

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Karla Marie Campbell

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

United States Circuit Judge for the Sixth Circuit Court of Appeals

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.

Stranch Jennings & Garvey PLLC
223 Rosa L. Parks Avenue, Suite 200
Nashville, Tennessee 37203

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

1979; Knoxville, Tennessee

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.

2006 – 2008, Georgetown University Law Center; J.D., 2008

2005 – 2006, University of Tennessee College of Law; no degree received

1999 – 2002, University of Virginia; B.A., 2002

1998 – 1999, Salem College; no degree received

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.

2009 – 2010; 2011 – present

Stranch Jennings & Garvey PLLC (formerly Branstetter Stranch & Jennings PLLC)
223 Rosa L. Parks Avenue, Suite 200
Nashville, Tennessee 37203
Of Counsel (2022 – present)
Member (2015 – 2022)
Associate (2011 – 2015)
Attorney (2009 – 2010)

2010 – 2011
United States Court of Appeals for the Sixth Circuit
710 Broadway
Nashville, Tennessee 37203
Law Clerk for the Honorable Jane Branstetter Stranch

2007 – 2009
Watson & Renner
1400 16th Street, Northwest, Suite 350
Washington, DC 20036
Attorney (2008 – 2009)
Law Clerk (2007 – 2008)

2008 – 2009
United States Department of the Interior
4401 North Fairfax Drive
Arlington, Virginia 22203
International Affairs Specialist

2006 – 2008
Georgetown University Law Center
600 New Jersey Avenue, Northwest
Washington, DC 20001
Research Assistant

Summer 2007
United States Department of Justice
Office of Immigration Litigation
450 5th Street, Northwest
Washington, DC 20001
Intern

Summer 2006
Hodges Doughty & Carson PLLC
617 Main Street
Knoxville, Tennessee 37901
Law Clerk

Spring 2005
Break the Cycle, Inc.
617 Main Street
Loudon, Tennessee 37774
Trainer

2002 – 2004
The Peace Corps
275 1st Street, Northeast
Washington, DC 20526
Peace Corps Volunteer

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 with 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.

Georgetown University Law Center
CALI Excellence for the Future Award (Spring 2007)

University of Virginia
Distinguished Majors Program, Highest Distinction (2002)
Carroll Round Conference on Undergraduate Economic Research (April 2002)
Dean's List (1999 – 2002)

9. **Bar Associations:** List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.

American Bar Association

American Constitution Society, Nashville Chapter
Board Member (2014 – 2016)

Lawyers Association for Women, Marion Griffin Chapter
Committee Chair (2011 – 2012)
Director (2013 – 2015)

Lawyers Coordinating Committee, AFL-CIO
Board Member (2016 – 2019)

Nashville Bar Association

Tennessee Bar Association

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.

Tennessee, 2008

Ohio, 2018

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 Fourth Circuit, 2021

United States Court of Appeals for the Sixth Circuit, 2011

United States Court of Appeals for the Eleventh Circuit, 2015

United States Court of Appeals for the District of Columbia Circuit, 2023

United States District Court for the Eastern District of Tennessee, 2016

United States District Court for the Middle District of Tennessee, 2011

United States District Court for the Western District of Tennessee, 2015

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.

Jefferson Scholarship Nashville Regional Selection Committee (2018 – 2023)

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

to change these policies and practices.

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

12. Published Writings and Public Statements:

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

Starbucks, Cemex and the Problem of Remedies in Representation Cases, Labor & Employment Connect, Tennessee Bar Association, October 24, 2023. Copy supplied.

Contributing Author, North America's Building Trades Unions Campaign Guide, Chapter 12: Access to Workers and Job Sites (2019 – 2023). Copies supplied.

Guest Worker Programs and the Convergence of U.S. Immigration and Development Policies: A Two-Factor Economic Model, 21 Geo. Immigr. L.J. 663 (2007). Copy supplied.

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

None.

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

None.

- d. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or

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

March 21, 2024: Panelist, Are We Past the Point of No Return? EEO Practitioners Discuss the Legal Implications of Remote Work, American Bar Association Equal Employment Opportunity Committee Midwinter Meeting, Boston, Massachusetts. PowerPoint, on which I provided input, supplied.

