

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Mustafa Taher Kasubhai

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

United States District Judge for the District of Oregon

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

Office: United States District Court for the District of Oregon
5400 Wayne Morse United States Courthouse
405 East Eighth Avenue
Eugene, Oregon 97401

Residence: Junction City, Oregon

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

1970; Reseda, 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.

1993 – 1996, University of Oregon School of Law; J.D., 1996

1988 – 1992, University of California, Berkeley; B.S., 1992

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.

2018 – present

United States District Court for the District of Oregon
405 East 8th Avenue
Eugene, Oregon 97401
United States Magistrate Judge

2021 – present
University of Oregon School of Law
1221 University of Oregon
Eugene, Oregon 97403
Lecturer (Litigation Lab)

2007 – 2018
Oregon Judicial Department
125 East 8th Avenue
Eugene, Oregon 97401
State Circuit Court Judge

2003 – 2007
Oregon Workers' Compensation Board
2601 25th Street Southeast
Salem, Oregon 97302
Workers' Compensation Board Member

2000 – 2003
Law Offices of Mustafa T. Kasubhai, PC
Concurrent locations:
132 East Broadway 409 Pine Street
Eugene, Oregon 97401 Klamath Falls, Oregon 97601
Sole Shareholder

1998 – 2000
Law Offices of Kasubhai & Sanchez
132 East Broadway
Eugene, Oregon 97401
Partner

1997 – 1998
Law Offices of Rasmussen, Tyler & Mundorff
1600 Executive Parkway, Suite 110
Eugene, Oregon 97401
Associate

1997 – 1998
Lane County Legal Aid
101 East Broadway
Eugene, Oregon 97401

Landlord-Tenant Mediation Coordinator
(This was a grant-funded contract with Legal Aid.)

1997
Law Offices of Mustafa T. Kasubhai, PC
1600 Executive Parkway, Suite 110
Eugene, Oregon 97401
Sole Shareholder

1996 – 1997
University of Oregon School of Law Library
1221 University of Oregon
Eugene, Oregon 97403
Reference Librarian

1995 – 1996
University of Oregon
Office of Student Life
5216 University of Oregon
Eugene, Oregon 97403
Graduate Teaching Fellow

1995
University of Oregon
Multicultural Center
5216 University of Oregon
Eugene, Oregon 97403
Graduate Teaching Fellow

1994
University of Oregon School of Law
1221 University of Oregon
Eugene, Oregon 97403
Research Assistant to Professor Keith Aoki

Summer 1993
Episcopal Camp and Conference Center
253 Bushy Hill Road
Ivoryton, Connecticut 06442
Counselor

1992 – 1993
Nature's Classroom
253 Bushy Hill Road
Ivoryton, Connecticut 06442
Instructor

Other Affiliations:

2022 – present
Oregon Muslim Bar Association
11825 Southwest Greenburg Road, Suite 205
Tigard, Oregon 97223
President (2022 – present)

2020 – present
South Asian Bar Association of Oregon
902 Southwest Troy Street
Portland, Oregon 97209
Secretary (2020 – present)

2020 – present
Oregon Mediator Diversity Project
aka Oregon Mediation Diversity Project or Oregon Mediation Diversification Project
No physical address
Secretary (2023 – present)

2017 – 2019
Eugene Waldorf School
1350 McLean Boulevard
Eugene, Oregon 97405
Chair, Board of Trustees

2016 – 2022
Eugene Waldorf High School
aka Independent High School of the Willamette Valley
P.O. Box 50443
Eugene, Oregon 97405
Chair, Board of Directors (2018 – 2019)
Secretary, Board of Directors (2016 – 2018, 2020 – 2022)

2012 – present
Oregon Asian Pacific American Bar Association
P.O. Box 1728
Portland, Oregon 97207
Member, Board of Directors (2012 – 2016)

2009 – 2015
Lane County Bar Association
P.O. Box 11379
Eugene, Oregon 97440
President, Board of Directors (2014 – 2015)

President-Elect, Board of Directors (2013 – 2014)
Secretary/Treasurer, Board of Directors (2012 – 2013)
Member, Board of Directors (2009 – 2013)

2007 – 2013
Oregon State Board of Bar Examiners
16037 Southwest Upper Boones Ferry Road
Tigard, Oregon 97224
Chair, Board of Bar Examiners (2011 – 2013)
Board Member (2007-2011)

2002 – 2009
University of Oregon School of Law Alumni Association
1720 East 13th Avenue
Eugene, Oregon 97403
President, Board of Directors (2006 – 2009)
Secretary, Board of Directors (2006)
Vice President/Treasurer, Board of Directors (2005)
Member, Board of Directors (2002 – 2004)

1997
Eugene Human Rights Commission
101 West 10th Avenue, 2nd Floor
Eugene, Oregon 97401
Commissioner

1996 – 1998
McKenzie River Gathering Foundation (now Seeding Justice)
P.O. Box 12489
Portland, Oregon 97212
Member, Board of Directors

1996 – 1997 (approximately)
Sexual Assault Support Services
1902 Jefferson Street, Suite 1
Eugene, Oregon 97405
Member, Board of Directors

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

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

8. **Honors and Awards:** List any scholarships, fellowships, honorary degrees, academic or

professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.

Wallace P. Carson, Jr., Award for Judicial Excellence, Oregon State Bar (2022)

Recognition as one of the “100 Ducks Who Made a Difference” (1919-2019), Oregon Quarterly, University of Oregon (2019)

Recognition for Appointment to the U.S. District Court as a Magistrate Judge, Oregon State Bar Diversity Section (2019)

Justice Lynn Nakamoto Trailblazer Award, Oregon Asian Pacific American Bar Association (2018)

Daniel K. Inouye Trailblazer Award, National Asian Pacific American Bar Association (2018)

University of Oregon School of Law

Oregon Law Review, Associate Editor (1995 – 1996)

Student Bar Association, President (1995 – 1996)

The Weekly Dissent, Editor (1995)

Minority Law Students Association, Co-director (1994 – 1995)

University of Oregon Graduate School and Office of Student Affairs

Graduate Service Award (1995)

University of California, Berkeley

Beta Gamma Sigma Honor Society, Haas School of Business Administration, (1992)

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.

Committee on Bias in the Justice System in Oregon (2019 – present)
(formerly known as the Ad Hoc Committee on Unconscious Bias in the Justice System in Oregon)

Lane County Bar Association (2009 – 2015)

President, Board of Directors (2014 – 2015)

President-Elect, Board of Directors (2013 – 2014)

Secretary/Treasurer, Board of Directors (2012 – 2013)

Member, Board of Directors (2009 – 2012)

Judicial Administration Committee, Chair (2009 – 2011)

Mentorship Program, Mentor (approximately 2006 – 2012)

Lane County Circuit Court
Security Advisory Committee (2016 – 2018)
Externship Program, Coordinator (2010 – 2015)

The Lawyers' Campaign for Equal Justice
Member, Advisory Board (2023 – present)

Local Federal Bar Association CLE Joint Bar Association Planning Committee
Member (2017 – 2019)

Ninth Circuit Civics Contest Selection Committee, Member (2019 – 2020)

Oregon Arab Iranian Bar Association

Oregon Asian Pacific American Bar Association (2012 – present)
Member, Board of Directors (2012 – 2016)
Mentorship Program, Mentor (approximately 2007 – 2017)

Oregon Gay and Lesbian Lawyers Association

Oregon Hispanic Bar Association

Oregon Law Commission (2007 – 2008)

Oregon Mediator Diversity Project (formerly called Oregon Mediation Diversity Project and Oregon Mediation Diversification Project) (2020 – present)
Secretary, Board of Directors (2023 – present)

Oregon Minority Lawyers Association
Mentorship Program, Mentor (approximately 2007 – 2013)

Oregon Muslim Bar Association, President (2022 – present)

Oregon State Bar
Committee on Practices and Procedures, Executive Committee (2006 – 2009)
Chair (2009)
Secretary (2008)
Member (2006 – 2007)
Leadership College, Fellow (2006)
Leadership Institute Advisory Committee (2020 – present)
Opportunities for Law in Oregon, Presenter and Participant (2008 – present)
Oregon Bench and Bar Commission on Professionalism (2018)
Workers' Compensation Section (2007)
Executive Committee Member (2007)

Oregon State Board of Bar Examiners (2007 – 2013)

Chair, Board of Bar Examiners (2011 – 2013)
Member, Board of Bar Examiners (2007 – 2011)

Oregon Trial Lawyers Association (1997 – 2003)

Oregon Women Lawyers (2007 – 2018)

Regional Dialogue (an international NGO working on judicial reforms in Uzbekistan)
Member, Advisory Council (2023 – present)

Roland K. Rodman Inn of Court (1998 – 2000)

South Asian Bar Association of Oregon (2020 – present)
Secretary, Board of Directors (2020 – present)

United States District Court for the District of Oregon
Attorney Admission Fund, Chair (2022 – present)
Judicial Equity Committee (2019 – 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.

Oregon, 1997

There have been no lapses in membership, but I have been on inactive status since 2019. When I served on the Oregon State Circuit Court, I was required to remain on active status. The United States District Court, however, does not require that I remain on active status. Following my appointment to the U.S. District Court in 2018, I changed my status to inactive. I continue to be a member of the Oregon State Bar and pay annual bar dues at the inactive member rate. Upon application to the Oregon State Bar, I would be able to return to active status.

- 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 District Court for the District of Oregon, 1998

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.

City of Eugene Teen Court (now called Resolve Youth Restorative Justice)
Volunteer Judge, (Approximately 1999 – 2000)

Eugene Citizen Police Academy, Participant (2010)

Eugene Human Rights Commission, Commissioner (1997)

Eugene Waldorf School

Chair, Board of Trustees (2017 – 2019)

Member, Community Inclusion Committee (2018 – 2019, 2020 – 2022)

Member, Site Committee (2017 – 2019)

Eugene Waldorf High School Initiative

aka Independent High School of the Willamette Valley Initiative

Chair, Board of Directors (2018 – 2019)

Secretary, Board of Directors (2016 – 2018, 2020 – 2022)

Lane County Citizens Corrections Academy, Participant (2010)

Lane County Legal Aid, Senior Law Services, Volunteer (1997)

McKenzie Martial Arts

Participant (2010 – present)

Volunteer Instructor (2020 – present)

McKenzie River Gathering Foundation, Board Member (1996 – 1998)

Mosaic (Muslim Federal Employee Association) (2021 – present)

Sexual Assault Support Services, Board Member (Approximately 1996 – 1997)

University of Oregon

UO School of Law Alumni Association (2002 – 2009)

President, Board of Directors (2006 – 2009)

Secretary, Board of Directors (2006)

Vice President/Treasurer, Board of Directors (2005)

Member, Board of Directors (2002 – 2004)

UO School of Law, Dean's Advisory Council

Member (2006 – 2008, 2021 – present)

Unwanted Sexual Behavior Task Force, Member (1995 – 1996)

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

To the best of my knowledge, none of the organizations listed above 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.

I have searched my records, electronic databases, and the internet in an effort to identify all materials responsive to this question, but there may be other materials I have not been able to recall or identify.

Pronouns and the Courts, U.S. District Court, District of Oregon Webpage of Magistrate Judge Mustafa T. Kasubhai (Oct. 13, 2022). Copy supplied.

Pronouns and Privilege, ADVANCE SHEET (Summer 2021). Copy supplied.

Unconscious Bias in the Courtroom, ADVANCE SHEET (Spring 2021). Copy supplied.

With Sarah Malik, *Is There a Place for Us? On Being a Muslim American in Oregon's Legal Community*, OREGON STATE BAR BULLETIN (Feb./Mar. 2021). Copy supplied.

Judge's Corner: Essay Adapted from Campaign for Equal Justice Keynote, BAR NEWS, Lane County Bar Association (Nov. 1, 2019). Copy supplied.

Judicial Independence, FOR THE DISTRICT OF OREGON (Fall 2019). Copy supplied.

Chasing the Rainbow, MULTNOMAH LAWYER (May 2018). Copy supplied.

Handling the Half-se Hearing, OSB CIVIL LITIGATION NEWSLETTER (May 2015).
Copy supplied.

Letters to the Editor, BAR NEWS, Lane County Bar Association (Mar. 1, 2012).
Copy supplied.

View from the Bench: Following Your Ideal Path to the Bench, TRIAL LAWYER
(Fall 2008). Copy supplied.

Chapter 21: Torts and Products Liability, in 2007 OREGON LEGISLATION
HIGHLIGHTS, Oregon State Bar (2007). I am unable to locate a copy.

Compensatory Damages (Supplement), in DAMAGES, Oregon State Bar (2002). I
am unable to locate a copy.

With Karsten H. Rasmussen, *Compensatory Damages*, in DAMAGES, Oregon
State Bar (1998). Copy supplied.

*Destabilizing Power in Rape: Why Consent Theory in Rape Law is Turned on its
Head*, 11 WIS. WOMEN'S L.J. 37 (1996). Copy supplied.

During law school I was a contributing writer (Fall 1994) and editor (Winter –
Spring 1995) for *The Weekly Dissent*, a weekly newsletter prepared by students
at the University of Oregon School of Law. I do not have and have not been able
to locate complete records. Based on the writings I have been able to locate, I
include copies of the articles I wrote.

From the Editor, THE WEEKLY DISSENT (Apr. 24, 1995). Copy supplied.

From the Editor, THE WEEKLY DISSENT (Apr. 1995, specific date unknown).
Copy supplied.

From the Editor, THE WEEKLY DISSENT (Mar. 27, 1995). Copy supplied.

From the Editor, THE WEEKLY DISSENT (Mar. 13, 1995). Copy supplied.

From the Editor, THE WEEKLY DISSENT (Mar. 6, 1995). Copy supplied.

From the Editor, THE WEEKLY DISSENT (Feb. 20, 1995). Copy supplied.

From the Editor, THE WEEKLY DISSENT (Feb. 13, 1995). Copy supplied.

From the Editor, THE WEEKLY DISSENT (Feb. 6, 1995). Copy supplied.

From the Editor, THE WEEKLY DISSENT (Jan. 30, 1995). Copy supplied.

Anita Hill Speaks in Oregon: Lecture Focuses on Sexual Harassment and Domestic Violence, THE WEEKLY DISSENT (Nov. 7, 1994). Copy supplied.

