorge School of Law
3200 Fifth Avenue
Sacramento, California 95817
Student Notetaker

Fall 2004
County of Sacramento
Human Rights/Fair Housing Commission
1112 I Street
Sacramento, California 95814
Legal Intern

1999 – 2004
California State University, Sacramento
Science Educational Equity Program
6000 J Street
Sacramento, California 95819
Office Clerk

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

I did not serve in the military. I was not required to register for the selective service.

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

“Northern California Rising Stars,” Super Lawyers (2013)

University of the Pacific, McGeorge School of Law
J.D. with Distinction (2006)
Traynor Honor Society (qualifying for Dean’s Honor List for two academic years)
Global Business and Developmental/The Transnational Lawyer Journal

Articles Editor (2005 – 2006)
International Advocacy Honors Board
Chicago Bar Association Moot Court Competition (2006)
William Jessup Moot Court Competition (2006)
Mock Trial Honors Team (2006)
International Appellate Advocacy Teaching Assistant (2005)
Top Oral Advocate (2005)

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.

African American Association of California Judicial Officers (approximately 2017 – present)

Alameda County Bar Association (approximately 2007 – 2012)
Executive Committee of the Barristers Division (2009 – 2011)

Association of Business Trial Lawyers (approximately 2009 – 2011)
Leadership Development Committee (approximately 2009 – 2010)

Bar Association of San Francisco (approximately 2007 – 2012)

Sacramento Superior Court
Collaborative Courts Committee (2022 – present)
Executive Committee (2022 – present)
Juvenile Court Delinquency Committee, Chair (2023 – present)
Juvenile Court Dependency Committee, Chair (2021 – present)
Local Rules Committee (2023 – present)

Sacramento Superior Court, Juvenile Court
Commercial Sexual Exploitation of Children Standing Committee, Chair (2023 – present)
Criminal Justice Cabinet (2023 – present)
Juvenile Dependency Standing Committee, Chair (2023 – present)
Juvenile Justice Coordinating Council (2023 – present)
Realignment Subcommittee (2023 – present)
Juvenile Justice Diversion and Treatment Program Workgroup (2023 – present)
Juvenile Justice Standing Committee, Chair (2023 – present)
Sacramento County Child, Youth, and Family System of Care Interagency Leadership Team (2023 – 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.

California, 2007

There have been no lapses in membership, although, because I am currently serving as a Superior Court Judge, I am not considered a licensee of the California State Bar while in office.

- 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 Fourth Circuit, 2011

United States Court of Appeals for the Ninth Circuit, 2010

United States District Court for the Central District of California, 2008

United States District Court for the Eastern District of California, 2010

United States District Court for the Northern District of California, 2008

There have been no lapses in membership.

11. **Memberships:**

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

Anthony M. Kennedy American Inn of Court (2021 – 2023)

Capital Christian Center Church, Children's Choir Assistant (2018 – 2020)

McCullum Youth Court, Alameda Superior Court (2008 – 2009)

- 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 these organizations currently discriminates or formerly discriminated on the basis of race, sex, religion, or national origin,

either through formal membership requirements or the practical implementation of membership policies.

12. Published Writings and Public Statements:

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

None.

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

Based upon my recollection and a thorough review of my files and searches of publicly available databases, I have not identified any responsive materials, but it is possible that there are a few that I have been unable to recall or identify.

- 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.

Based upon my recollection and a thorough review of my files and searches of publicly available databases, I have identified the following responsive material. There may, however, be other materials that I was unable to recall or identify.

Sacramento Superior Court Statement, *Sacramento Superior Court to Host National Adoption Day Event* (originally published Sept. 18, 2023). Copy supplied.

Letter from Dena Coggins and other judges to Hon. Dick Durbin and Hon. Chuck Grassley, Oct. 7, 2022. Copy supplied.

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

If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

Based upon my recollection and a thorough review of my files and searches of publicly available databases, I have identified the following responsive material. There may, however, be other materials that I was unable to recall or identify.

December 5, 2023: Speaker, Court Appointed Special Advocate Swearing-In Ceremony, Sacramento, California. Notes supplied.

November 2, 2023: Speaker, Court Appointed Special Advocate, Volunteer Appreciation Night, Sacramento, California. Speech supplied.

October 30, 2023: Panel Member, Court Appointed Special Advocate Court Panel Training Night, Sacramento, California. Notes supplied.

June 1, 2023: Speaker, Court Appointed Special Advocate Swearing-In Ceremony, Sacramento, California. Notes supplied.

May 4, 2023: Panel Member, Court Appointed Special Advocate Court Panel Training Night, Sacramento, California. I used the same notes that were supplied for the October 30, 2023, panel.

April 3, 2023: Speaker, Court Appointed Special Advocate, Swearing-In Ceremony, Sacramento, California. I used the same notes that were supplied for the June 1, 2023, ceremony.

- 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.

Based upon my recollection and a thorough review of my files and searches of publicly available databases, I have identified the following responsive materials, but it is possible that there are a few that I have been unable to recall or identify.

Sacramento Superior Court, *Statement Commemorating Martin Luther King Jr. Day* (originally published Jan. 12, 2023). Copy supplied.

Kelly Puenete, *Judicial Profile: Dena Coggins*, DAILY J. (Aug. 24, 2022). Copy supplied.

Superior Court Judge Dena Coggins Leveraging Diversity, Pro Bono Work to Serve Sacramento, MOFOREVER MORRISON & FOERSTER ALUMNI NEWS (Fall 2021). Copy supplied.

CSUS Student Studies in Australia, Sacramento Observer (Dec. 5, 2002). 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.

From 2015 to 2017 and 2018 to 2021, I served as an administrative law judge at the State of California, Office of Administrative Hearings. I was hired as an employee by the office's hiring panel. The Office of Administrative Hearings is a quasi-judicial tribunal conducting administrative hearings for more than 1,500 state and local government agencies. Administrative law judges preside over administrative hearings and issue written final and proposed decisions.