May 5, 2023: Panelist, The New NLRB – 2022-23 Decisions and Where Are They Headed, Tennessee Bar Association, Nashville, Tennessee. This panel was part of the TBA's annual Labor & Employment Law Forum, which is offered to members for continuing legal education credit. PowerPoint, on which I provided input, supplied.

May 1, 2023: Panelist, Protecting the Union Client's Electronic Information in the Office, AFL-CIO Union Lawyers' Alliance Conference, Pittsburgh, Pennsylvania. PowerPoint, on which I provided input, supplied.

April 1, 2022: Panelist, Race in the Workplace: What Happens When Social Media and Social Justice Collide, American Bar Association Equal Employment Opportunity Committee Midwinter Meeting, Memphis, Tennessee. A copy of the whitepaper to which I contributed is supplied.

April 7, 2021: Panelist, Reflections on Bostock: LGBTQ Rights in the Workplace and Other Implications of the Bostock Decision, American Bar Association Equal Employment Opportunity Committee Midwinter Meeting, via Zoom. Notes supplied.

November 5, 2018: Moderator, Advocating for Workplace Justice, Vanderbilt University Law School, Nashville, Tennessee. I moderated this panel on careers in labor law. I have no notes, transcript, or recording. The address for Vanderbilt University Law School is 2014 Broadway, Suite 305, Nashville, Tennessee 37203.

October 5, 2018: Panelist, The Modern Workplace: Contemporary Legal Issues in Employment & Labor Law Local Panel Discussion, Nashville, Tennessee. Transcript available at 6 Belmont L. Rev. 245 (2019).

February 8, 2018: Panelist, Cybersecurity, Fiduciary Liability Insurance and Fidelity Bond, American Bar Association Employee Benefits Committee Midwinter Meeting, Clearwater, Florida. I participated in this panel discussion on cybersecurity risks, both litigation and non-litigation risks, to employee benefit funds. I have no notes, transcript, or recording. The address of the ABA is 321 North Clark Street, Chicago, Illinois 60654.

May 15, 2017: Panelist, Strategic Litigation to Advocate for Workers' Rights: Pros and Cons of Pursuing Non-NLRA Claims, AFL-CIO Lawyers' Coordinating Committee Conference, Denver, Colorado. A copy of the whitepaper I prepared for this presentation is supplied.

- e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and four (4) copies of the clips or transcripts of these interviews where they are available to you.

Beverly Banks, *Google Jointly Employs YouTube Workers, NLRB Official Says*, Law360, Mar. 6, 2023. Copy supplied.

Hannah Dreier, *Alone and Exploited, Migrant Children Work Brutal Jobs Across the U.S.*, N.Y. Times, Feb. 25, 2023. Copy supplied.

Alejandro Ramirez, *Safety Compensation and Accountability at Nashville Construction Sites*, The Nashville Scene, Nov. 12, 2020. Copy supplied.

Cassandra Stephenson, *Lawsuit: Construction Companies, Supervisors to Blame for Teen's Fatal Fall at Construction Site*, The Tennessean, Aug. 9, 2020. Copy supplied.

Mariah Timms, *Lack of Hepatitis Treatment Hurts 'Chance of Redemption,' Tennessee Inmate Testifies*, The Tennessean, July 18, 2019. Copy supplied (reprinted in multiple outlets).

Press release, Class Action Lawsuit Challenging Tennessee Department of Corrections Hepatitis C Protocol Goes to Trial, July 15, 2019. Copy supplied.

Mike Reicher, *Ignoran Reglas de Seguridad y Mueren Mas Trabajadores Durante Auge de Vivienda en Nashville*, The Tennessean, May 7, 2018. Copy supplied (reprinted in multiple outlets).

Mike Reicher, *Using 'Subs of Subs,' Contractors Able to Evade Liability in Construction Worker Deaths*, The Tennessean, May 5, 2018. Copy supplied (reprinted in multiple outlets).

Dave Boucher, *Federal Order Foreshadows Possibility Tennessee Must Treat All Inmates Infected with Hepatitis C*, The Tennessean, Nov. 26, 2017. Copy supplied (reprinted in multiple outlets).

Dave Boucher, *Tennessee Inmate Lawsuit over Hepatitis C Granted Class Action Status*, The Tennessean, May 5, 2017. Copy supplied (reprinted in multiple outlets).

Press release, Challenge to Tennessee Department of Corrections Hepatitis C Protocol Certified as a Class Action, May 5, 2017. Copy supplied.