With Kirk Bailey, *Perceptions of Favoritism Affect Law School Community*, THE WEEKLY DISSENT (Oct. 24, 1994). Copy supplied.

OCA, Measure 13, and Anti-Gay Violence, THE WEEKLY DISSENT (Oct. 10, 1994). Copy supplied.

Sensualized Property Theory, THE WEEKLY DISSENT (Oct. 3, 1994). Copy supplied.

Woman Affirming, THE WEEKLY DISSENT (Sept. 26, 1994). Copy supplied.

The Mythology of Law Review, THE WEEKLY DISSENT (Sept. 19, 1994). Copy supplied.

"What You Mean, 'No'?", THE WEEKLY DISSENT (Sept. 12, 1994). Copy supplied.

"Master Narrative" Limits Scope of Legal Education, THE WEEKLY DISSENT (Sept. 6, 1996). 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.

I have searched my records, electronic databases, and the internet in an effort to identify all materials responsive to this question, but there may be other materials I have not been able to recall or identify.

The Lawyers' Campaign for Equal Justice, *Justice Protects: 2022 – 2023 Annual Report* (2023). As a member of the Advisory Committee for the Lawyers' Campaign for Equal Justice, my name appeared in this report. To the best of my recollection, however, I did not draft, edit, or participate in any way in the report's preparation, and I was not asked to vote on or approve its content. Copy supplied.

Oregon Muslim Bar Association, *Statement Regarding the New Mexico Murders* (Aug. 14, 2022). Copy supplied.

Oregon Muslim Bar Association, *Statement Regarding the Dobbs Decision* (June 27, 2022). As the statement language indicates, as a judicial officer I recused myself and did not endorse or otherwise participate in preparing this statement.

Copy supplied.

Oregon Muslim Bar Association, Announcement of OMBA (Apr. 2, 2022). Copy supplied. Video available at <https://www.facebook.com/watch/?v=1686356131744827>.

South Asian Bar Association of Oregon, Statement on the Death of George Floyd and Racial Injustice (June 4, 2020). As the statement language indicates, as a judicial officer I recused myself and did not endorse or otherwise participate in preparing this statement. Copy supplied.

South Asian Bar Association of Oregon, COVID-19 Statement (Mar. 23, 2020). I did not endorse or otherwise participate in preparing this statement. Copy supplied.

Eugene Waldorf School, Statement of Equity, Diversity, and Inclusion (May 2019). Copy supplied.

Eugene Waldorf High School Initiative aka Independent High School of the Willamette Valley, Statement of Equity, Diversity, and Inclusion (Oct. 15, 2018). Copy supplied.

Oregon State Bar, “Bench and Bar Commission on Professionalism,” in *2018 Committee Annual Reports* (2018). As a member of the Bench and Bar Commission on Professionalism of the Oregon State Bar, my name appeared in this report. To the best of my recollection, however, I did not draft, edit, or participate in any way in the report’s preparation, and I was not asked to vote on or approve its content. Copy supplied.

Lane County Bar Association, *Bar News* (Mar. 1, 2012). The Lane County Bar Association had a standard practice of including a list of the names of the members of the Lane County Bar Association Board of Directors in its monthly newsletter. As a member of the Board of Directors, my name appeared in these newsletters. This issue includes one announcement I contributed. Aside from that announcement, I did not draft, edit, or participate in any way in the issue’s preparation or the preparation of any of the other newsletters, and I was not asked to vote on or approve the content. I am unable to locate other issues of the Lane County Bar Association *Bar News* from the time period I served on the Board of Directors. Copy supplied.

City of Eugene Human Rights Commission, Human Rights Retrospective Project: A Historical Look Back over the Past 20 Years from 1990 to 2011 (Nov. 2011). I am listed in this publication as a former member of the City of Eugene Human Rights Commission. To the best of my recollection, I did not draft, edit, or participate in any way in the publication’s preparation, and I was not asked to vote on or approve its content. Copy supplied.

State of Oregon Public Defense Services Commission, Lane County Service Delivery Review (Sept. 9, 2009). Some judicial colleagues and I met with the Executive Director of Oregon Public Defense Services to provide feedback on the provision of public defense services in Lane County. To the best of my recollection, I did not draft, edit, or participate in any way in the preparation of the report itself. Copy supplied.

Oregon State Bar, 2009 Legislative Tips Handbook (Jan. 8, 2009). As Chair of the Procedure and Practice Committee of the Oregon State Bar, I am listed in this handbook as a legislative contact, but, to the best of my recollection, I did not draft, edit, or participate in any way in the handbook's creation. Copy supplied.

The Oregon Law Commission had a standard practice of including a list of the names of commissioners in its Biennial Report. As a member of the Oregon Law Commission, my name appeared in these Biennial Reports. To the best of my recollection, however, I did not draft, edit, or participate in any way in the reports' preparation, and I was not asked to vote on or approve their content.

Oregon Law Commission, Biennial Report of the Oregon Law Commission 2007-2009 (2009). Copy supplied.

Oregon Law Commission, Biennial Report of the Oregon Law Commission 2005-2007 (2007). Copy supplied.

The Procedure and Practice Committee of the Oregon State Bar had a standard practice of including a list of the names of committee members in its Annual Report. As a member of the Committee, my name appeared in these Annual Reports. To the best of my recollection, however, I did not draft, edit, or participate in any way in the reports' preparation, and I was not asked to vote on or approve their content.

Oregon State Bar, "Procedure & Practice Committee" in *2008 Committee and Section Annual Reports* (2008). Copy supplied.

Oregon State Bar, "Procedure & Practice Committee" in *2007 Committee and Section Annual Reports* (2007). Copy supplied.

Oregon State Bar, "Procedure & Practice Committee" in *2006 Committee and Section Annual Reports* (2006). Copy supplied.

The University of Oregon Law School had a standard practice of including a list of the names of members of the Dean's Advisory Committee in its Oregon Lawyer magazine. As a member of the Dean's Advisory Committee, my name appeared in these publications. To the best of my recollection, however, I did not draft, edit, or participate in any way in the publications' preparation, and I was not

asked to vote on or approve their content.

University of Oregon Law School, Oregon Lawyer 2008 Annual (2008).
Copy supplied.

University of Oregon Law School, Oregon Lawyer Update 2007 (2007).
Copy supplied.

University of Oregon Law School, Oregon Lawyer (2006). Copy supplied.

The University of Oregon Law School had a standard practice of including a list of the names of members of the Board of Directors of the Law School Alumni Association in its Oregon Lawyer magazine. As a member of the Law School Alumni Association Board of Directors, my name appeared in these publications. To the best of my recollection, however, I did not draft, edit, or participate in any way in the publications' preparation, and I was not asked to vote on or approve their content.

University of Oregon Law School, Oregon Lawyer 2008 Annual (2008).
This publication is the same as that provided in connection with the entry for the University of Oregon Law School Dean's Advisory Committee (2008) listed above.

University of Oregon Law School, Oregon Lawyer Update 2007 (2007).
This publication is the same as that provided in connection with the entry for the University of Oregon Law School Dean's Advisory Committee (2007) listed above.

University of Oregon Law School, Oregon Lawyer (2006). This
publication is the same as that provided in connection with the entry for the University of Oregon Law School Dean's Advisory Committee (2006) listed above.

University of Oregon Law School, Oregon Lawyer Update (Winter/Spring 2006). Copy supplied.

University of Oregon Law School, Oregon Lawyer Update
(Spring/Summer 2005). Copy supplied.

University of Oregon Law School, Oregon Lawyer (2005). Copy supplied.

University of Oregon Law School, Oregon Lawyer (2004). Copy supplied.

University of Oregon Law School, Oregon Lawyer Update (Spring 2004).
Copy supplied.

University of Oregon Law School, Oregon Lawyer Update (Winter 2004). Copy supplied.

University of Oregon Law School, Oregon Lawyer (2003). Copy supplied.

University of Oregon Law School, Oregon Lawyer Update (Winter 2003). Copy supplied.

University of Oregon Law School, Oregon Lawyer (2002). Copy supplied.

Oregon State Bar, “Workers Compensation Section” in *2007 Committee and Section Annual Reports* (2007). The Workers’ Compensation Section of the Oregon State Bar had a standard practice of including a list of the names of Section members in its Annual Report. As a member of the Section, my name appeared in this report. To the best of my recollection, however, I did not draft, edit, or participate in any way in the report’s preparation, and I was not asked to vote on or approve its content. This publication is the same as that provided in connection with the entry for the Procedure and Practice Committee of the Oregon State Bar (2007) listed above.

McKenzie River Gathering Foundation, 1997 – 1998 Annual Report (1998). The McKenzie River Gathering Foundation had a standard practice of including a list of the names of board members in its Annual Report. As a member of the board, my name appeared in this Annual Report. To the best of my recollection, however, I did not draft, edit, or participate in any way in the report’s preparation, and I was not asked to vote on or approve its content. Copy supplied.

Statement Against Discrimination on the Basis of Sexual Orientation, signed by members of the University of Oregon community (Oct. 11, 1996). Copy supplied.

Student Body Statement, signed by members of University of Oregon Law School student organizations (Feb. 13, 1995). This statement expressed concern about hateful acts against many individuals and organizations at the school and called on students to create a safe and welcoming atmosphere for all. Copy supplied.

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

I have searched my records, electronic databases, and the internet in an effort to identify all materials responsive to this question, but there may be other materials I have not been able to recall or identify.

Minutes of the Oregon State Bar Board of Governors Meeting (Nov. 19, 2022). I spoke about the Oregon New Lawyers’ Division gender inclusivity proposal and

the importance of inclusivity within the legal profession. I had provided feedback to the ONLD on a draft of the proposal, but I was not otherwise involved in the proposal's drafting or approval. Copy supplied.

Letter to Governor Kate Brown Re Petition of Commutation for Edward Granger (Sept. 24, 2021). Copy supplied.

Letter from the Oregon State Bar Procedure and Practice Committee, which I signed as Chair, to the Oregon State Bar Council on Court Procedures (2009, specific date unknown). The letter asked the Council to recommend state court rule changes to the legislature regarding electronically stored information. I am unable to locate a copy.

Letter from all Lane County judges to the Lane County Commission requesting an increase in jail operations (December 10, 2008). The letter described the impact of the jail's reduced operating capacity on the administration of criminal justice and requested that the Commission fund increased operational capacity at the jail. I am unable to locate a copy.

During the time I was affiliated with the Workers' Compensation Section of the Oregon State Bar, my name appeared in the following meeting minutes:

Minutes of the Workers' Compensation Section Executive Committee Meeting (Nov. 14, 2008). Copy supplied.

Minutes of the Workers' Compensation Section Executive Committee Meeting (June 20, 2008). Copy supplied.

Minutes of the Workers' Compensation Section Executive Committee Meeting (May 16, 2008). Copy supplied.

Minutes of the Workers' Compensation Section Executive Committee Meeting (Apr. 18, 2008). Copy supplied.

Minutes of the Workers' Compensation Section Executive Committee Meeting (Mar. 21, 2008). Copy supplied.

Minutes of the Workers' Compensation Section Executive Committee Meeting (Feb. 15, 2008). Copy supplied.

Minutes of the Workers' Compensation Section Executive Committee Meeting (Jan. 18, 2008). Copy supplied.

Minutes of the Workers' Compensation Section Executive Committee Meeting (Dec. 21, 2007). Copy supplied.

Minutes of the Workers' Compensation Section Executive Committee Meeting (Oct. 19, 2007). Copy supplied.

Minutes of the Workers' Compensation Section Executive Committee Meeting (Aug. 17, 2007). Copy supplied.

Minutes of the Workers' Compensation Section Executive Committee Meeting (Jul. 20, 2007). Copy supplied.

Minutes of the Workers' Compensation Section Executive Committee Meeting (Apr. 20, 2007). Copy supplied.

Minutes of the Workers' Compensation Section Executive Committee Meeting (Mar. 16, 2007). Copy supplied.

Minutes of the Workers' Compensation Section Executive Committee Meeting (Feb. 16, 2007). Copy supplied.

Minutes of the Workers' Compensation Section Executive Committee Meeting (Jan. 26, 2007). Copy supplied.

Minutes of the Workers' Compensation Section Executive Committee Meeting (May 19, 2006). Copy supplied.

Minutes of the Workers' Compensation Section Executive Committee Meeting (Jan. 20, 2006). Copy supplied.

As a member of the Oregon State Bar Procedure and Practice Committee, I submitted written testimony and testified in person on behalf of the Committee before the Oregon Senate Judiciary Committee of the Oregon State Legislature regarding three bills the Procedure and Practice Committee drafted (May and March 2007).

Written and in-person testimony on HB 2366, which related to the statute of limitations for parent and guardian claims for reimbursement of medical costs for injured minors, Oregon Senate Judiciary Committee, Salem, Oregon (May 10, 2007). Written testimony supplied.

Written and in-person testimony on HB 2367, which related to quorum requirements for the Council on Court Procedure, Oregon Senate Judiciary Committee, Salem, Oregon (Mar. 5, 2007). Written testimony supplied.

Written and in-person testimony on HB 2368, which related to trial court jurisdiction over certain motions, Oregon Senate Judiciary Committee, Salem, Oregon (Mar. 5, 2007). Written testimony supplied.

Testimony at a University of Oregon hearing on proposed Student Conduct Code changes, which related to adding the lack of consent as an element of sexual assault (Nov. 1, 1996). I spoke about the language of the proposal that I helped draft as an employee of the Office of Student Life and member of the Unwanted Sexual Behavior Task Force. I have no transcript or recording.

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

I have searched my records, electronic databases, and the internet in an effort to identify all events responsive to this question, but there may be other events I have not been able to recall or identify.

June 13, 2023: Speaker, Eighth Grade Graduation Ceremony, Eugene Waldorf School, Eugene, Oregon. Notes supplied.

May 25, 2023: Panelist, Road to the Bench, Oregon Women Lawyers (virtual). I spoke about my experience with the judicial selection process for the U.S. Magistrate Judge position. I have no notes, transcript, or recording. The address of Oregon Women Lawyers is P.O. Box 40393, Portland, Oregon 97240.

May 25, 2023: Panelist, Celebrating the Culture and Diversity in the Asian American, Native Hawaiian, Pacific Islander Communities, Oregon Judicial Department (virtual). I spoke about cultural experiences as a South Asian attorney and judge. I have no notes, transcript, or recording. The address of the Oregon Judicial Department is Office of the State Court Administrator, Supreme Court Building, 1163 State Street, Salem, Oregon 97301.