Since 2021, I have served as a Superior Court Judge on the Superior Court of California, County of Sacramento. I was appointed to this position by Governor Gavin Newsom in March 2021, and I took the oath of office in April 2021. I was elected to a successive six-year term without opposition in an uncontested election in 2022. The Superior Court of California is a trial court of general jurisdiction.

Between April 2021 and May 2021, I was assigned to the Criminal Division, presiding over preliminary hearings and the mental health calendar. Since June 2021, I have been assigned to the Juvenile Court. The Juvenile Court is a court of limited jurisdiction, hearing cases under California Welfare and Institutions Code section 300 (dependency) and section 602 (juvenile justice). I was in a juvenile dependency assignment until February 2023, at which time I was appointed by the Presiding Judge of the Superior Court of California, County of Sacramento, Michael Bowman, as the Presiding Judge of the Juvenile Court. In my dependency assignment, the cases I handled involved allegations of child abuse and neglect brought against parents by the Sacramento County Department of Child, Family, and Adult Services. My orders generally encompassed: (a) detaining and removing children from their parents' custody where there is substantial risk to the children's physical or emotional safety; (b) ordering family reunification services to provide parents with the tools needed to overcome the issues that led to removal; (c) adjudicating issues of child placement and parental visitation while children are in the foster care system; (d) terminating parental rights where reunification is not possible; and/or (e) approving adoptions or legal guardianships in appropriate circumstances. As the Presiding Judge of the Juvenile Court, I supervise judges in juvenile dependency and juvenile justice, sit on various committees by designation, and hear cases in both dependency and juvenile justice.

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

I have presided over approximately 100 dependency trials. Our judges are assigned to a family for the entirety of their case, which may involve more than one trial as the case progresses (for example, a parent may request a trial

regarding jurisdiction and subsequently a trial regarding a hearing to terminate the parent's parental rights).

As an administrative law judge, I presided over more than 150 evidentiary hearings/trials that resulted in proposed or final decisions.

i. Of these cases, approximately what percent were:

jury trials:	0%
bench trials:	100%

ii. Of these cases, approximately what percent were:

civil proceedings:	100%
criminal proceedings:	0%

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

As a Superior Court Judge in the Juvenile Court of the Sacramento Superior Court, my decisions are issued from the bench in open court and recorded verbatim in the reporter's transcript as well as in summary form in the clerk's minute order. I have not written any published opinions.

c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature of the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (4) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

Under California law, orders and case files in dependency and juvenile justice proceedings are confidential except in narrow circumstances, so as to ensure the protection of minors. *See* Cal. Welf & Inst. Code § 827. For this reason, I am unable to provide the requested specifics concerning the matters I have adjudicated as a Superior Court Judge.

The following are significant cases I presided over as an administrative law judge for the State of California, Office of Administrative Hearings.

1. *In the Matter of the Statement of Issues Against Stanislaus County Office of Education*, No. 2018020933 (State of California, Office of Administrative Hearings, General Jurisdiction Division). Decision supplied.

The issue was whether off-salary schedule payments paid by the respondent to the California State Teachers' Retirement System (CalSTRS) was misreported as compensation creditable to the members' defined benefit account. I presided over

the administrative hearing in 2018, and issued a proposed decision. The decision affirmed CalSTRS' determination that the one and one-half percent one-time off-salary schedule payments paid by respondent to the retirement system members were misreported as compensation creditable to the members' defined benefit account. My decision was designated as a Precedential Decision by the Teacher's Retirement Board on April 2, 2019.

Counsel for the Agency:

Natalie Vance
Klinedinst PC
801 K Street, Suite 2100
Sacramento, CA 95814
(916) 444-7573

Counsel for Respondent:

Chesley Quaide
Atkinson, Andelson, Loya, Rudd & Romo
5075 Hopyard Road, Suite 210
Pleasanton, CA 94588
(925) 227-9200

2. *In the Matter of Parents on Behalf of Student v. San Mateo-Foster City School District*, No. 2015050320 (State of California, Office of Administrative Hearings, Special Education Division), *aff'd sub nom. S.B. v. San Mateo Foster City School Dist.*, 2017 WL 4856868 (N.D. Cal. 2017), *aff'd sub nom. Burnett v. San Mateo Foster City School Dist.*, 2018 WL 3120298 (9th Cir. 2018). Decision supplied.

The issue was whether the school district denied the student a free appropriate public education by failing to find her eligible for special education and failing to meet its child find obligation. In 2015, I presided over the administrative hearing and issued a final decision, holding that the student did not establish she was eligible for special education during the contested time period. I found the school district committed procedural violations by not meeting its child find obligation and failed to provide the student's parents with a copy of their rights, as required by law. I further determined the procedural violations did not result in a denial of a free and appropriate public education for the student, as the student did not establish she was eligible for special education and related services at the time the violations occurred.

Both parties appealed my decision. Pursuant to the Individuals with Disabilities Education Act and the California Education Code, any party may appeal the final decision of the administrative law judge to the federal district court. The United States District Court for the Northern District of California upheld my decision, as did the Ninth Circuit.

Counsel for the School District:

Laurie Reynolds
Fagen, Friedman & Frost LLP
70 Washington Street, Suite 205
Oakland, CA 94607
(510) 550-8200

Counsel for Parents on Behalf of Student:

Susan Foley
1212 West Hillsdale Boulevard, Suite B
San Mateo, CA 94403
(650) 345-2300

3. *In the Matter of Oakland Unified School District v. Parent on Behalf of Student*, No. 2016061310 (State of California, Office of Administrative Hearings, Special Education Division). Decision supplied.

This issue was whether the school district's assistive technology assessment met all legal requirements such that student was not entitled to an independent educational evaluation at public expense. In 2016, I presided over the administrative hearing and issued a final decision. My decision held that the school district's assistive technology assessment did not meet all legal requirements and the student was entitled to an independent educational evaluation relating to assistive technology at public expense.