Anita Wadhvani, *Immigrants Accuse Landscaper of Forced Labor, Lack of Food*, The Tennessean, Apr. 14, 2017. Copy supplied.

Braden Campbell, *ERISA Plan Challenges Belong in the Courts, 6th Circ. Says*, Law360, Mar. 14, 2017. Copy supplied (reprinted in multiple outlets).

Dave Boucher, *Inmates with Hepatitis C Sue Tennessee Prison Officials for Treatment*, The Tennessean, July 25, 2016. Copy supplied (reprinted in multiple outlets).

Press release, Lawsuit Challenges Tennessee Dept. of Corrections Hepatitis C Protocol, July 25, 2016. Copy supplied.

Anita Wadhvani, *Kids Work on Tennessee's Tobacco Farms with Few Protections*, The Tennessean, Sept. 7, 2014. Copy supplied (reprinted in multiple outlets).

Bobby Allyn, *Trojan Labor Agrees Not to Spy on Its Workers*, The Tennessean, May 9, 2013. Copy supplied.

Duane Marsteller, *Threats Alleged in Hotel Labor Suit*, The Tennessean, Apr. 25, 2013. Copy supplied.

Mamie Nash, *Professor at Center of Worker Mistreatment Lawsuit*, The Sidelines MTSU, Feb. 22, 2013. Copy supplied.

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

I have not held judicial office.

- a. Approximately how many cases have you presided over that have gone to verdict or judgment? _____
- i. Of these cases, approximately what percent were:
- jury trials: _____%
- bench trials: _____% [total 100%]
- ii. Of these cases, approximately what percent were:

civil proceedings: _____%
criminal proceedings: _____% [total 100%]

- b. Provide citations for all opinions you have written, including concurrences and dissents.
 - 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).
 - 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.
 - e. Provide a list of all cases 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.
 - 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.
 - 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. 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.
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:

I have not held judicial office.

- 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.

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;

From 2010 to 2011, I served as a law clerk to the Honorable Jane Branstetter Stranch of the United States Court of Appeals for the Sixth Circuit.

- 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;

2008 – 2009

Watson & Renner
1400 16th Street, Northwest, Suite 350
Washington, DC 20036
Attorney

2009 – 2010; 2011 – present

Stranch Jennings & Garvey PLLC (formerly Branstetter Stranch & Jennings PLLC)
223 Rosa L. Parks Avenue, Suite 200
Nashville, Tennessee 37203
Of Counsel (2022 – present)
Member (2015 – 2022)
Associate (2011 – 2015)
Attorney (2009 – 2010)

- 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.

After graduating from law school, I worked briefly at a small law firm in Washington, DC, before moving to Nashville to clerk for the Honorable Jane B. Stranch. I worked at Judge Stranch's firm while her nomination was pending, and after my clerkship I re-joined Branstetter Stranch & Jennings as an associate, where I have been continuously employed since that time. (After reorganization in 2023, the firm changed its name to Stranch Jennings & Garvey.)

At the firm my practice has focused on plaintiffs' side employment and labor law. I have represented employees in a broad range of civil litigation, including wage and hour suits, denial of benefits and other claims related to employee benefits, and workers' compensation and other types of workplace injury cases. I have served as lead counsel in cases, including individual cases, collective actions, and class actions, at every

stage of litigation, through trial, and on appeal. Additionally, I have regularly provided advice and general representation to labor organizations and Taft-Hartley employee benefit plans.

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

My clients typically include individual employees, labor organizations, and employee benefit plans. In recent years I have specialized in ERISA litigation, including litigating novel issues and issues of first impression.

- 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.

I estimate that 65 percent of my practice has been in litigation. I have appeared in court frequently as part of my practice, particularly in federal court.

- i. Indicate the percentage of your practice in:

- 1. federal courts: 80%
- 2. state courts of record: 10%
- 3. other courts: 0%
- 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 have participated in three trials that proceeded to a verdict, two as lead counsel and one as sole counsel. I have also litigated numerous cases to judgment on dispositive motions. Similarly, I have conducted two evidentiary hearings, both as lead counsel, in different Regions of the National Labor Relations Board. Additionally, I have argued seven appeals, including four before the Sixth Circuit.

- i. What percentage of these trials were:

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

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

practice.

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

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

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

1. *Alphabet Workers Union-Communication Workers of America, Local 9009 v. National Labor Relations Board*, No. 24-1003 (D.C. Cir.).