May 19, 2023: Speaker, Pronouns and Gender Inclusivity, In-house training, Oregon State Bar, Tigard, Oregon. Video supplied.

May 12, 2023: Emcee, Leadership Institute Graduation Ceremony, Oregon State Bar, Portland, Oregon. I introduced each of the speakers for the event. I have no notes, transcript, or recording. The address of the Oregon State Bar is 16037 Southwest Upper Boones Ferry Road, Tigard, Oregon 97224.

May 12, 2023: Speaker, Pronouns in the Courts, In-house training, Maryland Office of Administrative Hearings (virtual). I used the same notes that were provided for the April 4, 2022, National Workshop for Magistrate Judges.

April 28, 2023: Speaker, Equity and its Role in Professionalism, Oregon State Bar Workers' Compensation Conference, Gleneden Beach, Oregon. I used the same notes that were provided for the April 4, 2022, National Workshop for Magistrate Judges.

April 18, 2023: Speaker, Judicial Independence and Democracy, Referendum 2023—Uzbekistan's Constitution, Regional Dialogue, Tashkent, Uzbekistan. Notes supplied.

April 13, 2023: Speaker, Ethics in Professionalism Class, Professor Tom Lininger, University of Oregon School of Law, Eugene, Oregon. I used the same notes that were provided for the presentation on ethics for the University of Oregon School of Law on March 17, 2021.

April 8, 2023: Speaker, 2nd Annual Ramadan Iftar, Oregon Muslim Bar Association, Portland, Oregon. I made welcoming remarks and introductions. I have no notes, transcript, or recording. The address of the Muslim Bar Association is 11825 Southwest Greenburg Road, Suite 205, Tigard, Oregon 97223.

April 3, 2023: Panelist, Roadways to the Bench: Who Me? A Bankruptcy or Magistrate Judge?, Administrative Office of the United States Courts, Washington, DC. I participated in a panel question-and-answer session and shared my experiences on my path to the bench. After the panel presentation, I joined roundtable discussions on the same topic with attendees. I have no notes, transcript, or recording. The address for the Administrative Office of the United States Courts is One Columbus Circle, Northeast, Washington, DC 20544.

March 10, 2023: Emcee, Social and Networking Event, Oregon Arab Iranian Bar Association, South Asian Bar Association of Oregon, Oregon Muslim Bar Association, Portland, Oregon. I welcomed the attendees and introduced the officers of the organizations. I have no notes, transcript, or recording. The address of the Oregon Muslim Bar Association is 11825 Southwest Greenburg Road, Suite 205, Tigard, Oregon 97223.

January 10, 2023: Speaker, Pronouns in the Courts, In-house Training, Bankruptcy Court for the District of Oregon, Portland, Oregon. I used the same notes that were provided for the April 4, 2022, National Workshop for Magistrate Judges.

December 1, 2022: Panelist, Gender Equity in the Judiciary 2022, Judicial Conference, Regional Dialogue, Tashkent, Uzbekistan. I served on a panel with two other judges and engaged in an interactive dialogue with judges in Uzbekistan on the value of increasing gender representation on the bench. I have no notes,

transcript, or recording. The address of Regional Dialogue is Kalce 5j, 1370 Logatec, Slovenia.

November 30, 2022: Panelist, Gender Equity in the Judiciary 2022, Judicial Conference, Regional Dialogue, Tashkent, Uzbekistan. I served on a panel with two other judges and engaged in an interactive dialogue with judges in Uzbekistan on the value of increasing gender representation on the bench. I have no notes, transcript, or recording. The address of Regional Dialogue is Kalce 5j, 1370 Logatec, Slovenia.

November 18, 2022: Host, Meeting with University of Oregon Law School Muslim Student Association, U.S. District Court for the District of Oregon, Eugene Division, Eugene, Oregon. I led a tour of the courthouse, spoke about externships and clerkships, and fielded questions. I have no notes, transcript, or recording. The address of the U.S. District Court for the District of Oregon, Eugene Division, is 405 East 8th Avenue, Eugene, Oregon 97401.

November 12, 2022: Panelist, Muslims in the Judiciary: Challenges and Perspectives, National Association of Muslim Lawyers Annual Conference (virtual). I shared stories of my path to the bench and fielded questions from the moderator and the audience. I have no notes, transcript, or recording. The address of the National Association of Muslim Lawyers is 2670 Miriam Lane, Decatur, Georgia 30032.

October 18, 2022: Panelist, Gender Identity and Access to the Courts, Annual Oregon Judicial Conference, Oregon Judicial Department, Gleneden Beach, Oregon. I used the same notes that were provided for the April 4, 2022, National Workshop for Magistrate Judges.

October 13, 2022: Speaker, Use of Pronouns and Honorifics in Court and Legal Practice, Lane County Bar Association, Eugene, Oregon. I used the same notes that were provided for the April 4, 2022, National Workshop for Magistrate Judges.

October 7, 2022: Speaker, Investiture of Judge Chanpone Sinlapasai, Multnomah County State Circuit Court, Portland, Oregon. Video supplied.

September 30, 2022: Moderator, What Happened and What's Next? Recent and Upcoming Supreme Court Cases, O'Connell Conference, University of Oregon, Eugene, Oregon. Video available at <https://www.youtube.com/watch?v=mUZAQhTi-O4&t=8s>.

September 9, 2022: Speaker, Campaign for Equal Justice Kick-Off Gala, Campaign for Equal Justice, Portland, Oregon. Video available at <https://www.youtube.com/watch?v=h194VBpox7M>.

July 25, 2022: Panelist, Gender Diversity and Equal Justice, National Workshop for Magistrate Judges, Federal Judicial Center, Salt Lake City, Utah. I used the same notes that were provided for the April 4, 2022, National Workshop for Magistrate Judges.

June 3, 2022: Panelist, Language in the Courts, Berkeley Judicial Institute (virtual). Video available at <https://www.youtube.com/watch?v=hMRCoZtRppw>.

May 22, 2022: Coach, Mock Mediation Scenarios, Oregon Mediation Diversity Project, Portland, Oregon. I coached and provided feedback to participants following their mock mediation scenario. I have no notes, transcript, or recording. The Oregon Mediation Diversity Project has no physical address.

May 21, 2022: Speaker, Stages of Grieving as a Tool for Effective Mediation, Oregon Mediation Diversity Project Training, Oregon Mediation Diversity Project, Portland, Oregon. I used the same notes that were provided for the Oregon Mediation Association conference on November 14, 2020.

May 20, 2022: Speaker, Pronouns in the Court—Gender Identity Equity, Oregon New Lawyers Division, Oregon State Bar, Eugene, Oregon. I used the same notes that were provided for the National Workshop for Magistrate Judges in Nashville, Tennessee, April 4, 2022.

May 17, 2022: Interviewer, Bench to Bitcoin: Former U.S. Magistrate Judge Paul Grewal's Legal and Professional Journey, Brown Bag Lunch, South Asian Bar Association of Oregon (virtual). I asked questions of Judge Grewal about his path to the bench and his experience at Bitcoin. I have no notes, transcript, or recording. The address for the South Asian Bar Association of Oregon is 902 Southwest Troy Street, Portland, Oregon 97209.

May 13, 2022: Emcee, Leadership Institute Graduation Ceremony, Oregon State Bar, Portland, Oregon. I introduced each of the speakers for the event. I have no notes, transcript, or recording. The address of the Oregon State Bar is 16037 Southwest Upper Boones Ferry Road, Tigard, Oregon 97224.

April 23, 2022: Speaker, Presentation on Public Service, MOSAIC (Muslim Federal Employee Association) (virtual). Notes supplied.

April 22, 2022: Panelist, Pronouns and Privilege, King County (Washington) District Court Judicial Retreat, King County District Court (virtual). I used the same notes that were provided for the April 4, 2022, National Workshop for Magistrate Judges.

April 15, 2022: Speaker, Inaugural Party and Iftar, Oregon Muslim Bar Association, Portland, Oregon. I made some welcoming remarks and introductions. I have no notes, transcript, or recording. The address of the Oregon

Muslim Bar Association is 11825 Southwest Greenburg Road, Suite 205, Tigard, Oregon 97223.

April 4, 2022: Panelist, Gender Diversity and Equal Justice, National Workshop for Magistrate Judges, Federal Judicial Center, Nashville, Tennessee. Notes supplied.

March 26, 2022: Panelist, Experiences of a Judicial Intern & Clerkship, National Muslim Law Student Association (virtual). I spoke about opportunities for students and my experiences in the judicial system. I have no notes, transcript, or recording. The National Muslim Law Student Association has no physical address.

January 13, 2022: Panelist, Pathways to the Judiciary, Muslim Americans in Public Service (virtual). I spoke about my legal career and my pathway to becoming a judge. I have no notes, transcript, or recording. The address for Muslim Americans in Public Service is 1100 H Street, Northwest, Suite 840, Incorp Services Inc., Washington, DC 20005.

November 5, 2021: Speaker, Is There a Place for Us in Oregon?, Oregon State Bar Convocation on Equality, Oregon State Bar Diversity Section (virtual). Notes and press coverage supplied.

October 2, 2021: Speaker, Outreach conversation, Oregon Commission on Black Affairs (virtual). Minutes supplied.

September 25, 2021: Speaker, National Civic Leadership Forum, Asian Civic Leadership USA and Asian American Unity Coalition (virtual). Notes supplied.

September 21, 2021: Speaker, Best Practices in Federal Court, NALS (National Association of Legal Support Professionals) of Lane County (virtual). I spoke about best practices in federal court. I have no notes, transcript, or recording. The address for NALS of Lane County is 110 Harlow Road, Suite 300, Springfield, Oregon 97477.

September 17, 2021: Speaker, Outreach conversation, Oregon Commission for Women (virtual). Minutes supplied.

September 1, 2021: Speaker, Outreach conversation, Oregon Commission on Asian and Pacific Islander Affairs (virtual). Minutes supplied.

June 16, 2021: Presenter, *Local Practice in the U.S. District Court for the District of Oregon CLE*, Oregon State Bar (virtual). This was recorded in December 2020 and released as a CLE in June 2021, so the recording is the same as the one provided for the December 30, 2020, CLE for the Oregon State Bar.

June 12, 2021: Speaker, High School Graduation, Oregon Islamic Academy, Portland, Oregon. Notes supplied.

April 18, 2021: Panelist, Community and Court Conversations Part 2, NAACP Eugene Springfield Oregon Unit 1119 (virtual). Video available at <https://www.facebook.com/watch/?v=3277206029047545>.

April 7, 2021: Panelist, "Part 2: Is there a Place for Us in Oregon," South Asian Bar Association of Oregon (virtual). I continued a discussion in a question-and-answer roundtable about race and ethnicity within the legal profession in Oregon. I have no notes, transcript, or recording. The address for the South Asian Bar Association of Oregon is 902 Southwest Troy Street, Portland, Oregon 97209.

April 2, 2021, Speaker, Meeting with High School Students at Oregon Islamic Academy, Muslim Educational Trust (virtual). Video available at <https://www.youtube.com/watch?v=ZyeJaqRi1jE>.

April 1, 2021: Speaker, Is There a Place for Us?, "Public Square" series on American Muslims in the Public Square, Muslim Educational Trust of Portland (virtual). Video available at <https://www.youtube.com/watch?v=NzF18MkVrxY&pp=ygUkbXVzbGltIGVkdWNhdGlubiB0cnVzdCBwdWJsaWMgc3F1YXJl>.

March 17, 2021: Speaker, Ethics and Professionalism, Law School Class, Professor Tom Lininger, University of Oregon School of Law (virtual). Notes supplied.

March 17, 2021: Panelist, Is There a Place for Us?, Frohnmayer Leadership Program, University of Oregon School of Law (virtual). I spoke about race and ethnicity and my experiences in the legal profession in Oregon. I have no notes, transcript, or recording. The address for the Frohnmayer Leadership Program is 1515 Agate Street, Eugene, OR 97403.

March 5, 2021: Panelist, Power Dynamics and Equity Issues in Mediation, Oregon Trial Lawyers Association (virtual). Notes supplied.

March 1, 2021: Speaker, Chai Chat with Judge Mustafa Kasubhai, South Asian Bar Association of North America (virtual). I spoke about my career path and experiences as an attorney and judge. I have no notes, transcript, or recording. The address for the South Asian Bar Association of North America is 4930 Balboa Boulevard, Unit 260468, Encino, California 91426.

February 17, 2021: Panelist, Unconscious Bias in the Courts, Oregon Women Lawyers, (virtual). Notes supplied.

January 26, 2021: Panlist, Pathways to Becoming a Judge, Muslim Bar Association of New York (virtual). Recording available at <https://podcasters.spotify.com/pod/show/mubany/episodes/Pathways-to-Becoming-a-Federal-Magistrate-Judge-epjpth>.

December 30, 2020: Speaker, Practicing Law in Oregon District Court, Oregon State Bar (virtual). Recording supplied. This recording was released as a CLE in June 2021.

December 14, 2020: Speaker, Gift to the City of Eugene, City Club of Eugene, (virtual). Video available at https://youtu.be/_AQ6VuG0h28?t=3519.

December 10, 2020: Speaker, Unconscious Bias, Lane County Bar Association (virtual). I used the same notes that were provided for the presentation for the Oregon State Bar on October 5, 2019.

November 14, 2020: Speaker, Stages of Grieving as a Tool for Effective Mediation, Oregon Mediation Association Conference, Oregon Mediation Association (virtual). Notes supplied.

November 10, 2020: Panelist, Is There a Place for Us in Oregon? South Asian Bar Association of Oregon (virtual). I participated in a facilitated conversation about the personal experiences of South Asian lawyers in Oregon. I have no notes, transcript, or recording. The address for the South Asian Bar Association is 902 Southwest Troy Street, Portland, Oregon 97209.

September 30, 2020: Speaker, Oregon Law Student Affinity Bar Series: Networking in a Pandemic, South Asian Bar Association of Oregon (virtual). I spoke to law students about best practices for job interviews and networking in a virtual environment. I have no notes, transcript, or recording. The address for the South Asian Bar Association is 902 Southwest Troy Street, Portland, Oregon 97209.

August 12, 2020: Speaker, Introduction of Don Corson, Distinguished Trial Lawyer Award 2020, Oregon Trial Lawyers Association (virtual). Notes supplied.