Counsel for the School District:

David Mishook
Fagen, Friedman & Frost
70 Washington Street, Suite 205
Oakland, CA 94607
(510) 550-8200

Counsel for Parent on Behalf of Student:

Maggie Roberts
84 Winfield Street
San Francisco, CA 94110
(415) 710-3981

4. *In the Matter of the Dismissal Against J.H.*, No. 2019120095 (State of California, Office of Administrative Hearings, General Jurisdiction Division). Decision supplied.

The issue was whether cause existed to dismiss respondent teacher pursuant to Education Code § 44932 for immoral conduct, persistent violations of Board policy, and an evident unfitness for service based upon his inappropriate communications and propositions to students. Per the Education Code, the

hearing was heard before the Commission on Professional Competence for the Sacramento City Unified School District, State of California. As an ALJ, I served as one of the three Commission members who presided over the hearing in 2020 and issued a final decision. The decision upheld the school district's dismissal of the respondent from his employment as a teacher and denied his appeal of his dismissal from employment.

Counsel for the School District:

Ryan Harrison
Fisher Phillips LLP
621 Capitol Mall, Suite 1400
Sacramento, CA 95814
(916) 210-0440

Steven Ngo
Lozano Smith
2001 North Main Street, Suite 500
Walnut Creek, CA 94596
(925) 953-1620

Counsel for the Respondent:

Michael McCallum
5820 Landis Avenue, Suite 3
Carmichael, CA 95608
(916) 977-0854

5. *Parent on Behalf of Student v. Sacramento City Unified School Dist.*, No. 2015110163 (State of California, Office of Administrative Hearings, Special Education Division). Decision supplied.

The issues were whether the school district denied the student a free appropriate public education by failing to find the student eligible for special education and related services under the eligibility category of specific learning disability in connection with a Student Study Team meeting, and whether the school district denied the student a free appropriate public education by failing to identify or describe the specific reading methodology to be used with the student on his individualized education program. I presided over the administrative hearing in 2015 and issued a final decision. The decision denied all the student's claims for relief.

Counsel for the School District:

Sarah Garcia
Lozano Smith
2001 North Main Street, Suite 500
Walnut Creek, CA 94596
(925) 953-1620

Counsel for the Parent on Behalf of the Student:

Allison Hyatt
Medina McKelvey LLP
925 Highland Pointe Drive, Suite 300
Roseville, CA 95678,
(916) 960-2211

6. *In the Matter of the Petition For Interim Suspension Order of Kirchmeyer, Executive Director of the Medical Board of California*, No. 2018060033 (State of California, Office of Administrative Hearings, General Jurisdiction Division). Decision supplied.

The issue was whether to grant the Medical Board of California's petition for interim suspension order based upon allegations that respondent doctor's prescribing and record-keeping practices endangered the public. In 2018, I presided over the administrative hearing and issued a decision. The decision granted the petition for interim suspension order. The respondent's Physician's and Surgeon's Certificate was suspended, but the suspension was stayed upon respondent's compliance with certain restrictions and conditions.

Counsel for the Medical Board of California:

John Gatschet
California Department of Justice
1300 I Street, Suite 125
Sacramento, CA 95814
(916) 210-7546

Counsel for Respondent:

Michael Rothschild
Wishek & Sands LLP
765 University Avenue
Sacramento, CA 95825
(916) 444-9845

7. *In the Matter of Parent on Behalf of Student v. San Mateo-Foster City School District*, No. 2016090418 (State of California, Office of Administrative Hearings, Special Education Division). Decision supplied.

The issue was whether the school district committed procedural violations resulting in the denial of a free appropriate public education. In 2017, I presided over the administrative hearing and issued a final decision. The decision held the school district committed a procedural violation, but the procedural violation did not result in a denial of a free appropriate public education for the student.

Counsel for the School District:

Lenore Silverman
Fagen, Friedman & Fulfroft
70 Washington Street, Suite 205
Oakland, CA 94607
(510) 550-8200

Respondent was represented by a non-attorney advocate.

8. *In the Matter of the Appeal of Death Benefits by D. and D.*, No. 2018040144 (State of California, Office of Administrative Hearings, General Jurisdiction Division). Decision supplied.

The issue was whether to affirm the California Public Employees' Retirement System's (CalPERS) determination of which family member was entitled to retirement death benefits. In 2018, I presided over the administrative hearing and issued a proposed decision. The decision set forth which family member was entitled to receive survivor benefits. The decision was adopted by CalPERS.

Counsel for CalPERS:

Cynthia Rodriguez
28017 State Highway 128
Winters, CA 95694
(415) 404-1778

Respondents were self-represented.

9. *In the Consolidated Matter of Capistrano Unified School District v. Parent on Behalf of Student*, No. 2016030010 (State of California, Office of Administrative Hearings, Special Education Division). Decision supplied.

The issues were whether the school district committed procedural violations relating to special education for the student and whether the school district failed to provide the student with related services required for a free appropriate public education. I presided over the administrative hearing in 2016 and issued a final decision. The decision held the school district committed a procedural violation resulting in the denial of a free appropriate public education for the student. The decision further held the student did not require a certain related service to receive a free appropriate public education during the relevant period.

Counsel for the School District:

Ernest Bell
Atkinson, Andelson, Loya, Rudd & Romo
4275 Executive Square, Suite 700
La Jolla, CA 92037
(858) 485-9526

Counsel for the Parent on Behalf of the Student:

Adriana Nusbickel
2346 Cloverfield Boulevard
Santa Monica, CA 90405
I am unable to locate a phone number

Damian Fragoso
Special Education Law Firm
20222 State Road
Cerritos, CA 90703
(562) 735-4111

10. *In the Matter of the Complaint and Proposed Order for Administrative Penalties Against Grandy*, No. 2020100379 (State of California, Office of Administrative Hearings, General Jurisdiction Division). Decision supplied.