I began representing the Alphabet Workers Union (AWU) in its organizing drive at Google's YouTube Music division in 2022. After a week-long, pre-election hearing before a National Labor Relations Board agent, the Region certified Google and its contractor, Cognizant, as joint employers for the upcoming election. The Board affirmed that decision and ordered the two employers to bargain with AWU; both have refused to bargain. I continue to represent AWU in this consolidated test of certification case, now before the D.C. Circuit, that raises novel joint employer issues. The employers filed a preliminary motion to transfer venue to the Fifth Circuit, which AWU opposed. The D.C. Circuit recently entered an order denying transfer. I have been lead counsel at all levels of this case, handling the pre-election hearing and election at the Regional level, written briefing before the Board, and preliminary briefing before the D.C. Circuit. A substantive briefing schedule on appeal has not yet been issued.

Counsel for Petitioner Google
Aaron Agenbroad
Jones Day
555 California Street, 26th Floor
San Francisco, CA 94104
(415) 875-5808

Counsel for Petitioner Cognizant
Cameron W. Fox
Paul Hastings
515 South Flower Street, 25th Floor

Los Angeles, CA 90071
(213) 683-6000

Counsel for Respondent National Labor Relations Board
Joel Heller
National Labor Relations Board
1015 Half Street, Southeast
Washington, DC 20570
(202) 273-1042

2. *In re Godwin*, No. 8:20-bk-4446-CPM (M.D. Fla. Bankr.) (McEwen, B.J.), *rev'd*, 651 B.R. 392 (M.D. Fla. 2023) (Mizelle, J.).

In 2020, I initiated this adversary proceeding in the United States Bankruptcy Court for the Middle District of Florida on behalf of three multiemployer employee benefit funds seeking to recover plan assets from the former owner of a contributing employer entity. After the bankruptcy court granted summary judgment in favor of the debtor, plaintiffs appealed to the United States District Court for the Middle District of Florida. After hearing oral argument, which I handled, the district court reversed, finding as an issue of first impression in the Eleventh Circuit that an ERISA fiduciary is also a fiduciary for purposes of defalcation pursuant to Section 523 of the Bankruptcy Code. On remand to the bankruptcy court, I served as lead trial counsel in the bench trial. The bankruptcy court's final, post-trial decision is pending.

Counsel for Defendant/Debtor
Steven Berman
Shumaker
101 East Kennedy Boulevard, Suite 2800
Tampa, FL 33602
(813) 227-2332

3. *Sheet Metal Workers' Health & Welfare Fund of N. Carolina v. L. Off. of Michael A. DeMayo, LLP*, 2020 WL 13517244 (M.D. Tenn. Oct. 26, 2021) (Richardson, J.), *aff'd on other grounds*, 21 F.4th 350 (6th Cir. 2021) (Readler, Batchelder, Larsen).

In 2019, I filed this action on behalf of a multiemployer welfare fund to collect fund assets that were being wrongfully withheld by a law firm representing a fund participant in a personal injury matter. Because ERISA limits fund fiduciaries to equitable remedies, the fund sought emergency injunctive relief to prevent wasting of the trust assets. The district court ultimately granted summary judgment to the defendant, and on appeal the panel declined to address a dispositive issue of first impression advanced by the fund. I handled all aspects of the case at the trial court level, including emergency petition for relief, discovery, and dispositive motions. On appeal, I assisted in briefing the matter, which was argued by my colleague.

Counsel for Defendant

William Ramsey
Neal & Harwell, PLC
1201 Demonbreun Street, Suite 1000
Nashville, TN 37203
(615) 244-1713

4. *Int'l Brotherhood of Teamsters, Local Union No. 413 v. The Kroger Co., dba Tamarack Farms Dairy*, 2021 WL 462704 (S.D. Ohio Feb. 9, 2021) (Marbley, C.J.), *aff'd*, 2021 WL 5505496 (6th Cir. Nov. 24, 2021) (Bush, Clay, Gibbons).

In 2020 and 2021, I represented the union in its efforts to enforce an arbitration provision in its collective bargaining agreement with Kroger. The district court granted summary judgment in favor of the union, requiring Kroger to arbitrate the parties' claims related to pension benefits. Kroger appealed, and, following oral argument, the panel affirmed the district court's decision. I handled the case at the trial level and on appeal, including taking written discovery and depositions, briefing dispositive motions, appellate briefing, and oral argument on appeal.