July 3, 2020. Panelist. Community and Court Conversations, NAACP Eugene Springfield Oregon Unit 1119 (virtual). Video available at https://www.facebook.com/watch/live/?ref=watch_permalink&v=496065691518004.

June 13, 2020: Speaker, Commencement, Conflict and Dispute Resolution Program, University of Oregon (virtual). Video available at <https://youtu.be/AHMIIuuhkZ4?t=1199>.

June 5, 2020: Panelist, Oregon Mediation Diversification Project Launch, Oregon Mediation Diversity Project, Oregon Women Lawyers (virtual). Video available at <https://www.youtube.com/watch?v=vLWNt0VZM6Q> and press coverage supplied.

May 2020 (specific date unknown): Speaker, Congratulations to Class of 2020, Video Collage, University of Oregon School of Law (virtual). Video available at <https://www.youtube.com/watch?v=i7jVU7a9vF8>.

February 7, 2020: Speaker, Reflections on Equity and Privilege, Oregon Blacks in Government Annual Dinner, Blacks in Government, Eugene, Oregon. Video supplied.

2020 (specific date unknown): Speaker, Oregon Implicit Bias Training Video, Committee on Bias in the Justice System in Oregon, Portland, Oregon. Video available at https://www.youtube.com/watch?v=BA-z4mS_Evg&t=5s and press coverage supplied.

December 5, 2019: Speaker, Investiture of Hon. Mustafa T. Kasubhai, United States District Court for the District of Oregon, Eugene, Oregon. Transcript and press coverage supplied.

November 15, 2019: Presiding Judge, Naturalization Ceremony Remarks, United States District Court for the District of Oregon, Eugene, Oregon. Transcript supplied.

October 5, 2019: Panelist, Implicit Bias in the Litigation Process: How to Get a Fair Trial in Discrimination Cases, Labor and Employment Law Section CLE and Annual Meeting, Oregon State Bar, Gleneden Beach, Oregon. Notes supplied.

October 4, 2019: Speaker, Lane County Bar Association Campaign for Equal Justice Luncheon, Campaign for Equal Justice, Eugene, Oregon. Remarks and press coverage supplied.

October 3, 2019: Speaker, SABA Launch Event, South Asian Bar Association of Oregon, Portland, Oregon. I welcomed the audience and shared SABA's vision for engagement in the legal community. I have no notes, transcript, or recording, but press coverage is supplied. The address of the South Asian Bar Association of Oregon is 902 Southwest Troy Street, Portland, Oregon 97209.

September 25, 2019: Speaker, Investiture of The Honorable Josephine Mooney, Oregon Court of Appeals, Salem, Oregon. Remarks supplied.

September 13, 2019: Speaker, "Choices," Remarks to the UO Law School incoming class, University of Oregon School of Law, Eugene, Oregon. Notes supplied.

May 16, 2019: Speaker, Judicial Independence, Federal Bar Association, Portland, Oregon. I used the same notes that were provided for the presentation for the Lane County Bar Association on April 11, 2019.

April 11, 2019: Speaker, The Importance of an Independent Judiciary, Lane County Bar Association Luncheon, Lane County Bar Association, Eugene, Oregon. Notes and press coverage supplied.

March 20, 2019: Presenter, Servant Leadership, Frohnmayer Leadership Class, University of Oregon School of Law, Eugene, Oregon. Presentation supplied.

February 8, 2019: Panelist, Road to the Bench, Judicial Recognition Ceremony and Road to the Bench: Judges Share Their Stories CLE, Oregon State Bar Diversity Section, Oregon Women Lawyers, and American Constitution Society (Lewis and Clark Chapter), Portland, Oregon. I spoke about my career and experience with the judicial selection process. I have no notes, transcript, or recording, but press coverage is supplied. The address for the Oregon State Bar is 16037 Southwest Upper Boones Ferry Road, Tigard, Oregon 97224.

November 16, 2018: Presiding Judge, Naturalization Ceremony, United States District Court for the District of Oregon, Eugene, Oregon. Notes and press coverage supplied.

November 9, 2018: Award Recipient, Power of a Word, Daniel K. Inouye Trailblazer Award Ceremony, National Asian Pacific American Bar Association, Chicago, Illinois. Remarks supplied.

October 25, 2018: Panelist, Introducing the Magistrate Judges, Oregon Chapter of the Federal Bar Association, Portland, Oregon. Notes supplied.

October 2, 2018, Speaker, Introduction of Dean Marcilynn Burke, Campaign for Equal Justice Luncheon, Campaign for Equal Justice, Eugene, Oregon. Notes supplied.

August 31, 2018: Award Recipient, "Intersections," Justice Nakamoto Trailblazer Award Dinner and Gala, Oregon Asian Pacific American Bar Association, Portland, Oregon. Remarks supplied.

May 24, 2018: Moderator, Veterans in the Oregon Criminal Justice System, Lane County Bar Association and Federal Bar Association, Eugene, Oregon. I moderated a panel presentation about challenges veterans face in the criminal justice system, the Veteran's Treatment Court, and best practices for attorneys in assisting veterans in accessing legal services. I have no notes, transcript, or recording. The address for the Lane County Bar Association is P.O. Box 11379 Eugene, Oregon 97440.

January 25, 2018: Panelist, Keeping Yourself in the Game, Practical Skills Workshop for Law Students, Oregon Asian Pacific American Bar Association, Eugene, Oregon. I shared my professional experiences as a practicing lawyer and judge and best practices for resume development, interviewing, and presenting in court. I have no notes, transcript, or recording. The address for the Oregon Asian Pacific American Bar Association is P.O. Box 1728, Portland, Oregon 97207.

November 15, 2017: Panelist, Update on High School Initiative, Independent High School of the Willamette Valley (aka Eugene Waldorf High School Initiative), Eugene, Oregon. I spoke about the progress of the Initiative and next steps. I have no notes, transcript, or recording. The address of the Independent High School of the Willamette Valley is P.O. Box 50443 Eugene, Oregon 97405.

October 12, 2017: Speaker, Courtroom Conduct: What You Can Do Versus What You Should Do, Fundamentals of Oregon Civil Trial Procedure, Oregon State Bar, Tigard, Oregon. I presented on the topic of ethics and professionalism in the courtroom, and I discussed the difference between what an attorney is allowed to do and what a professional attorney should do. I have no notes, transcript, or recording. The address of the Oregon State Bar 16037 Southwest Upper Boones Ferry Road, Tigard, Oregon 97224.

October 6, 2017: Speaker, Cultural Competency and Professionalism in the Law, Law School Class, University of Oregon School of Law, Eugene, Oregon. Notes supplied.

September 14, 2017: Speaker, Best Practices in Judicial Settlement Conferences, Lane County Bar Association Luncheon, Lane County Bar Association, Eugene, Oregon. I spoke about best practice tips for successfully mediating a case in a judicial settlement conference. I have no notes, transcript, or recording. The address for the Lane County Bar Association is P.O. Box 11379 Eugene, Oregon 97440.

July 27, 2017: Speaker, Federal Conflicts with Oregon Legal Marijuana Programs, Lane County Bar Association, Eugene, Oregon. I spoke about the Lane County Circuit Court's handling of marijuana offenses in conditions of probation. I have no notes, transcript, or recording. The address for the Lane County Bar Association is P.O. Box 11379 Eugene, Oregon 97440.

June 21, 2017: Speaker, Outliers: Stories Beyond the I-5 Corridor, Oregon State Bar Diversity Section, Salem Oregon. I spoke about diversity in the legal profession outside of Portland. I have no notes, transcript, or recording. The address for the Oregon State Bar Diversity Section is 16037 Southwest Upper Boones Ferry Road, Tigard, Oregon 97224.

May 25, 2017: Speaker, The Death of a FED, Rental Owners Association, Eugene, Oregon. Notes supplied.

April 21, 2017: Speaker, Professionalism in the Courtroom, Oregon Trial Lawyers Association Leadership College, Oregon Trial Lawyers, Eugene, Oregon. I spoke on the topic of ethics and professionalism and the difference between what lawyers can do and what professional lawyers should do in the courtroom and in dealing with opposing parties. I have no notes, transcript or recording. The address for the Oregon Trial Lawyers Association is 812 Southwest Washington, Suite 900, Portland, Oregon 97205.

October 6, 2016: Panelist, A Hole in the Bucket: Diversity Retention in the Legal Profession, Oregon State Bar, Portland, Oregon. Presentation supplied.

September 18, 2015: Panelist, Public Speaking CLE, Oregon Asian Pacific American Bar Association, Portland, Oregon. I spoke about my experiences with and approach to public speaking. I have no notes, transcript, or recording. The address of the Oregon Asian Pacific American Bar Association is P.O. Box 1728, Portland, Oregon 97207.

February 6, 2015: Panelist, What Advice Would I Give My Law Student Self?, Lane County Women Lawyers and University of Oregon Women's Law Forum, Eugene, Oregon. I facilitated a table discussion of work-life balance. I have no notes, transcript, or recording, but press coverage is supplied. The address of Lane County Women Lawyers is 101 Southwest Main Street, 18th Floor, Portland, Oregon, 97204.

June 10, 2014: Speaker, Chasing Rainbows, Western Regional National Asian Pacific American Bar Association (NAPABA) Conference, National Asian Pacific American Bar Association, Portland, Oregon. Notes supplied.

April 22, 2014: Panelist, Judicial Settlement Conferences, Lane County Bar Association, Eugene, Oregon. Notes supplied.

May 17, 2013: Speaker, Does Race Matter?, Inaugural IMAGE Program, Oregon Minority Lawyers Association, Portland, Oregon. Notes supplied.

February 6, 2013: Speaker, Investiture of The Honorable James Egan, Oregon Court of Appeals, Salem, Oregon. Remarks and press coverage supplied.

January 20, 2011: Panelist, Challenges of Pro Se Litigation, NALS (National Association of Legal Support Professionals) of Lane County, Eugene, Oregon. Presentation supplied.

November 19, 2010: Presenter, Challenges of Pro Se Litigation, 3rd Annual Lane County Women Lawyers CLE Conference, Lane County Women Lawyers,

Eugene, Oregon. I discussed perspectives from the bench on challenges facing pro se litigants, particularly in family law cases. I have no notes, transcript, or recording, but press coverage is supplied. The address of Lane County Women Lawyers is 101 Southwest Main Street, 18th Floor, Portland, Oregon, 97204.

October 16, 2010: Speaker, Judicial Settlement Conferences, Annual Conference of the Family Law Section, Oregon State Bar, Gleneden Beach, Oregon. Notes supplied.

August 2008 (specific date unknown): Speaker, Winter's Hope, Opportunities for Law in Oregon (OLIO), Oregon State Bar, Bend, Oregon. I gave a keynote address intended to inspire law students of diverse backgrounds to stay in Oregon to practice law. I have no notes, transcript or recording. The address for the Oregon State Bar is 16037 Southwest Upper Boones Ferry Road, Tigard, Oregon 97224

June 11, 2008: Speaker, Meet the New Judges, New Lawyers Committee, Lane County Bar Association, Eugene, Oregon. I, along with a recently appointed colleague, met with local bar members to introduce ourselves and field questions from the audience about our judicial styles. I have no notes, transcript or recording. The address for the Lane County Bar Association is P.O. Box 11379 Eugene, Oregon 97440.

December 11, 2007: Speaker, Investiture of the Honorable Mustafa T. Kasubhai, Lane County Circuit Court, Oregon Judicial Department, Eugene, Oregon. Transcript and press coverage supplied.

October 31, 2006: Speaker, The Unpersuasive Medical Opinion (Updated), Lorman Education Services, Salem, Oregon. I spoke about the qualities and criteria for medical evidence and medical opinions in the context of workers' compensation law. I have no notes, transcript or recording. The address for Lorman Education Services is 698 12th Street Southeast, Salem, Oregon 97301.

October 27, 2006: Speaker, Deference to the Demeanor-Based Credibility Finding, Workers' Compensation Board, Salem, Oregon. I discussed the importance as appellate decision makers of deferring to demeanor-based credibility findings made by administrative law judges. I have no notes, transcript or recording. The address for the Workers' Compensation Board is 2601 25th Street Southeast, Suite 150, Salem, Oregon 97302.

May 19, 2006: Speaker, The Unpersuasive Medical Opinion, Workers' Compensation Section Annual Conference, Oregon State Bar, Gleneden Beach, Oregon. I spoke about the qualities and criteria for medical evidence and medical opinions in the context of workers' compensation law. I have no notes, transcript or recording. The address of the Oregon State Bar is 16037 Southwest Upper Boones Ferry Road, Tigard, Oregon 97224.

January 31, 2006: Speaker, Role of the Workers' Compensation Board, Lorman Education Services, Salem, Oregon. I discussed the scope of responsibilities of the Workers' Compensation Board. I have no notes, transcript or recording. The address for Lorman Education Services is 698 12th Street Southeast, Salem, Oregon 97301.

October 14, 2005: Speaker, Appellate Case Law Update, Workers' Compensation Board, Salem, Oregon. I presented on the most recent and significant appellate cases in workers' compensation law. I have no notes, transcript or recording. The address for the Workers' Compensation Board is 2601 25th Street Southeast, Suite 150, Salem, Oregon 97302.

September 23, 2005: Speaker, Combined Conditions and Other Workers' Compensation Trends, Oregon Law Institute, Portland, Oregon. I discussed recent developments in the law on analyzing medical evidence as it relates to workers' compensation cases. I have no notes, transcript or recording. The address for the Oregon Law Institute is 921 Southwest Morrison Street, Number 409, Portland, Oregon, 97205.

March 25, 2005: Panelist, The Burden of Proof Shift under ORS 656.266, Workers' Compensation Board, Salem, Oregon. I spoke about the developing Workers' Compensation Board case law around the statutory shifting of the burden of proving compensability on a workers' compensation claim. I have no notes, transcript, or recording. The address of the Workers' Compensation Board is 2601 25th Street Southeast, Suite 150, Salem, Oregon 97302.

January 28, 1998: Speaker, Landlord-Tenant Mediation Project, Rental Owners Association, Springfield, Oregon. I discussed a new program I was coordinating to mediate landlord-tenant disputes in Lane County. I have no notes, transcript, or recording. The address of the Rental Owners Association is 4217 Main Street, Suite E, Springfield, Oregon 97478.