The issue was whether the California Department of Forestry and Fire Protection established that respondent intentionally, knowingly, or negligently violated the Public Resources Code by conducting timber operations for the commercial purpose of converting timberland to uses other than growing timber without an approved harvesting plan. In 2020, I presided over the administrative hearing and issued a proposed decision. The decision granted, in part, and denied, in part, the respondent's appeal of the complaint and proposed order for administrative penalties. The proposed decision was adopted by the agency.

Counsel for the California Department of Forestry and Fire Protection:

Toby McCartt
Department of Forestry and Fire Protection
P.O. Box 944246
Sacramento, CA 94244
(916) 591-7835

Counsel for the Respondent:

Kenneth Bareilles
533 East Street
Eureka, CA 95501
(707) 443-9338

- 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.

Under California law, orders and case files in dependency proceedings are confidential except in narrow circumstances, so as to ensure the protection of

minors. *See* Cal. Welf & Inst. Code § 827. For this reason, I am unable to provide the requested specifics concerning the matters I have adjudicated as a Superior Court Judge.

The following are significant opinions I wrote as an administrative law judge for the State of California, Office of Administrative Hearings. An ALJ's decision is final in special education cases, and the confidentiality of the student is maintained in those decisions. Those decisions are available online and have been supplied. ALJ decisions for the California Department of Developmental Services are also final decisions and the confidentiality of the consumer is maintained in those decisions. Those decisions are also available online, and I have issued two such decisions. ALJs provide proposed decisions for the 1,500 state and local agencies served by the General Jurisdiction Division. Those proposed decisions may be adopted, not adopted, or modified by the Board for the specific agency. Those agencies chose whether to publish the adopted or modified final decisions on their website.

1. *In the Matter of the Statement of Issues Against Stanislaus County Office of Education*, No. 2018020933 (State of California, Office of Administrative Hearings, General Jurisdiction Division). Decision previously supplied in response to Question 13c.

Counsel for the Agency:

Natalie Vance
Klinedinst PC
801 K Street, Suite 2100
Sacramento, CA 95814
(916) 444-7573

Counsel for Respondent:

Chesley Quaide
Atkinson, Andelson, Loya, Rudd & Romo
5075 Hopyard Road, Suite 210
Pleasanton, CA 94588
(925) 227-9200

2. *In the Matter of Parents on Behalf of Student v. San Mateo-Foster City School District*, No. 2015050320 (State of California, Office of Administrative Hearings, Special Education Division). Decision previously supplied in response to Question 13c.

Counsel for the School District:

Laurie Reynolds
Fagen, Friedman & Frost LLP
70 Washington Street, Suite 205
Oakland, CA 94607

(510) 550-8200

Counsel for Parents on Behalf of Student:

Susan Foley
1212 West Hillsdale Boulevard, Suite B
San Mateo, CA 94403
(650) 345-2300

3. *In the Matter of Oakland Unified School District v. Parent on Behalf of Student*, No. 2016061310 (State of California, Office of Administrative Hearings, Special Education Division). Decision previously supplied in response to Question 13c.

Counsel for the School District:

David Mishook
Fagen, Friedman & Frost
70 Washington Street, Suite 205
Oakland, CA 94607
(510) 550-8200

Counsel for Parent on Behalf of Student:

Maggie Roberts
84 Winfield Street
San Francisco, CA 94110
(415) 710-3981

4. *Parent on Behalf of Student v. Sacramento City Unified School Dist.*, No. 2015110163 (State of California, Office of Administrative Hearings, Special Education Division). Decision previously supplied in response to Question 13c.

Counsel for the School District:

Sarah Garcia
Lozano Smith
2001 North Main Street, Suite 500
Walnut Creek, CA 94596
(925) 953-1620

Counsel for the Parent on Behalf of the Student:

Allison Hyatt
Medina McKelvey LLP
925 Highland Pointe Drive, Suite 300
Roseville, CA 95678
(916) 960-2211

5. *In the Matter of Parent on Behalf of Student v. San Mateo-Foster City School District*, No. 2016090418 (State of California, Office of Administrative Hearings, Special Education Division). Decision previously supplied in response to Question 13c.

Counsel for the School District:

Lenore Silverman
Fagen, Friedman & Fulfro
70 Washington Street, Suite 205
Oakland, CA 94607
(510) 550-8200

Respondent was represented by a non-attorney advocate.

6. *In the Consolidated Matter of Capistrano Unified School District v. Parent on Behalf of Student*, No. 2016030010 (State of California, Office of Administrative Hearings, Special Education Division). Decision previously supplied in response to Question 13c.

Counsel for the School District:

Ernest Bell
Atkinson, Andelson, Loya, Rudd & Romo
4275 Executive Square, Suite 700
La Jolla, CA 92037
(858) 485-9526

Counsel for the Parent on Behalf of the Student:

Adriana Nusbickel
2346 Cloverfield Boulevard.
Santa Monica, CA 90405
I am unable to locate a phone number

Damian Fragoso
Special Education Law Firm
20222 State Road
Cerritos, CA 90703
(562) 735-4111

7. *In the Matter of the Dismissal Against J.H.*, No. 2019120095 (State of California, Office of Administrative Hearings, General Jurisdiction Division). Decision previously supplied in response to Question 13c.

Counsel for the School District:

Ryan Harrison
Fisher Phillips LLP
621 Capitol Mall, Suite 1400

Sacramento, CA 95814
(916) 210-0440

Steven Ngo
Lozano Smith
2001 North Main Street, Suite 500
Walnut Creek, CA 94596
(925) 953-1620

Counsel for the Respondent:

Michael McCallum
5820 Landis Avenue, Suite 3
Carmichael, CA 95608
(916) 977-0854

8. *In the Matter of the Appeal of Death Benefits by D. and D.*, No. 2018040144
(State of California, Office of Administrative Hearings, General Jurisdiction
Division). Decision previously supplied in response to Question 13c.