Counsel for Defendants
David Montgomery
Jackson Lewis PC
201 East 5th Street, 26th Floor
Cincinnati, OH 45202
(513) 322-5032

5. *Sheet Metal Workers' Health & Welfare Fund of N. Carolina v. Stromberg Metal Works, Inc.*, No. 5:21-CV-101-BO, 2021 WL 4344934 (E.D.N.C. Sept. 22, 2021) (Boyle, J.).

In 2017, I filed this collection action on behalf of nine multiemployer employee benefit funds to collect delinquent contributions. The case presented novel issues related to the employer's violation of the subcontracting provision of the parties' collective bargaining agreement, as well as evidentiary issues related to damages. At the trial court level, I conducted several depositions, handled vigorous preliminary motion practice, and argued the parties' dispositive motions. The district court ultimately ruled in favor of plaintiffs on cross motions for summary judgment. Defendant appealed, and I briefed the appeal and handled the oral argument before the appellate panel in January 2023. The decision in that appeal is pending.

Co-Counsel
Narendra K. Ghosh
Patterson Harkavy LLP
100 Europa Drive, Suite 250
Chapel Hill, NC 27517
(919) 942-5200

Counsel for Defendant
Douglas R. Pierce
King & Ballou
315 Union Street, Suite 1100
Nashville, TN 37201
(615) 726-5521

6. *Woody on behalf of Insulators & Allied Workers Loc. No. 46 Annuity Fund v. USA DeBusk, LLC*, No. 3:19-CV-01018, 2020 WL 7425863 (M.D. Tenn. Dec. 18, 2020) (Trauger, J.).

From 2019 to 2021, I represented this multiemployer retirement fund in litigation to collect delinquent contributions from a successor entity. After discovery, defendant filed a motion for summary judgment on the basis that successorship liability did not apply to ERISA Section 515 actions. I successfully argued that, despite an absence of binding case law in this area in the Sixth Circuit, the district court should extend liability in these successorship situations. The district court agreed and denied summary judgment. The matter settled shortly thereafter. I handled all aspects of this case, through discovery, motion practice, and settlement.

Counsel for Defendant
Garrett Swartwood
Long, Ragsdale & Waters
1111 Northshore Drive, Suite S-700
Knoxville, TN 37919
(865) 584-4040

7. *Receivership Management Inc. v. Cotner Electric Co.*, 3:19-cv-00435 (M.D. Tenn.) (Trauger, J.).

From 2019 to 2020, I represented the plaintiff, an entity appointed independent fiduciary of a multiemployer welfare fund put into trusteeship by the U.S. Department of Labor. This matter involved significant pre-litigation consideration of the independent fiduciary's obligation to collect debts owed to the fund in excess of claims payable to the remaining fund beneficiaries. When the fiduciary decided to pursue collection, I drafted the complaint, led discovery efforts, and ultimately negotiated a successful resolution of the case.

Counsel for Defendant
John P. Rodgers
Bradley Arant Boult Cummings LLP
1221 Broadway, Suite 2400
Nashville, TN 37203
(615) 244-2582

8. *Hitchcock v. Cumberland Univ. 403(b) DC Plan*, 2016 WL 3197767 (M.D. Tenn. June 9, 2016) (Crenshaw, J.), *rev'd*, 851 F.3d 552 (6th Cir. 2017) (Clay, Merritt, Donald).

In this ERISA case, I represented plaintiffs, a class of pension plan participants, from 2015 to 2018 to help them recover plan assets wrongfully withheld by the sponsoring employer. The district court granted defendant's motion to dismiss for failure to exhaust administrative remedies, and plaintiffs appealed. I handled all phases of the appeal, including oral argument before the Sixth Circuit. The appellate panel reversed the district court and held, on a question of first impression in the circuit, that plan participants may proceed directly to court with their statutory claims. Before the appeal and on remand, I served as lead counsel, handling all aspects of the case from discovery to written briefing on both preliminary and dispositive motions.

Counsel for Defendant
Charles Cagle
Lewis Thomason
424 Church Street, Suite 2500
Nashville, TN 37219
(615) 259-1366

9. *Deschamps v. Bridgestone Americas, Inc. Salaried Emps. Ret. Plan*, 169 F.Supp.3d 735 (M.D. Tenn. 2015) (Sharp, J.), *aff'd*, 840 F.3d 267 (6th Cir. 2016) (Gibbons, Siler, Cook).