May 22, 1997: Speaker, Take Back the Night, University of Oregon Women's Center and Sexual Assault Support Services, Eugene, Oregon. I spoke about the need for men to be engaged in the effort to end violence against women. I have no notes, transcript, or recording, but press coverage is supplied. The address of the University of Oregon Women's Center is 5216 University of Oregon, Eugene, Oregon 97403.

October 21, 1996: Panelist, Forum on Proposed Changes to the University of Oregon Student Conduct Code, University of Oregon, Eugene, Oregon. I spoke about language I helped draft (as an employee of the Office of Student Life and member of the Unwanted Sexual Behavior Task Force), which would add the lack of consent as an element of sexual assault. I have no notes, transcript, or

recording, but press coverage is supplied. The address of the University of Oregon is 1585 East 13th Avenue, Eugene, Oregon 97403.

May 12, 1996: Speaker, University of Oregon Law School Graduation, University of Oregon School of Law, Eugene, Oregon. I provided celebratory remarks about the accomplishments of our law school class and reflected on the significant responsibilities we would carry forward as practicing lawyers. I have no notes, transcript, or recording. The address of the University of Oregon School of Law is 1221 University of Oregon, Eugene, Oregon 97403.

March 7, 1996: Panelist, Student Organizing Inside College and University Corporations, Public Interest Environmental Law Conference, University of Oregon School of Law, Eugene, Oregon. I discussed student organizing within the institutional framework of student groups such as the Student Bar Association. I have no notes, transcript, or recording. The address of the University of Oregon School of Law is 1221 University of Oregon, Eugene, Oregon 97403.

March 6, 1996: Panelist, Student rally in support of peace in the Middle East, Oregon Hillel and Jewish Student Union, University of Oregon, Eugene, Oregon. I spoke about my hope for peace in the Middle East. I have no notes, transcript, or recording, but press coverage is supplied. The address of Oregon Hillel is 1059 Hilyard Street, Eugene, Oregon 97401.

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

I have searched my records, electronic databases, and the internet in an effort to identify all events and materials responsive to this question, but there may be other events and materials I have not been able to recall or identify.

Oregon Law Network (2023), <http://law.uoregon.edu/careers/oregon-law-network>. Copy supplied.

Emily Rogers, *A Commitment to the Struggle*, ETHOS (May 22, 2023). Copy supplied.

Video interview, Federal Public Defender Lisa Hay, recipient of the Roberts & Deiz Award, presented by Oregon Women Lawyers (May 12, 2023). Video supplied.

Brooke Strickland, *The Bar's Best—Wallace P. Carson Jr. Award for Judicial Excellence*, OREGON STATE BAR BULLETIN (Oct. 2022). Copy supplied.

Gary M. Stein, *From the Editor—Creating Conversations*, OREGON STATE BAR

BULLETIN (Feb./Mar. 2021). Copy supplied.

Melody Finnemore, *Orphan, Immigrant, Attorney: OSB President Liani Reeves Builds Community Through Law, Leadership and Mentorship*, OREGON STATE BAR BULLETIN (Jan. 2020). Copy supplied.

Cynthia Newton, *The Honorable Mustafa Kasubhai: Federal Court Magistrate*, MULTNOMAH LAWYER (Mar. 2019). Copy supplied.

Sheeba Roberts, *Judge's Biography: Honorable Magistrate Judge Mustafa Kasubhai*, THE VERDICT (2019). Copy supplied.

Celia Howes, *Judicial Spotlight: The Honorable Judge Mustafa Kasubhai*, FOR THE DISTRICT OF OREGON (Winter 2018/2019). Copy supplied.

Jack Moran, *DA, Judge Locked in Feud over Allegations of Bias - County Office Removes Judge Josephine Mooney from its Cases*, EUGENE REGISTER GUARD (Mar. 11, 2017). Copy supplied.

Jack Moran, *Some Fear Intolerance Creeping in After Vote*, EUGENE REGISTER GUARD (Nov. 16, 2016). Copy supplied.

Mary Anne Anderson, *Meet Lane County Circuit Judge Mustafa Kasubhai*, OREGON WOMEN LAWYERS ADVANCE SHEET (Spring 2013). Copy supplied.

Melody Finnemore, *A Century of Suffrage: How Women's Right to Vote Changed the Law, the Profession and Politics*, OREGON STATE BAR BULLETIN (Nov. 2012). Copy supplied.

Melody Finnemore, *Culture of Awareness: As Oregon's Population Grows More Diverse, the Legal Profession Strives for Multicultural Understanding*, OREGON STATE BAR BULLETIN (Nov. 2010). Copy supplied.

Bob Welch, *Learning of Life Behind the Badges*, EUGENE REGISTER GUARD (Oct. 7, 2010). Copy supplied.

Karen McCowan, *A Son's Own Path*, EUGENE REGISTER GUARD (July 12, 2010). Copy supplied.

Kirk Bailey, *The Honorable Mustafa Kasubhai: New Judge Brings Changes to Lane County*, OREGON QUARTERLY (Autumn 2009). Copy supplied.

Bill Bishop, *Two UO Law Grads Tapped for Judgeships*, EUGENE REGISTER GUARD (Oct. 20, 2007). Copy supplied.

Bill Bishop, *Jury Awards \$769,000 in Death Suit*, EUGENE REGISTER GUARD

(Dec. 21, 1999). Copy supplied.

Associated Press, *Family Awarded \$769,000 in Lawsuit*, THE WORLD (Dec. 21, 1999). Copy supplied.

Local Reaction to Election Results, OREGON DAILY EMERALD (Nov. 6, 1996). Copy supplied.

Dan Twetten and Romel Hernandez, *Issue of Consent Primes UO Hunt for Code on Sex*, THE OREGONIAN (Nov. 1, 1996). Copy supplied.

Jennifer Schmitt, *Law Commencement Open to Public*, OREGON DAILY EMERALD (May 10, 1996). Copy supplied.

Doug Irving, *April Fools' Trick Angers Minorities*, OREGON DAILY EMERALD (Apr. 5, 1996). Copy supplied.

Joni James, *UO Student Bar Supports Free Legal Aid Requirement*, EUGENE REGISTER GUARD (Mar. 13, 1996). Copy supplied (reprinted in multiple outlets).

Regina Brown, *Computer Requirement Irks Students*, OREGON DAILY EMERALD (Oct. 6, 1995). Copy supplied.

Kaly Soto, *Group Calls for Unity, Recruitment*, OREGON DAILY EMERALD (Aug. 22, 1994). 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 2003 to 2007 I served as a Board Member on the Oregon Workers' Compensation Board. I was nominated by Oregon Governor Theodore Kulongoski, and then confirmed by the Oregon Senate. The Oregon Workers' Compensation Board reviews *de novo* all workers' compensation appeals of administrative law judges' final orders for all work-related injury claims involving Oregon employers, excluding claims that fall under federal jurisdiction. The Board issues decisions in panels of two Board Members. A third Board Member resolves ties. Significant appellate decisions are made en banc.

From 2007 to 2018, I served as an Oregon State Circuit Court Judge seated in Lane County, Oregon. I was appointed by Oregon Governor Theodore Kulongoski. Oregon State Circuit Court is a trial court of general jurisdiction. I presided over matters involving state civil, criminal, family, and juvenile cases, and appeals from administrative and municipal courts. I also presided over a substantial number of civil and criminal judicial settlement conferences.

Since September 21, 2018, I have served as a United States Magistrate Judge in the United States District Court for the District of Oregon. I was appointed after being screened and interviewed by a merit selection committee, then interviewed and selected by the Board of Judges in the District of Oregon. In Oregon, the judicial governance plan confers all authority on magistrate judges that is allowed by statute. To that end, I receive assignments from the civil assignment protocol based on the same consideration district judges receive. As a magistrate judge, I have a wide range of duties in both criminal and civil cases. I have been assigned more than 900 civil cases since 2018, and in 266 of those the parties have consented to magistrate judge jurisdiction. My workload also includes a substantial number of judicial settlement conferences in civil cases. My criminal assignments include presiding over initial appearances, arraignments, and detention hearings in criminal cases. I am responsible for the review and authorization of search warrants and arrest warrants.

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

As a judge on the Oregon State Circuit Court, I presided over more than 500 trials. As a magistrate judge, I have presided over four jury trials.

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

jury trials:	20%
bench trials:	80%

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

civil proceedings:	80%
criminal proceedings:	20%

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

See attached list of citations.

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

1. *Ireland, M.D. v. Bend Neurological Associates, et al.*, No. 6:16-cv-02054-MK, 2021 WL 1229937 (D. Or. Mar. 31, 2021), *aff'd*, No. 21-35337, 2023 WL 2783240 (9th Cir. Apr. 5, 2023)

Plaintiff brought this claim alleging unlawful conspiracy in restraint of trade in

violation of 15 U.S.C § 1 (“Sherman Act”) and intentional interference with economic relations (“IIER”) in violation of Oregon common law. Plaintiff and the individual defendants were neurologists and were variously associated with the business entity defendants. The individual parties had hospital privileges and their insurance carrier required that each neurologist supply emergency call-coverage. The individual parties had agreements to provide call-coverage to each other. In 2013, the individual defendants withdrew their agreements to provide call-coverage for plaintiff. Because he could no longer secure call-coverage for his patients when he was unavailable, plaintiff alleged he was forced to leave the region and sell his medical office building at a substantial discount.

This case was previously assigned to another judge who granted defendants’ motions to dismiss for failure to state a claim. The Ninth Circuit affirmed the dismissal of the claim relating to a *per se* violation of the Sherman Act but reversed and remanded the “rule of reason” Sherman Act and IIER claims. *Ireland v. Bend Neurological Assoc. LLC, et al.*, 748 F. App’x 166 (9th Cir. 2019). After remand, the parties consented to magistrate judge jurisdiction. I handled several discovery disputes before the close of discovery, after which the plaintiff and defendants filed cross-motions for summary judgment. Once a plaintiff presents evidence of a “rule of reason” Sherman Act violation, the burden shifts to defendants to offer evidence that they had a legitimate objective that was served by the challenged behavior. Here, defendants presented substantial evidence that the deterioration of the collegial relationship between the parties objectively compromised patient care. I found that ensuring patient care was a legitimate objective, and I granted defendants’ motions for summary judgment against plaintiff’s two remaining claims. The Ninth Circuit affirmed my decision on appeal.

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2. *McIntyre v. City of Springfield – Springfield Police Dep’t*, No. 6:21-CV-1709-MK, 2022 WL 18539657 (D. Or. Sept. 22, 2022), *adopted*, 2023 WL 1420491 (D. Or. Jan. 31, 2023)

Plaintiff in this case—the only female recruit in her training class—was fired after consensual sexual encounters with male coworkers who remained employed with the Springfield Police Department (SPD). She sued SPD and individual police officers for, among other things, sex discrimination under Title VII, a violation of her First Amendment right to speech, a due process violation relating to a right to intimate association, and a claim under the Oregon Public Accommodations Act. Defendants moved to dismiss plaintiff’s complaint because it failed to allege sufficient facts.

After hearing oral argument, I issued a findings and recommendation recommending granting, in part, SPD’s motion to dismiss, finding plaintiff had not appropriately pleaded *Monell*, public accommodation, and First Amendment claims. I recommended allowing plaintiff leave to amend her complaint. Additionally, I found that plaintiff had sufficiently pleaded an intimate association claim under Ninth Circuit caselaw. The district judge assigned to the case adopted my findings and recommendation. The case is ongoing and remains in the discovery phase of litigation.

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3. *ADASA, Inc. v. Avery Dennison Corp.*, No. 6:17-cv-01685-MK, 2021 WL 5921374 (D. Or. Dec. 15, 2021), *aff'd in part, rev'd in part, vacated in part, remanded*, 55 F.4th 900 (Fed. Cir. 2022), *cert. denied*, 143 S. Ct. 2561 (2023) (Mem)

This case involved a patent infringement claim concerning a technology relating to radio frequency identification tags, and specifically, the technology involved in encoding unique serial numbers on embedded chips. The parties consented to magistrate judge jurisdiction. Preceding the first jury trial, I handled extensive discovery motions relating to defendant's production of electronic discovery, several motions for summary judgment filed by both parties, and extensive pre-trial motions. After an eight-day trial, the jury found for the plaintiff and awarded damages.

Following the trial, I presided over post-trial motions associated with discovery sanctions, attorney fees, and a motion for a new trial. Defendant appealed the judgment, and the Federal Circuit affirmed in part, reversed in part, vacated in part, and remanded the case for a trial. Specifically, the Federal Circuit remanded the matter to me for a trial on invalidity of the patent, on which I had previously granted summary judgment in favor of plaintiff. Defendant filed a petition for *certiorari*, which the Supreme Court denied.

In preparation for the second jury trial, I ruled on a Daubert motion, resolved extensive evidentiary matters relating to expert testimony, and managed a vigorous and active trial practice by both parties' counsel. The jury returned a verdict in plaintiff's favor, finding the patent valid, affirming the damage award from the first trial. Currently, the parties are addressing post-trial motions, including motions for a new trial and attorney fees. Additionally, I am addressing the issue of sanctions, which the Federal Circuit previously remanded.

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4. *Smith v. Tumalo Irrigation District*, 6:20-cv-0345-MK, 2022 WL 3357678 (D. Or. May 2, 2022), *adopted*, 2022 WL 4551898 (D. Or. Sept. 29, 2022)

Plaintiffs brought this action pursuant to the National Environmental Policy Act (“NEPA”) and various state law claims, challenging an irrigation modernization initiative. Plaintiffs opposed defendant’s plan to bury its open water canals, disputing that the easement granted to defendant under the Carey Desert Land Act of 1894 (“Carey Act”) allowed the right to bury irrigation pipe. Plaintiffs moved for partial summary judgment arguing the burying of pipes exceeded the scope of defendant’s easement. Defendant also moved for partial summary judgment arguing that the easement authorized, as a matter of law, the burying of the irrigation pipe.

The parties submitted an extensive record and briefing. After oral argument, I issued a findings and recommendation analyzing the scope of the Carey Act’s grant of easements, concluding that its scope would allow defendant to bury its irrigation pipe. I recommended denying plaintiffs’ motion for partial summary judgment and granted defendant’s motion for partial summary judgment. The district judge assigned to review my findings and recommendation adopted my recommendation. Subsequently, plaintiffs and federal defendant, the Natural Resources Conservation Service (“NRCS”), filed cross motions for summary judgment on plaintiffs’ federal claims of NEPA violations and violations of the Watershed Protection Act. The plaintiffs argued that defendant NRCS failed to comply with NEPA in approving an environmental assessment that failed to consider a reasonable range of alternatives and consider other relevant factors, such as cost of property devaluation.