Counsel for PERS:

Cynthia Rodriguez
28017 State Highway 128
Winters, CA 95694
(415) 404-1778

Respondents were self-represented.

9. *In the Matter of the Petition For Interim Suspension Order of Kirchmeyer,
Executive Director of the Medical Board of California*, No. 2018060033
(State of California, Office of Administrative Hearings, General Jurisdiction
Division). Decision previously supplied in response to Question 13c.

Counsel for the Medical Board of California:

John Gatschet
California Department of Justice
1300 I Street, Suite 125
Sacramento, CA 95814
(916) 210-7546

Counsel for Respondent:

Michael Rothschild
Wishek & Sands LLP
765 University Avenue
Sacramento, CA 95825
(916) 444-9845

10. *In the Matter of the Complaint and Proposed Order for Administrative Penalties Against Grandy*, No. 2020100379 (State of California, Office of Administrative Hearings, General Jurisdiction Division). Decision previously supplied in response to Question 13c.

Counsel for the California Department of Forestry and Fire Protection:

Toby McCartt
Department of Forestry and Fire Protection
P.O. Box 944246
Sacramento, CA 94244
(916) 591-7835

Counsel for the Respondent:

Kenneth Bareilles
533 East Street
Eureka, CA 95501
(707) 443-9338

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

To the best of my knowledge, after a review of my files and a search of available legal databases, I have not presided over any case in which certiorari was requested or granted.

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

Two of my orders terminating parental rights were conditionally affirmed subject only to further proceedings in the juvenile court to address compliance with the inquiry and notice provisions of the Indian Child Welfare Act (ICWA). If, on remand, the juvenile court determines the child is an Indian child within the meaning of the ICWA, the juvenile court shall vacate its previous orders terminating parental rights and conduct further proceedings consistent with the ICWA.

Under California law, orders and case files in dependency proceedings are confidential except in narrow circumstances, so as to ensure the protection of minors. *See* Cal. Welf & Inst. Code § 827. For this reason, I am unable to provide the specific decisions discussed above.

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

I do not write opinions in dependency cases. Most matters are disposed of through findings on the record or with minute orders generated by court staff. In the rare instances I do write notes outlining my oral opinion, those notes are unpublished and are maintained in my own records. These files are confidential, however. *See* Cal. Welf. & Inst. Code § 827.

As an administrative law judge, I issued proposed decisions in cases under the General Jurisdiction Division and final decisions in cases under the Special Education Division in each of the cases in which I presided. If those decisions are stored, they are stored in the files held by the State of California, Office of Administrative Hearings, 2349 Gateway Oaks Drive, Suite 200, Sacramento, California 95833, and/or online at <https://www.dgs.ca.gov/OAH/Case-Types/Special-Education/Services/Decisions> and <https://www.dgs.ca.gov/OAH/Case-Types/General-Jurisdiction/Resources/DDS-Decisions>.

- 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.

In the Matter of Parents on behalf of Student v. San Mateo-Foster City School District, Office of Administrative Hearings, Case Number 2015050320), *aff'd sub nom. S.B. v. San Mateo Foster City School Dist.*, 2017 WL 4856868 (N.D. Cal. 2017), *aff'd sub nom. Burnett v. San Mateo Foster City School Dist.*, 2018 WL 3120298 (9th Cir. 2018). Decision previously supplied in response to Question 13c.

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

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

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

- a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;

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

California Code of Civil Procedure (CCP) § 170.6 allows for any party or attorney to an action to file a peremptory challenge against any judicial officer. No showing of actual bias need be made under CCP § 170.6. (A different section of the CCP, § 170.1, governs challenges for cause.) Recusal under CCP § 170.6 is mandatory if the proponent of the motion meets the procedural standards set forth under that section. I am unaware of any peremptory challenges that have been filed against me since I was appointed to the Superior Court in 2021.

In my service as a Superior Court Judge, I have never been asked to recuse myself for cause pursuant to CCP § 170.1. I have never recused myself *sua sponte* on any occasion.

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.

Aside from serving as a Superior Court judge, I have not held public office. I have had no unsuccessful candidacies for public office or unsuccessful nominations for appointed office.

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

None.

16. Legal Career: Answer each part separately.

- a. Describe chronologically your law practice and legal experience after graduation from law school including:
 - i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

I have not served as a clerk to a judge after graduation from law school.

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

I have not practiced law alone.

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

2007 – 2012
Morrison & Foerster LLP
425 Market Street
San Francisco, California 94105
Associate

2012 – 2013
Downey Brand LLP
621 Capitol Mall
Sacramento, California 95814
Associate

2013 – 2015
State of California
Office of Governor Edmund G. Brown Jr.
State Capitol Building
Sacramento, California 95814
Deputy Legal Affairs Secretary

2015 – 2017; 2018 – 2021
State of California
Office of Administrative Hearings
2349 Gateway Oaks Drive
Sacramento, California 95833
Administrative Law Judge (General Jurisdiction Division) (2018 – 2021)
Administrative Law Judge (Special Education Division) (2015 – 2017)

2017 – 2018
State of California
California Victim Compensation Board,
400 R Street, Sacramento, California 95814
Supervising Attorney

2021 – present
Superior Court of California, County of Sacramento

B.T. Collins Juvenile Justice Center, Department 90
9605 Kiefer Boulevard
Sacramento, California 95827
Presiding Judge of the Juvenile Court (2023 – present)
Judge (2021 – present)

- 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 served as a mediator in alternative dispute resolution as an administrative law judge at the State of California, Office of Administrative Hearings, Special Education Division, between 2015 and 2017, and in 2019. As an administrative law judge, I mediated over 100 cases. The special education cases I mediated involved minors and are confidential matters.

b. Describe:

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

The nature of my law practice prior to becoming a judge varied widely. After graduating from law school in 2006, I worked from 2007 to 2012 as a litigation association at Morrison & Foerster LLP. As an associate, I handled litigation in various areas of law, including securities, insurance, probate, immigration, and consumer class action. I practiced in state and federal courts. My practice included all aspects of litigation, including drafting pleadings, discovery, motions practice, trials, and arbitration.