From 2010 to 2017, I represented retiree Deschamps in his effort to recover pension benefits promised to him by his employer. I was primary counsel for plaintiff, and in that capacity I raised both equitable and statutory claims in the complaint, many of which were novel ERISA claims and theories in the Sixth Circuit. I handled all aspects of the case at the trial court level. The district court granted summary judgment in favor of plaintiff, which was affirmed on appeal. I successfully argued the case on appeal and subsequently petitioned the Sixth Circuit panel to reissue the decision as a published decision because of its novel rulings on estoppel and anti-cutback violations.

Counsel for Defendant
John E.B. Gerth (formerly with Waller Lansden Dortch & Davis LLP)
Epstein Becker & Green
1222 Demonbreun Street, Suite 1400
Nashville, TN 37203
(615) 564-6049

10. *Heath v. Metro. Life Ins. Co.*, No. 3:09-CV-0138, 2011 WL 4005409 (M.D. Tenn. Sept. 8, 2011) (Nixon, S.J.).

While not attorney of record, I played a substantial role from 2009 to 2010 in researching and briefing this case on behalf of plaintiff, a man wrongfully denied disability benefits.

On cross-motions for judgment on the administrative record, the district court entered judgment in favor of the plaintiff. On behalf of the plaintiff, I briefed the issue of attorneys' fees pursuant to ERISA's statutory fee-shifting provision. After the matter was briefed but before the court ruled on the question of fees, the Supreme Court issued *Hardt v. Reliance Standard Life Ins. Co.*, 560 U.S. 242 (2010), which is the leading precedent on attorneys' fees in ERISA cases. I drafted supplemental briefs in light of *Hardt*, and the district court awarded the plaintiff his attorneys' fees and costs.

Counsel for Defendant

Joel T. Galanter (formerly with Adams and Reese LLP)

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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.)

In addition to the above litigated matters, I frequently bring claims in federal court pursuant to ERISA to collect delinquent employer contributions on behalf of multiemployer benefit funds. Most of these claims settle or are otherwise resolved before reaching a merits determination. I also devote a significant amount of my practice to non-litigation representation of these benefit funds, primarily routine advice and counsel.

Additionally, over the years I have developed a particular expertise in the drafting and negotiation of community benefits agreements. I drafted and negotiated the first community benefits agreement in the State of Tennessee, which centered on the private development of a new Major League Soccer stadium in Nashville involving public land. During this process, I represented a community group or a coalition of community groups seeking to ensure neighborhood input in private development projects. After the success of the MLS stadium agreement, I have been involved in negotiating other community benefits agreements as well. Negotiating these agreements requires in-depth knowledge of Tennessee state preemption laws, as well as experience and skill in negotiation.

I have never performed 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.

If confirmed, I will recuse in any litigation in which I have ever played a role. For a period of time, I anticipate recusing in all cases in which my current firm, Stranch Jennings & Garvey PLLC, represents a party. I will also evaluate any other real or potential conflict, or relationship that could give rise to appearance of conflict, on a case-by-case basis and determine appropriate action with the advice of parties and their counsel 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 will carefully review and address any real or potential conflicts by reference to 28 U.S.C. § 455, Canon 3 of the Code of Conduct for United States Judges, and any and all other laws, rules, and practices governing such circumstances.

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.

My firm does not have a formal pro bono program, and so I do not keep count of the hours I have dedicated to pro bono matters. However, the majority of my practice is dedicated to serving the disadvantaged. As a plaintiffs' attorney, I tailor my representation of those who cannot afford to pay an hourly rate in a variety of ways, such as a reduced hourly rate, a contingent agreement, or, mostly commonly, a fee-shifting agreement. In addition, I do contribute a great deal of my time each year to disadvantaged clients, and I am often asked by community leaders to donate my time to worthy causes in the community.

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.

There is no selection commission in my jurisdiction; however, I submitted a questionnaire to my home state Senators in September 2023 formalizing my interest in being considered for the Sixth Circuit. I was interviewed by attorneys from the White House Counsel's Office on October 23, 2023, and again on November 20, 2023. I was interviewed by Senators Blackburn and Hagerty's staff on October 25, 2023, and again on November 28, 2023. Since March 28, 2024, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On May 23, 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.