I issued a findings and recommendation analyzing the NEPA requirements for an adequate environmental assessment and concluded that defendant NRCS complied with NEPA. For related reasons, I concluded that defendant NRCS did not violate the Watershed Protection Act. I recommended that plaintiffs’ motion for partial summary judgment be denied and defendant NRCS’s motion for

summary judgment be granted. Copy supplied. The findings and recommendation has been referred to a district judge for consideration.

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5. *Cram v. Local 503 SEIU*, No. 6:20-cv-00544-MK, 590 F. Supp. 3d 1330 (D. Or. 2022), *appeal docketed*, No. 22-35321 (9th Cir. Apr. 21, 2022)

Plaintiffs alleged defendant, a public sector labor union, without their consent, collected certain union fees in violation of the First Amendment. In 1999, union members approved a monthly assessment dedicated to promoting and defending the interests of the membership through public interest campaigns and ballot measures. Defendant Oregon Department of Administrative Services processed the payroll deductions for SEIU 503, including this special assessment. Plaintiffs were members of SEIU 503 and signed an authorization for a payroll deduction for this special assessment but later resigned from union membership. The payroll deduction authorization provided that, upon cancellation, the payroll deduction would continue for a certain limited period. These post-resignation payroll deductions were the basis for plaintiffs' claims against defendants.

The parties consented to magistrate judge jurisdiction and filed cross-motions for summary judgment. For their First Amendment claims against SEIU 503, plaintiffs argued the union was a state actor. Defendants countered plaintiffs' position and further argued that plaintiffs' claim failed because deducting union assessments pursuant to a voluntary authorization of a union member cannot, as a

matter of law, violate the First Amendment. Based on Ninth Circuit controlling caselaw and the undisputed facts in the record, I concluded that SEIU 503 was not a state actor and that plaintiffs' claims failed as a matter of law because voluntary authorizations of payroll deductions do not support a First Amendment violation claim. Plaintiffs have appealed my order granting defendants' motion for summary judgment and denying their motion for summary judgment.

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6. *Nat'l Labor Relations Bd. v. Oregon*, No. 6:20-cv-00203-MK, 2021 WL 4433161 (D. Or. Sept. 27, 2021), *appeal dismissed*, No. 21-35988, 2022 WL 1720939 (9th Cir. Jan. 18, 2022)

The National Labor Relations Board (NLRB) sought a declaratory judgment that the National Labor Relations Act (NLRA) preempted Or. Rev. Stat. § 659.785. That statute "create[d] a private cause of action for employees who are discharged

or disciplined for refusing to attend a ‘mandatory meeting’ at which an employer expresses its views about unionization,” sometimes referred to as “captive audience meetings” during which management attempts to dissuade unions from forming.

The parties consented to magistrate judge jurisdiction. I granted the state’s motion to dismiss the complaint, concluding that the NLRB failed to establish the required elements of Article III standing to challenge the state statute because it could not establish that the agency had suffered a concrete harm, nor could it establish that any action by the state caused the NLRB injury. I allowed the NLRB to amend its complaint, and after doing so, defendant moved to dismiss the complaint a second time. I dismissed plaintiff’s amended complaint for the same reasons I previously dismissed its original complaint. Plaintiff filed a notice of appeal with the Ninth Circuit and subsequently voluntarily dismissed the appeal.

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7. *Duncan v. Eugene Sch. Dist. 4J*, 6:19-cv-0065-MK, 2021 WL 3145966 (D. Or. July 26, 2021)

Plaintiff brought claims against an Oregon school district alleging violations of the Individuals with Disabilities Education Act (IDEA), the Americans with Disabilities Act (ADA), and Section 504 of the Rehabilitation Act. Specifically, plaintiff alleged that his high school French teacher refused to implement the

accommodations described in the student's Individualized Education Program (IEP) and made belittling remarks toward him.

The parties consented to magistrate judge jurisdiction. Defendant filed a motion to dismiss and argued, among other things, that the IDEA claims were time-barred. I agreed and granted the motion to dismiss relating to the IDEA claims and state law claims. However, I concluded that plaintiff's ADA and Section 504 claims survived because, under a theory of a hostile learning environment, the allegations of bullying and harassment could be found to be continuing violations. I subsequently denied defendant's summary judgment motion, finding sufficient evidence from which a jury could reasonably conclude defendant violated plaintiff's rights under a hostile learning environment theory. Thereafter, the parties settled the case.

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8. *Coles Valley Church v. Oregon Land Use Board of Appeals*, No. 6:20-CV-661-MK, 2020 WL 6287477 (D. Or. Oct. 27, 2020)

Plaintiffs operated a small church in rural Oregon. They applied for a county permit to build a residence for the church pastor on its property. Plaintiffs held a sincere religious belief that to serve the community effectively, the pastor needed to live on the church property. The county initially granted the permit, then revoked it after the neighboring property owners objected. Plaintiffs argued that the Religious Land Use and Institutionalized Persons Act ("RLUIPA") prevented the state from denying the permit. The Oregon Land Use Board of Appeals denied plaintiff's application, the Court of Appeals affirmed the decision without opinion, and the Oregon Supreme Court denied the petition for review.

Plaintiffs then sued in the District of Oregon, alleging violations of RLUIPA, and the state moved to dismiss arguing that the court lacked subject matter jurisdiction pursuant to the *Rooker-Feldman* doctrine as well as claim and issue preclusion. The parties consented to magistrate judge jurisdiction. Based on a detailed analysis of the applicability of the *Rooker-Feldman* doctrine and consideration of the state claims structure requiring exhaustion of remedies, I concluded plaintiffs were not barred from suit because of the *Rooker-Feldman* doctrine, nor did claim and issue preclusion apply. I therefore denied defendants' motion to dismiss. The parties subsequently reached a settlement.

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9. *White v. Taylor et al.*, No. 6:18-cv-00550-MK, 2020 WL 5649629, (D. Or. July 2, 2020), *adopted*, 2020 WL 5649725 (D. Or. Sept. 22, 2020)

Plaintiff, a police officer, filed this employment discrimination suit against the chief of police and the city alleging, among other things, a violation of her free speech rights under the First and Fourteenth Amendments. Specifically, she alleged the chief of police initiated an investigation that ultimately led to her termination after discovering "a written log of policy violations [plaintiff] observed at the Department" that she planned to share with city officials. Defendants moved for summary judgment. After analyzing the claim under First Amendment jurisprudence, I concluded plaintiff had established a *prima facie* First Amendment retaliation claim. Subsequently, the parties consented to magistrate judge jurisdiction. The case moved toward trial after extensive pre-trial motions. The case settled before trial commenced.

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10. *State v. Gonzalez*, No. 201420762, *aff'd*, 292 Or. App. 342 (2018), *review denied*, 363 Or. 815 (2018)

The state charged defendant with one count of delivery of methamphetamine and one count of possession of methamphetamine. Defendant proceeded by way of a stipulated facts trial after I denied his motion to suppress evidence of methamphetamine obtained under a search warrant. Defendant arrived at an acquaintance's home where he planned to meet another person "to do an exchange." The home's resident acquiesced to defendant's entry into the home. Earlier that day the police obtained a search warrant for that home. When the police arrived to execute the search warrant, they observed defendant standing on stairs connected to the home. They searched under the stairs and found methamphetamine. Defendant argued at the hearing on the motion to suppress that, as a guest in the home, he had a protected privacy interest in the area in which the police found the methamphetamine. I ruled from the bench that defendant did not have a protected privacy interest in this instance and denied the motion to suppress. After I found defendant guilty following the stipulated facts trial, I sentenced him to 95 months in prison. The Court of Appeals affirmed my denial of the motion to suppress, explaining that defendant's status as a guest, without any close connection to a resident, and defendant's purported reason for being at the home (to pay for the spaying of a cat), did not extend to defendant a protected privacy interest.

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- d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.

1. *Ninkasi Holding Co. v. Nude Beverages, Inc., et al.*, 6:21-cv-01592-MK, 2023 WL 4565453 (D. Or. June 6, 2023), *adopted*, 2023 WL 4563757 (D. Or. July 17, 2023)

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2. *ADASA, Inc. v. Avery Dennison Corp.*, No. 6:17-cv-01685-MK, 2023 WL 3775332 (D. Or. June 2, 2023)

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3. *Boudjerada v. City of Eugene, et al.*, No. 6:20-cv-01265-MK, 2023 WL 3903751 (D. Or. May 24, 2023), *adopted*, 2023 WL 3886114 (D. Or. June 8, 2023)

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4. *Spear v. State Farm Mutual Auto. Ins. Co.*, No. 6:22-cv-00113-MK, 2023 WL 1778657 (D. Or. Feb. 6, 2023), *appeal docketed*, No. 23-35356 (9th Cir. May 24, 2023)

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5. *Ireland, M.D. v. Bend Neurological Associates, et al.*, No. 6:16-cv-02054-MK, 2021 WL 1229937 (D. Or. March 31, 2021), *aff'd*, No. 21-35337, 2023 WL 2783240 (9th Cir. April 5, 2023)

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6. *McIntyre v. City of Springfield – Springfield Police Dep't*, No. 6:21-cv-1709-MK, 2022 WL 18539657 (D. Or. Sept. 22, 2022), *adopted*, 2023 WL 1420491 (D. Or. Jan. 31, 2023)

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7. *University of Oregon v. Phillips*, 593 F. Supp. 3d 1062 (D. Or. 2022)

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8. *Smith v. Tumalo Irrigation District*, 6:20-cv-0345-MK, 2022 WL 3357678 (D. Or. May 2, 2022), *adopted*, 2022 WL 4551898 (D. Or. Sept. 29, 2022).

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9. *Francisco v. City of Redmond*, No. 6:20-cv-0096-MK, 2021 WL 4452015 (D. Or. July 15, 2021), *adopted*, 2021 WL 4449973 (D. Or. Sept. 28, 2021)

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10. *Coles Valley Church v. Oregon Land Use Board of Appeals, et al.*, No. 6:20-cv-0661-MK, 2020 WL 6287477 (D. Or. Oct. 27, 2020)

Counsel for Plaintiff

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

ADASA, Inc. v. Avery Dennison Corp., No. 6:17-cv-01685-MK, 2021 WL 5921374 (D. Or. Dec. 15, 2021), *aff'd in part, rev'd in part, vacated in part, remanded*, 55 F.4th 900 (Fed. Cir. 2022), *cert. denied*, 143 S. Ct. 2561 (2023)

- 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.

Friedenberg v. Lane County, 6:18-cv-0177MK, 2020 WL 7779068 (D. Or. Nov. 6, 2019), *adopted*, 2020 WL 7779068 (D. Or. Dec. 31, 2020), *rev'd*, 68 F.4th 1113 (9th Cir. 2023), *reh'g en banc denied*, No. 21-35078 (9th Cir. Aug. 25, 2023). Victims and victims' estates brought a negligence and wrongful death action in state court against a federally funded community health center and its employees arising from a failure to report a patient's repeated failures to comply with his court-ordered mental health treatment plan prior to the patient killing or injuring victims during a psychotic breakdown. The case was removed to federal court, and victims and estates moved to remand. Plaintiffs argued that the claims arose out of state law and there was no diversity jurisdiction. Defendants argued that the United States should be substituted as the only defendant in this action because of the federal-officer status of some of the individual defendants. I concluded that plaintiffs were not defendants' patients and had no other germane relationship to defendants such that federal law might impose immunity on defendants. I recommended granting the motion and remanding to state court, and the district court adopted my recommendations. Defendants appealed, and the Ninth Circuit reversed, holding in relevant part, that hospital and employees sufficiently alleged they acted under color of federal office, as could support removal under federal-officer removal statute; and that as a matter of first impression, failure of hospital and employees to comply with alleged reporting obligations was a "related function" under immunity provision of PHSa granting public health service employees immunity from certain claims arising out of their performance of medical, surgical, dental or related functions. The case is ongoing.

Robert K. v. Comm'r, 2021 WL 4127754 (D. Or. 2021), *rev'd sub nom. Kamp v. Kijakazi*, 2023 WL 1879469 (9th Cir. 2023). Plaintiff appealed the final opinion of the Commissioner of the Social Security Administration denying his applications for Disability Insurance Benefits and Supplemental Security Insurance, and I affirmed the Commissioner's decision. The Ninth Circuit reversed, finding on *de novo* review that the administrative law judge's decision was based upon legal error and remanded for further proceedings for further consideration and development of evidence.

ADASA, Inc. v. Avery Dennison Corp., No. 6:17-cv-01685-MK, 2021 WL 5921374 (D. Or. Dec. 15, 2021), *aff'd in part, rev'd in part, vacated in part, remanded*, 55 F.4th 900 (Fed. Cir. 2022), *cert. denied*, 143 S. Ct. 2561 (2023). In this patent trial involving claims of validity and patent infringement, I granted summary judgment in part to patent owner (plaintiff) on the validity of certain product categories. Thereafter, a jury found in plaintiff's favor on patent infringement and awarded more than \$40,000,000 in damages as determined by applying a royalty rate to the number of infringing products. After trial I ordered defendant to pay discovery sanctions and plaintiff's attorney fees. The Federal Circuit affirmed in part, reversed in part, vacated in part, and remanded in part for a new trial on the narrow issue of patent invalidity and to recalculate the sanctions award. After the denial of defendant's petition for *certiorari*, the case proceeded to a second jury trial on the sole issue of patent validity. The jury found for plaintiff.

State v. Barden, No. 17CR27975, *aff'd in part, rev'd in part*, 309 Or. App. 87 (2021). A jury convicted defendant in July 2017 of driving under the influence of intoxicants, reckless driving, misdemeanor driving while suspended or revoked, and recklessly endangering another person. In accordance with Oregon law at the time, I declined to give a unanimous jury instruction. The Court of Appeals reversed and remanded the case to the trial court pursuant to *Ramos v. Louisiana*, 140 S. Ct. 1390 (2020), which held that nonunanimous jury verdicts violated the Sixth Amendment. The defendant also appealed my evidentiary ruling allowing the state to offer authenticity evidence of jail phone calls. The Court of Appeals affirmed, holding that an officer's testimony regarding electronic recordings of calls involving defendant was sufficient to meet the state's prima facie authenticity burden. On remand, the state elected not to retry the case and moved to dismiss the charges.