From 2012 to 2013, I worked as an associate at Downey Brand LLP, handling family law matters, which included drafting pleadings, discovery, mediation, settlement conferences, motions practice, and trial work.

From 2013 to 2015, I was a deputy legal affairs secretary for former Governor Edmund G. Brown Jr. My practice generally included briefing the Governor on individual cases relating to parole, correctional and criminal law matters, and preparing legal documents for his review.

From 2017 to 2018, I was a supervising attorney and hearing officer at the California Victim Compensation Board. My practice generally involved performing a full range of supervisory duties for 12 non-attorney staff members in the legal and appeals divisions and conducting administrative hearings relating to crime victims' claims for compensation. I assigned and evaluated the work of attorneys and legal staff and advised the Chief

Counsel and staff on matters relating to the Victim Compensation program.

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

As an associate at Morrison & Foerster from 2007 to 2012, my typical clients included corporations and individual clients. I had a general litigation practice.

As an associate at Downey Brand from 2012 to 2013, my typical clients were individuals involved in dissolution proceedings. I had a general family law practice.

As a deputy legal affairs secretary for Governor Brown from 2013 to 2015, he was my only client.

As a supervising attorney for the California Victim Compensation Board from 2017 to 2018, my client was the Victim Compensation Board.

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

As an associate at Morrison & Foerster, 100 percent of my practice was in litigation, and I appeared in federal and state court occasionally. As an associate at Downey Brand, 100 percent of my practice was in litigation, and I appeared in state court frequently.

- i. Indicate the percentage of your practice in:

1. federal courts: 40%
2. state courts of record: 40%
3. other courts: 10%
4. administrative agencies: 10%

- ii. Indicate the percentage of your practice in:

1. civil proceedings: 100%
2. criminal proceedings: 0%

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

I tried four cases to verdict, judgment or final decision. I was sole counsel on two cases and co-counsel on the remaining two cases. Additionally, in the

Ohanessian v. Security With Advanced Technology, n/k/a Pepperball Technologies, Inc., and Pusey matter, discussed below, I was extensively involved in all aspects of trial preparation, but, because of a last-minute continuance that delayed trial until a time when I was on maternity leave, I was not present for the trial itself.

- i. What percentage of these trials were:
 - 1. jury: 0%
 - 2. non-jury: 100%

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

I did not practice before the Supreme Court of the United States.

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

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

- 1. *In re Matter of Child*. Dependency/Guardianship Matter (Superior Court of California, County of Placer) (Downey Brand asks that its attorneys preserve the names of family law clients for privacy purposes. Additionally, this case and the case files are confidential. See Cal. Welf. & Inst. Code § 827.)

This matter arose in the dependency court. The grandparents were seeking to care for the child. I represented the grandparents in the dependency trial for custody of the child. I examined witnesses, identified and prepared exhibits, and argued motions. The child was placed in the care and custody of the grandparents.

Date of representation: 2013

Judge:
Hon. Suzanne Gazzaniga

Superior Court of California, County of Placer

Opposing Counsel:

I do not recall.

2. *In the Matter of the Application for Asylum of J.H.* (U.S. Department of Justice, Executive Office for Immigration Review, San Francisco Immigration Court)

J.H. sought asylum after fleeing El Salvador after witnessing his relative being murdered by members of a violent gang. J.H.'s life was subsequently threatened by members of the gang. I assisted J.H. with his asylum application and all stages of the asylum process, including a trial/evidentiary hearing in immigration court. J.H. received asylum.

Date of representation: approximately 2009 – 2012

Judge:

Dana Leigh Marks
San Francisco Immigration Court

Co-Counsel:

Sara Mahdavi (formerly of Morrison & Foerster)
U.S. Department of Education, Office of Civil Rights
50 United Nations Plaza
San Francisco, CA 94102
(415) 486-5555

3. *In the Matter of the Application for Asylum of R.G.* (U.S. Department of Justice, Executive Office for Immigration Review, San Francisco Immigration Court)

R.G. sought asylum after fleeing El Salvador after witnessing his relative being murdered by members of a violent gang. R.G.'s life was subsequently threatened by members of the gang. I assisted R.G. with his asylum application and all stages of the asylum process, including a trial/evidentiary hearing in the federal immigration court. R.G. received asylum.

Date of representation: approximately 2009 – 2012

Judge:

Dana Leigh Marks
San Francisco Immigration Court

Co-Counsel:

Sara Mahdavi (formerly of Morrison & Foerster)
U.S. Department of Education, Office of Civil Rights
50 United Nations Plaza
San Francisco, CA 94102

(415) 486-5555

4. *Marin Healthcare District v. Sutter Health*, Marin County Superior Court, Docket No. ARB2011 (2012 WL 2916659)

I represented the plaintiff hospital in its suit alleging Sutter Health siphoned off millions of dollars of the hospital's money. The plaintiff further alleged Sutter's cash transfers depleted the reserves and hindered operations at the hospital. I worked with the trial team to prepare and arbitrate the case. I prepared witness examinations for the trial partner, identified and prepared exhibits, worked with expert witnesses, among other pre-arbitration tasks. During the multi-week arbitration, I was responsible for maintaining the trial exhibits, working with the team on arbitration strategy, and examining witnesses. Both parties received awards on claims and some claims were rejected.

Date of representation: 2011 – 2012

Arbitrator: Hon. Rebecca L. Westerfield (Ret.)
Judicial Arbitration and Mediation Service

Co-Counsel:

James J. Brosnahan
Morrison & Foerster
425 Market Street
San Francisco, CA 94105
(415) 268-7189

George C. Harris (formerly at Morrison & Foerster)
The Norton Law Firm PC
299 3rd Street, Suite 200
Oakland, CA 94607
(510) 906-4903

Sam Lunier (formerly at Morrison & Foerster)
T-Mobile USA, Inc.
12920 Southeast 38th Street
Bellevue, WA 98006
(425) 383-6167

Seth Schreiber (formerly at Morrison & Foerster)
201 Duncan Way
Oakland, CA 94611
I am unable to locate a phone number

Opposing Counsel:

John Kecker
Sharif Jacob

Keker Van Nest & Peters
633 Battery Street
San Francisco, CA 94111
(415) 391-5400

Christa Anderson (formerly at Keker Van Nest & Peters)
Cooley LLP
3 Embarcadero Center, Floor 20
San Francisco, CA 94111
(415) 693-2000

Michael Gadeberg
Santa Clara County District Attorney's Office
70 West Hedding Street
San Jose, CA 95110
(408) 299- 7400

5. *Brezinger v. Washington Mutual Bank FA*, Case No. 2:11-cv-03159 (C.D. Cal.)

This case related to foreclosure proceedings involving real property. The case was dismissed with prejudice. I prepared research memoranda, advised the client, and prepared court filings.

Date of representation: Approximately 2011

Judge:

Hon. Dolly M. Gee
United States District Court for the Central District of California

Co-Counsel:

Gregory Dresser (formerly at Morrison & Foerster)
Commission on Judicial Performance
455 Golden Gate Avenue, Suite 14400
San Francisco, CA 94102
(415) 557-1200

Angela Kleine (formerly at Morrison & Foerster)
RingCentral
20 Davis Drive
Belmont, CA 94002
Phone: unknown

Jason Malinsky,
Santa Clara County District Attorney's Office
70 West Hedding West Wing
San Jose, CA 95125

(408) 792-2428

Opposing Counsel:

Kathryn Lee Boyd
Hecht Partners LLP
125 Park Avenue, Floor 25
New York, NY 10017
(646) 502-9515

Jeff Neiderman,
Rothman & Associates
21900 Burbank Boulevard, Suite 210
Woodland Hills, CA 91367
(818) 986-7870

6. *Rowles v. Chase Home Finance LLC*, Case No. 9:10-cv-01756-MBS (D.S.C.)

Plaintiffs filed a class action suit against our client. Plaintiffs were active-duty military personnel and alleged wrongful foreclosures of their real property pursuant to the Servicemembers Civil Relief Act. The case resulted in a settlement. I worked on issues relating to settlement.

Date of representation: Approximately 2009 – 2011

Judge:

Hon. Margaret B. Seymour
United States District Court for the District of South Carolina

Co-Counsel:

Michael Agoglia (formerly at Morrison & Foerster)
Alston & Bird
560 Mission Street, Suite 2100
San Francisco, CA 94105
(415) 243-1011

Alexis Amezcua
Morrison & Forester
425 Market Street
San Francisco, CA 94105
(415) 268-6557

Opposing Counsel:

James Becker
Haynsworth Sinkler Boyd
1291 Main Street, 22nd Floor
Columbia, SC, 29201

(803) 540-7706

7. *Ohanessian v. Security With Advanced Technology, n/k/a Pepperball Technologies, Inc., and Pusey* (Superior Court of California, County of Los Angeles)

Plaintiffs brought suit against Security With Advanced Technology, Inc., a company providing high-tech security products and services, and the company's former chairman, alleging the defendants engaged in securities fraud. I was extensively involved in all aspects of pretrial litigation on behalf of defendants. Working with the senior partner, I argued pretrial motions in limine, prepared witness examinations for the partners, worked with jury consultants and experts, prepared trial exhibits, and argued the case before mock jurors. The jury trial was continued to a date that I was on maternity leave, so, although my work was used during the trial, I was not physically present in the courtroom during the trial. The trial resulted in a defense verdict.

Date of representation: 2009 – 2010

Judge:

Hon. John P. Shook
Superior Court of California, County of Los Angeles

Co-Counsel:

James J. Brosnahan
Morrison & Foerster
425 Market Street
San Francisco, CA 94105
(415) 268-7189

Anthony "Tony" West (formerly at Morrison & Foerster)

Uber
1533 3rd Street, Floor 6
San Francisco, CA 94158
(866) 576-1039

Opposing Counsel:

Saied Kashani
800 West 1st Street, Suite 400
Los Angeles, CA 90012
(213) 625-1900

8. *In the Matter of the Trust of Thomas*, Case No. PTR-06-289396 (Superior Court of California, County of San Francisco)

This case involved a family dispute relating to a trust, in which my client was the trust administrator. I worked on all issues relating to litigation, including client interviews, trust accounting, motions practice, and settlement conferences. The case settled.

Date of representation: 2008 – 2009

Judge/Commissioner:

Hon. Sue Kaplan (Ret.)

Superior Court of California, County of San Francisco

Co-Counsel:

Jack Londen

Morrison & Foester

425 Market Street

San Francisco, CA 94105

(415) 268-7415

Paul Marchegiani (formerly at Morrison & Foerster)

Amazon Studios

9336 Washington Boulevard

Culver City, CA 90232

Phone: unknown

Opposing Counsel:

Robert Roddick

Noe Valley Law Offices

1339 Castro Street

San Francisco, CA 94114

(415) 641-8687

9. *In re Infineon Technologies AG Securities Litigation*, Case No. C-04-4156-JW (N.D. Cal.)

The class action lawsuit was filed on behalf of all securities purchasers of Infineon. The complaint alleged Infineon and the named executives did not disclose and correctly represent certain facts, which were known to them, or recklessly disregarded them. I worked with the partners on investigating and researching novel legal issues and developing litigation strategies. I prepared legal memoranda for the partners' review and consideration. The case settled.