State v. Estrada-Robles, No. 17CR49171, *rev'd*, 312 Or. App. 357 (2021). A jury convicted defendant in March 2018 on first-degree sexual abuse and second-degree unlawful sexual penetration. In accordance with Oregon case law at the time, I instructed the jury that it could return a nonunanimous verdict. I sentenced defendant to 150 months in prison. The Court of Appeals reversed, finding that the instruction was erroneous in light of the Supreme Court's decision in *Ramos v. Louisiana*, 140 S. Ct. 1390 (2020). I no longer served on the state court bench at

the time the matter was remanded. On remand, the state retried the case to another trial judge and a jury convicted defendant. The trial judge sentenced defendant to 75 months in prison.

State v. Madison, No. 18CR18370, *rev'd*, 303 Or. App. 737 (2020). Following a bench trial, I found defendant guilty of promoting prostitution, and sentenced him to 50 months in prison. Defendant appealed, arguing the evidence was only sufficient to support a conviction of attempted promoting prostitution. The Court of Appeals held that I erred in convicting defendant for promoting prostitution because there was no evidence that prostitution in fact occurred. The Court of Appeals reversed and remanded for resentencing based on the lesser-included attempt offense. Attempted promoting prostitution is an unclassified Class C felony. I no longer served on the state court bench at the time the matter was remanded. At sentencing on remand, the sentencing judge treated the convictions as Class A misdemeanors and sentenced defendant to time served.

State v. Clay, No. 16CR56503, *aff'd in part, rev'd in part*, 301 Or. App. 599 (2019). A jury convicted defendant of two counts of first-degree sexual abuse, one count of third-degree sexual abuse, and two counts of using a child in a display of sexually explicit conduct. This case involved the sexual abuse of two sisters. Defendant moved for judgment of acquittal on the two counts of using a child in display arguing this crime cannot apply to a person's observation of a victim's sexual or intimate parts in the course of sexually abusing the victim. I denied the motion, considering that the "display" offenses were capable of being separately committed from other sexual abuse crimes. I sentenced defendant to 302 months in prison on all counts. The Court of Appeals, however, reversed the "display" conviction, holding that the defendant's observation of minor victims' genitalia while committing sexual abuse was insufficient to support convictions for using a child in a display of sexually explicit conduct. The Court of Appeals affirmed the remaining sexual abuse convictions, and defendant's sentence was revised to 162 months in prison.

Matter of Marriage of Tanner, No. 15DR09673, *aff'd in part, rev'd in part*, 292 Or. App. 766 (2018), *review denied*, 363 Or. 727 (2018) (Table). After a bench trial, I ordered the dissolution of marriage, and among other things, ordered husband to pay child support. Husband's income derived from a business operation from which he took a draw. I relied on husband's expert testimony in determining his monthly income for calculating child support. While wife raised several assignments of error, the appellate court addressed only child support. The Court of Appeals found that when calculating the husband's income for purposes of child support, I erred by adopting the husband's proposed finding of income based on an expert's testimony of a reasonable salary for a person in husband's position, rather than income listed on tax returns. The court remanded for reconsideration of child support and affirmed on all other grounds.

State v. Folks, No. 201424377, *aff'd in part, rev'd in part*, 290 Or. App. 94 (2018). A jury convicted defendant of murdering his girlfriend. Defendant and girlfriend travelled from Mississippi to Oregon for seasonal construction employment. Defendant's recorded statement presented at trial described that he strangled his girlfriend while under the influence of methamphetamine. Defendant argued he did not have the requisite culpable mental state and that he lacked the ability to act intentionally because of a mental disease or defect brought on by meth-induced psychosis. Over defendant's objections, I instructed the jury that drug use, drug dependence, and drug-induced psychoses were not mental diseases or defects as those terms were used in the law. The Court of Appeals agreed and affirmed. It reversed my order imposing costs for extraditing defendant from Mississippi, however, because there was no evidence in the record on defendant's ability to pay.

State v. Schrepfer, No. 201425077, *rev'd*, 288 Or. App. 429 (2017). A jury convicted defendant of robbery in the second degree. Prior to the trial, I denied defendant's motion to suppress statements he made after initially invoking his right to remain silent, finding that there was a sufficient break between the initial invocation and defendant's statements. The Court of Appeals reversed, holding that defendant's statements to a law enforcement officer after the officer violated defendant's right against self-incrimination under state constitution were not unprompted and did not represent a voluntary waiver of his previously invoked right against self-incrimination. The Court of Appeals reversed and remanded the case to the trial court. The parties stipulated to a plea and sentencing resulting in a sentence of time served.

State v. Byam, No. 201322117, *rev'd*, 284 Or. App. 402 (2017). I accepted a change of plea and sentenced defendant to robbery in the first degree and unauthorized use of a motor vehicle (UUV). The crimes occurred when defendant acquired keys to a car after threatening the owner with a knife and then driving away. I imposed a sentence of 110 months in prison, with a portion of the sentence on the UUV to be served consecutively to the sentence for robbery. I reasoned that the UUV was an indication of defendant's willingness to commit more than one criminal offense. Defendant appealed his sentence and the Court of Appeals held that defendant was entitled to concurrent sentences for the offenses because the UUV was the end result of the robbery rather than evidence of a willingness to commit more than one criminal offense. The Court of Appeals remanded for resentencing consistent with its opinion, and I imposed a concurrent sentence of 90 months in prison.

Matter of the Marriage of Benson, No. 151309273, *rev'd*, 263 Or. App. 554 (2014), *appeal on remand*, 288 Or. App. 619 (2017). After a bench trial, I ordered the dissolution of marriage. I awarded the marital home to husband and awarded an equalizing judgment for a quarter of the home's value to wife. Husband appealed. The primary issue on appeal was the determination of wife's equalization judgment relating to the home. On appeal, the Court of Appeals

affirmed in part, reversed in part, and remanded. On remand, I entered a supplemental judgment vacating the prior \$55,000 equalizing judgment and entering a \$110,000 equalizing judgment. On appeal on remand, the Court of Appeals reviewed *de novo* and held that the portion of the value of the marital home that was fairly traceable to husband's premarital assets was \$166,000, and the portion attributable to appreciation or improvements was \$54,000; as to the \$166,000 attributable to husband's separate premarital assets, husband rebutted the statutory presumption of equal contribution with respect to that portion of the home's value; and it was just and proper to award wife 75 percent of the portion of the home's value attributable to appreciation or improvements. The Court of Appeals remanded for entry of judgment.

State v. Kimbrell, No. 201316323, *aff'd in part, rev'd in part*, 281 Or. App. 20 (2016). A jury convicted defendant of second-degree assault. The criminal charges arose from an altercation between defendant and two other men. Defendant raised the defense of self-defense. At trial, one of the victims testified that defendant was acting aggressively toward him, and during the altercation, defendant stabbed him. Defendant testified that he did not act aggressively toward the victims but rather he was the victim and afraid for his life. The defendant requested jury instructions related to the use of deadly physical force in the course of self-defense. I declined to give the requested instructions because the instructions were confusing, and I otherwise found they would not be appropriate given the record at trial. I sentenced defendant to 100 months in prison. The Court of Appeals reversed in part, however, finding that in failing to give the requested instructions regarding permissible use of deadly physical force in self-defense, I committed reversible error. The court declined to address defendant's other assignments of error and remanded for resentencing. The parties reached a plea agreement in which defendant pleaded guilty to attempted assault in the second degree and I imposed a 60-month prison sentence.

State v. Kindler, Nos. 201309731, 201323403, *aff'd in part, rev'd in part*, 277 Or. App. 242 (2016). A jury convicted defendant, following consolidation of cases, of first-degree theft by receiving, two counts of unlawful possession of methamphetamine, and felon in possession of a firearm. The Court of Appeals remanded in part, finding that: defendant was entitled to continuance of trial on one of the unlawful possession of methamphetamine charges; defendant was prejudiced by my denial of his request for continuance; and defendant's "willfulness" in failing to appear for court proceeding could not be used as a judicially noticed sentencing enhancement consideration. The Court of Appeals remanded for resentencing. In August 2023, the court granted defendant's motion to expunge his record of conviction, and those records are now sealed.

State v. Strye, No. 201210945, *rev'd*, 273 Or. App. 365 (2015). A jury convicted defendant of fourth-degree assault and first-degree criminal mistreatment. Defendant worked at a care facility assisting residents with various disabilities. In this case, defendant was assisting a resident with autism and other conditions.

When the resident became upset, coworkers testified that defendant “punched” the resident in the head causing her injuries. While defendant denied he caused the resident injury, he asked for a jury instruction on self-defense, which I denied. The Court of Appeals reversed my decision, finding that a defendant does not lose the ability to present a claim of self-defense when he refuses to admit that his act caused an injury. The Court of Appeals reversed and remanded the case to the trial court. The state elected not to retry the case and moved to dismiss the charges.

State v. Patterson, No. 201217651, *rev'd*, 269 Or. App. 226 (2015). Proceedings were brought to revoke defendant’s probation. I revoked defendant’s probation and sentenced him to prison, including two consecutive 18-month terms. The Court of Appeals reversed, holding that I lacked authority to impose a prison sentence but instead was required to impose sanctions on a revocation of probation instead. On remand, I corrected the judgment, revoked probation, and imposed two consecutive 18-month terms of custody, with credit for any time served.

In re marriage of Justice and Crum, No. 151121695, *aff'd in part, rev'd in part*, 265 Or. App. 635 (2014). After a bench trial, I ordered the dissolution of marriage of the parties. I declined to award transitional support, ordered husband to pay maintenance support of \$300 per month for 18 months and child support of \$1,056 per month, and I denied wife’s motion for a new trial. On appeal, the Court of Appeals affirmed my denial of wife’s motion for a new trial and award of child support, but the Court held that I erred in denying transitional support because I did not explain on the record the specific factors outlined in the statute. The Court of Appeals remanded for reconsideration.

State v. Kenny, No. 211101119, *rev'd in part, aff'd in part*, 262 Or. App. 702 (2014). A jury convicted defendant of failure to appear on a criminal citation. Defendant appealed my denial of her motion for a judgment of acquittal and for excluding evidence about why she did not appear as commanded on the written citation. The Court of Appeals affirmed my decision denying the motion for a judgment of acquittal but reversed my evidentiary ruling excluding as not relevant defendant’s evidence about why she did not appear. The Court of Appeals held that evidence that defendant believed she was not required to appear, despite the command on the written citation, was logically relevant and should not have been excluded. The Court of Appeals reversed and remanded the case to the trial court. The state elected not to retry the case and moved to dismiss the charges.

State v. Newcomer, No. 211119621, *aff'd in part, rev'd in part*, 265 Or. App. 706 (2014). A jury convicted defendant of driving under the influence of intoxicants (DUII) and failure to appear on a criminal citation. I imposed a sentence of 24-months of bench probation and 6 days jail with credit for time served, considered served. The Court of Appeals affirmed my decisions with respect to the DUII. With respect to the failure to appear on a criminal citation, I gave a jury

instruction that explained that the state must prove defendant received notice of the mandatory appearance to prove knowledge. Defendant argued this instruction was an improper comment on the evidence. I explained that the instruction merely described that notice must be proved to establish the requisite mental state. The Court of Appeals reversed finding that the jury instruction was an improper comment on the evidence. On remand, defendant's sentence was converted to a term of bench probation with no additional imposition of jail time.

State v. Cook, No. 201122484, *rev'd*, 264 Or. App. 453 (2014). A jury convicted defendant of unlawful delivery of methamphetamine, unlawful possession of methamphetamine, interfering with a peace officer, and tampering with physical evidence. I imposed a sentence of 90 months in prison. Defendant appealed assigning as error the admission of hearsay evidence. The Court of Appeals held that officer's testimony, describing a conversation he had with defendant's girlfriend after her arrest, stating that girlfriend originally told officer that the bag containing drugs was hers and then later admitting that it was defendant's, was hearsay, and admission of officer's hearsay testimony was not harmless. The Court of Appeals reversed and remanded for resentencing on the remaining conviction. The parties reached a plea agreement in which defendant pleaded guilty to all the criminal counts for which the jury previously found him guilty, and I imposed the stipulated term of 70 months in prison.

Rucker v. Rucker, No. 160821176, *aff'd in part, rev'd in part*, 257 Or. App. 544 (2013). After a bench trial on an action to recover on a promissory note by distributive beneficiaries, I entered general judgment in favor of debtors. The Court of Appeals affirmed in part and reversed in part, holding that the parties' clear intent to enter into a substituted contract upon reaching a settlement agreement in mediation was reflected in their agreement but that I improperly dismissed without prejudice a claim raised in beneficiaries' original complaint but not in amended complaint, because the claims in the amended complaint would supersede all claims alleged in the original complaint. After the appellate judgment was entered, the parties resolved the dispute by executing a satisfaction of judgment.

State v. Huffman, No. 231100298, *rev'd*, 258 Or. App. 195 (2013). Defendant was convicted in the Circuit Court of unlawful possession of methamphetamine, after I denied defendant's motion to suppress evidence of methamphetamine found during a search of his backpack. A city police officer observed defendant riding a bicycle at 4:00am near city facilities that were gated shut. The police officer observed defendant to be nervous and shaking. After asking defendant if he could search his backpack, to which the defendant consented, the police officer found methamphetamine. The parties agreed that the defendant was stopped. The only issue was whether the police officer had reasonable suspicion to stop the defendant. I found that the police officer did have reasonable suspicion of criminal activity given the location and time of the stop, as well as defendant's behavior. However, the Court of Appeals reversed, holding that the police officer

lacked reasonable suspicion that defendant was engaged in criminal activity when he conducted a stop of defendant. On remand the state elected not to retry the case and moved to dismiss the charges.