Date of representation: Approximately 2008 – 2009

Judge:

Hon. James Ware

United States District Court for the Northern District of California

Co-Counsel:

Mia Mazza (formerly at Morrison & Foerster)

1800 Bryant Street, Apartment 111

San Francisco, CA 94110
Phone: Unknown

Mark R.S. Foster (formerly at Morrison & Foerster)
Skadden, Arps, Slate, Meagher & Flom LLP
525 University Avenue, Suite 1400
Palo Alto, CA 94301
(650) 470-4580

Opposing Counsel:

Brian P. Murray
275 Madison Avenue, Suite 801
New York, New York 10016
Phone: unknown

John Grant
Christopher Wood
One Montgomery Street
San Francisco, CA 94104
(415) 288-4534

10. *Skundrich v. AIG SunAmerica Life Assurance Co; Guaranty Brokerage Services, Inc. and Knoll*, Case No. CIVMSC 09-1416 (Superior Court of California, County of Contra Costa)

This case involved a claim that our client breached a contract, committed fraud, and was negligent relating to changes made to the plaintiff's financial product. The plaintiff alleged SunAmerica induced her to leave her funds in accounts that she had chosen instead of transferring those funds into a cash management account pending surrender of her annuity account. She further alleged SunAmerica failed to adequately disclose to her the cash management alternatives for her variable annuity, and failed to timely process her request to surrender her annuity and transfer her funds to a company selected by the plaintiff. I was involved in all aspects of discovery and drafted the successful motion for summary judgment.

Date of representation: Approximately 2009

Judge:

Hon. Barry Baskin (Ret.)
Superior Court of California, County of Contra Costa

Co-Counsel:

Jack Londen
Morrison & Foerster
425 Market Street

San Francisco, CA 94105
(916) 268-7415

Rodrigo Salas
Shook, Hardy & Bacon LLP
555 Mission Street, Suite 2300
San Francisco, CA 94105
(415) 544-1900

Opposing Counsel:
Jeffrey Feldman
425 California Street, Suite 2300
San Francisco, CA 94104
(415) 391-5555

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.)

As a Deputy Legal Affairs Secretary for Governor Brown, a significant amount of my work involved advising the Governor on issues related to parole of indeterminately sentenced inmates, and related correctional and criminal justice issues for those individual cases.

As an administrative law judge, I mediated special education cases several times a week. The parties to the mediations included school districts, local education agencies, and the families of students receiving or requesting special education.

As the Presiding Judge of the Juvenile Court, I am responsible for working with our justice partners to ensure the effective operation of the Juvenile Court. I chair the Dependency Standing Committee and the Juvenile Justice Standing Committee and the Commercial Sexual Exploitation of Children Standing Committee.

Additionally, as the Presiding Judge of the Juvenile Court, I am a designated member of the following committees: Juvenile Justice Standing Committee, Chair (2023 – present); Juvenile Dependency Standing Committee, Chair (2023 – present); Commercial Sexual Exploitation of Children Standing Committee, Chair (2023 – present); Juvenile Justice Coordinating Counsel (2023 – present) and a member of its Realignment Subcommittee (2021 – present); Criminal Justice Cabinet (2023 – present); Sacramento County Child, Youth, and Family System of Care Interagency Leadership Team (2023 – present); and the Juvenile Justice Diversion and Treatment Program Workgroup (2023 – present). I am also a member of a subcommittee of the Juvenile Justice Coordinating Counsel, which

recommends to the Board of Supervisors how to allocate funds to develop and operate a Secure Track facility for youth who have been found to have committed serious crimes.

I am also a member of several other court committees, where my work generally focuses on improving court administration relating to the Sacramento Superior Court. Those committees include the Collaborative Courts Committee (2022 – present), Executive Committee (2022 – present), Juvenile Court Delinquency Committee (2023 – present), Juvenile Court Dependency Committee (2021 – present), and the Local Rules Committee (2023 – present).

In 2023, I was co-faculty for the Juvenile Dependency Primary Assignment Orientation for judges new to a juvenile dependency assignment. The orientation occurs over a five-day period, and judges are required to take the course when assigned to juvenile dependency.

I have not performed any lobbying activities or registered as a lobbyist.

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

None.

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

None.

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

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.

A conflict of interest could arise from any matter arising from a case I handled as a Superior Court Judge. I will evaluate any real or potential conflict, or relationship that could give rise to the appearance of such a conflict, on a case-by-case basis and determine appropriate action, including recusal, where necessary.

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

If confirmed, I would address any actual or potential conflicts of interest by applying the Code of Conduct for United States Judges, 28 U.S.C. § 455, and any other relevant laws, canons, rules, practices, and guidelines.

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.

While the majority of my career has been in public service, during my time in private practice I represented pro bono clients in immigration court and in probate court relating to a trust dispute. Also, I regularly participated in the McCullum Youth Court, in the Alameda County Superior Court, a diversion and restorative justice program for non-violent youth offenders at risk for entering the juvenile justice system. Although I did not represent pro bono clients while working for the State of California, I was active in the Anthony M. Kennedy American Inn of Court and mentored elementary, high school, college, and law school students interested in a legal career.

26. **Selection Process:**

- a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your

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

In October 2023, I submitted an application to the Selection Committees of Senator Alex Padilla and the late Senator Dianne Feinstein. On December 12, 2023, I interviewed with Senator Laphonza Butler's office. On December 15, 2023, I interviewed with Senator Butler. On December 20, 2023, an attorney from the White House Counsel's Office contacted me to set up an interview. On December 22, 2023, I interviewed with attorneys from that office. Since December 22, 2023, I have been in contact with officials from the Office of Legal Policy at the United States Department of Justice. On February 7, 2024, the President announced his intent to nominate me.

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

No.