State v. Barger, Nos. 200721991, 200801740, *aff'd*, 233 Or. App. 621 (2010), *aff'd in part, rev'd in part*, 349 Or. 553 (2011). A jury convicted defendant of eight counts of second-degree encouraging child sexual abuse in Case No. 200801740. In this case, the state presented evidence that defendant accessed internet web sites that displayed sexually explicit images of children on his computer monitor, giving rise to the eight counts of second-degree encouraging child sexual abuse. I denied defendant's motion for a judgment of acquittal at trial, concluding that the evidence of images displayed on the computer monitor was sufficient evidence to prove possession or control of the images. Defendant appealed, and the Court of Appeals affirmed without opinion. On review, the Oregon Supreme Court reversed, holding defendant's act of accessing internet websites that contained digital images of child sexual abuse, which access caused images to be displayed on his computer, without more, was insufficient to establish that defendant possessed or controlled digital images. The conviction was reversed and remanded with instructions to enter a judgment of acquittal with respect to Case No. 200801740. The sentence of 300 months for convictions for child sex abuse in Case No. 200721991 was affirmed. In August 2023, in accordance with *Ramos v. Louisiana*, 140 S. Ct. 1390 (2020), the convictions were vacated, the parties reached a plea agreement in which defendant pleaded guilty to the two counts of child sex abuse. The trial court imposed the stipulated sentence of 180 months in prison with credit for time served, considered served.

State v. Reed, No. 200827479, *rev'd*, 235 Or. App. 470 (2010). Following a stipulated facts trial, I found defendant guilty on one count of first-degree burglary and one count of first-degree sexual abuse. At sentencing I erroneously imposed as conditions of post-prison supervision that defendant have no contact with the victim, the family, or minor children. However, the law allows that sentencing judges may only recommend conditions of post-prison supervision. The Court of Appeals reversed and remanded the case for resentencing solely on correcting the sentence to reflect that the post-prison conditions were to be recommended rather than imposed.

Man-Data, Inc. v. B & A Automotive, Inc., No. 120819153, *rev'd*, 247 Or. App. 429 (2011). Collection agency brought action against sureties to collect unpaid legal fees. Following a bench trial, I entered judgments in favor of plaintiff awarding \$7,512 in unpaid fees, and \$5,023 in prejudgment interest. Because the corporate defendant was in default and the amounts awarded were no longer disputable against the corporate defendant, I disallowed individual surety defendants to challenge the amounts owing to plaintiff. On appeal, the Court of Appeals held that the entry of default judgment against corporate defendant for unpaid legal fees did not preclude individual defendants, as secondary obligors or sureties, from challenging the amount of the fees charged; and sureties' offer of

proof as to the reasonableness of legal fees charged was not required to preserve their claim. The Court of Appeals reversed and remanded the case to the trial court. I am unable to locate records describing the disposition of the case after remand to the trial court.

State ex rel. Dept. of Human Services v. A.T., No. 05490J, *rev'd*, 223 Or. App. 574 (2008). After a bench trial, I denied state's petition to terminate father's parental rights. Detailed evidence at trial established that while father had a significantly problematic history, including drug addiction and a criminal history, I also found he had made significant improvements in his life such that reintegration with the child was appropriate. On *de novo* review, the Court of Appeals reversed, holding that the father engaged in conduct or was characterized by some condition seriously detrimental to child; the child's integration into father's home was improbable within a reasonable time; and that termination of father's parental rights was in child's best interest. The petition to terminate parental rights was granted.

Additionally, I was the named trial judge in the appellate opinion in *State v. Music*, Nos. 17CR46368, 17CR66767, 17CR69236, *rev'd*, 305 Or. App. 13 (2020), although I was not assigned to the case at the time of the error for which the Court of Appeals reversed. I presided over a criminal settlement conference after which defendant, who was represented by counsel during the settlement conference, agreed to a stipulated facts trial and was convicted of vehicle theft and drug related offenses in three separate criminal cases. After sentencing, defendant appealed the conviction, alleging error by a previously assigned trial judge's denial of defendant's request to represent himself. The Court of Appeals found that defendant's invocation of right to self-representation was unambiguous and it was error for the prior trial court to delay its inquiry into defendant's invocation of right of self-representation. Because I presided over the stipulated facts trial and sentencing, I was the named trial judge in the opinion.

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

As a U.S. Magistrate Judge, I have issued more than 1,000 orders, findings and recommendations, opinions, and memorandum orders. Many of these are routine, and approximately 200 rulings involve substantive factual or legal analysis. Of these rulings, approximately 30 percent are available on Lexis and Westlaw, and the remaining 70 percent are stored in the electronic case management system maintained by the United States District Court for the District of Oregon.

As an Oregon State Circuit Court Judge, the vast majority of my decisions were issued from the bench in open court and recorded verbatim either with the court's audio record or in the reporter's transcript. I can recall having written two or three unpublished opinions. The court does not maintain a readily accessible database

of my written decisions, but they would be stored in the court's case management system.

As a member of the Workers' Compensation Board, all my opinions were appellate opinions decided as a panel or en banc, and all opinions were published.

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

I have not written any significant opinions on federal or state constitutional issues.

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

I have not sat by designation on any federal 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.

I make recusal decisions in accordance with the Code of Conduct for United States Judges and 28 U.S.C. § 455. In my service as a United States Magistrate Judge I do not recall having been asked by a litigant or attorney to recuse myself. I have recused myself sua sponte on one occasion in which our court's internal conflict checking system flagged a case in which a named party was also a security I owned. The party was Airbnb, Inc., and the case was *Daizovi v. Airbnb, Inc., et al.*, Case No. 6:23-cv-00105-AA (D. Or.).

In state court there was a blind recusal process by which litigants or attorneys would

notify the presiding judge of their intent to recuse a judge. Many judges, including me, elected not to be notified of such requests to maintain anonymity and increase the appearance of impartiality. Once a party communicated to the presiding judge their intent to recuse a judge, the presiding judge would reassign the case to another judge. Because of the informal manner in which cases were reassigned, I am not aware of any specific case in which a party requested the case be assigned to a judge other than me. On occasion, I would later learn that a party requested reassignment. I estimate that I learned of such reassignments five times during my service in state court, but I have no record or recollection of the specific matters.

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.

In 2003, Oregon Governor Theodore Kulongoski nominated me to serve on the Oregon Workers' Compensation Board. The Oregon Senate confirmed my nomination. I served as a quasi-judicial appellate decision maker and conducted *de novo* review of the opinions of workers' compensation administrative law judges. In 2007, I resigned from the Board after being appointed to the Oregon State Circuit Court.

In 1997, the Eugene City Council appointed me to serve on the City of Eugene Human Rights Commission after I applied for, and was interviewed for, the commissioner position. I served until 1998 after I resigned due to my employment obligations.

I have had no unsuccessful candidacies for elective office or unsuccessful nominations for appointed office.

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

In 2014 and 2008, I was involved in my own campaign as a candidate for the Lane County Circuit Court. In 2012, I also publicly endorsed the judicial campaign of Lane County Circuit Court Judge Jay McAlpin.

In 1997, I was appointed Precinct Person for the Democratic Party of Lane County.

In 1996, I hosted a house party and helped distribute campaign materials in support of Ballot Measure 37, which would have expanded the Oregon Bottle Bill.

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

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

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

I have not served as a clerk to a judge.

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

1997

Law Offices of Mustafa T. Kasubhai, PC
1600 Executive Parkway, Suite 110
Eugene, Oregon 97401

2000 – 2003

Law Offices of Mustafa T. Kasubhai, PC
132 East Broadway
Eugene, Oregon 97401

2000 – 2003

Law Offices of Mustafa T. Kasubhai, PC
409 Pine Street
Klamath Falls, Oregon 97601

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;

1997 – 1998

Lane County Legal Aid
101 East Broadway
Eugene, Oregon 97401
Landlord-Tenant Mediation Coordinator
(This was a grant-funded contract with Legal Aid)

1997 – 1998

Law Offices of Rasmussen, Tyler & Mundorff
1600 Executive Parkway, Suite 110
Eugene, Oregon 97401

Associate

1998 – 2000

Law Offices of Kasubhai & Sanchez
132 East Broadway
Eugene, Oregon 97401
Partner

2003 – 2007

Oregon Workers' Compensation Board
2601 25th Street Southeast, Salem, Oregon 97302
Workers' Compensation Board Member

2007 – 2018

Oregon Judicial Department
125 East 8th Avenue, Eugene, Oregon 97401
State Circuit Court Judge

2018 – present

United States District Court for the District of Oregon
405 East 8th Avenue, Eugene, Oregon 97401
United States Magistrate Judge

- 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 coordinated a mediation program during the period 1997 to 1998, but I did not serve as a mediator or arbitrator for that program. I have not served as a mediator or arbitrator in alternative dispute resolution proceedings outside of my judicial service.

b. Describe:

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

In 1997, after passing the bar examination, I rented office space from a local law firm and started my solo practice. I began my practice with contract work from other attorneys, providing legal services in family law matters for modest means clients, and taking referrals from other law firms for personal injury claims.

In late 1997, I joined the law firm from which I was renting space, and I began my extensive practice before the Oregon Workers' Compensation Board (WCB) representing injured workers. My practice included

litigation before WCB administrative law judges in contested case hearings involving compensability of work-related injuries. I also represented my clients on *de novo* appeals to the WCB and before the Oregon Court of Appeals. I continued this specialized area of practice when I formed the firm of Kasubhai & Sanchez in 1998, when I returned to solo practice in 2000, and until I left private practice in 2003 to continue my legal career in public service on the WCB.

My practice also included representing plaintiffs in civil cases involving personal injury. Many of my workers' compensation clients often had third-party personal injury claims for which I served as their lawyer. I developed a personal injury practice representing people in tort claims relating to, among other things, traffic accidents, products liability, and wrongful death. My practice also involved representing people in employment discrimination claims often relating to retaliation for having a workers' compensation claim.

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

The majority of my clients were people who worked in heavy manual labor, truck drivers, millworkers, loggers, and office workers. Most of my clients lived and worked in rural Oregon towns where it was difficult for them to travel to larger towns to find legal counsel. Because I also kept an office in Klamath Falls, Oregon (180 miles from my office in Eugene, Oregon), I drove to Klamath Falls weekly so I could meet with clients in person. I specialized in two areas of law – representing injured workers in workers' compensation cases and representing people in personal injury claims.

- 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 a lawyer, most of my practice involved litigation representing injured workers in administrative law proceedings before administrative law judges and on appeal to the Oregon Workers' Compensation Board. I also represented plaintiffs in civil cases in state court. I had four cases filed in federal court.

- i. Indicate the percentage of your practice in:

1. federal courts:	<1%
2. state courts of record:	10%
3. other courts:	0%
4. administrative agencies:	89%

- 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 do not have a specific count for the number of bench trials before administrative law judges, but I estimate that they number over 100 cases. I tried approximately 10 civil cases to a jury in state court. I was sole counsel in all cases except one in which I had co-counsel.

- i. What percentage of these trials were:
 - 1. jury: 10%
 - 2. non-jury: 90%

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 the Matter of the Compensation of Reynolds, Claimant*, 55 Van Natta 2495, 2003 WL 21997323 (2003)

From 2002 to 2003, I represented an injured worker in a workers' compensation claim for coverage of bilateral carpal tunnel syndrome as an occupational disease. The disease was also potentially caused by working for two different employers with symptoms developing as early as 1991. This case involved developing complex medical evidence on

causation of the occupational disease associated with an extended period of work-related exposures across two separate employers.

In this case, the more recent employer argued that the injured worker's condition was preexisting and that, under Oregon law, he was required to prove that recent work activities were the major contributing cause of a combined condition and a pathological worsening of the carpal tunnel syndrome.

I successfully argued before the ALJ and the WCB, in accordance with appellate caselaw, that because there were no "preexisting" conditions as explained in the medical evidence, both employers' work was the major contributing cause of the injured workers' disease and responsibility for providing medical benefits rested with the more recent employer. As a result my client was awarded compensation and medical treatment for his condition. I handled all stages of litigation including developing the medical evidence, examining and cross-examining witnesses, and presenting opening statement and closing argument during the single-day bench trial. I also submitted briefing on appeal to the Workers' Compensation Board.

Administrative Law Judge

ALJ Peterson (I am unable to locate the ALJ's full name)

Workers' Compensation Board

Board Member Frank Biehl

Board Member Vera Langer

Counsel for Defendant State Accident Insurance Fund

James Northrop (retired)

Counsel for Defendant American International Group (AIG)

Hoffman Hart & Wagner (I am unable to locate attorney of record)

1000 Southwest Broadway, 20th Floor

Portland, OR 97205

(503) 222-4499

2. *In the Matter of the Compensation of Miranda, Claimant*, 55 Van Natta 784, 2003 WL 21055075 (2003)

From 2001 to 2003, I represented an injured worker in a claim involving multiple injuries to his low back, including disk herniations at multiple levels. His injuries related back to 1987. I assisted Mr. Miranda in securing benefits arising out of a somewhat obscure area of workers' compensation benefits called "Own Motion Jurisdiction" where the Workers' Compensation Board ("WCB") may determine eligibility for disability benefits stemming from old injuries. In this case I helped Mr. Miranda in filing his claims and in navigating the administrative procedures relating to Own Motion Jurisdiction. The insurer subsequently closed the claim, and I argued that Mr. Miranda was entitled to a reexamination of disability benefits.

The WCB reviewed the case under its Own Motion Jurisdiction without first referring the matter to an administrative law judge. In a detailed opinion the Board agreed with me that Mr. Miranda was entitled to an evaluation by a medical arbiter to determine his permanent disability. After additional medical findings of disability, the Board awarded Mr. Miranda additional permanent disability benefits. As sole counsel, I handled all aspects of the litigation. In this case, that included all briefing before the WCB.

Workers' Compensation Board

Board Member Frank Biehl
Board Member Maureen Bock
Board Member Vera Langer
Board Member Greig Lowell
Board Member Jodie Phillips Polich

Counsel for Defendant

State Accident Insurance Fund (I am unable to locate attorney of record)
400 High Street Southeast
Salem, OR 97312
(503) 373-8000

3. *Benjamin v. Walmart*, Lane County Case No. 16-98-19033, *decision on appeal*, 185 Or. App. 444 (2002)

From 1997 to 2002, I represented plaintiff, Ms. Benjamin, and served as co-counsel. This case involved claims of products liability and wrongful death relating to the defective design of a propane heater that was used inside a tent and caused the death of plaintiff's father from carbon monoxide poisoning.

The case involved extensive discovery, development of expert analysis and testimony as well as the presentation of economic damages evidence. I was involved in depositions of witnesses, document discovery, briefing and arguing in opposition to defendant's motion for summary judgment, preparing witnesses for trial, and conducting direct and cross-examination of witnesses at trial. After an eight-day trial, the jury found for plaintiff, and the Oregon Court of Appeals affirmed the judgment on appeal.

State Circuit Court Judge

The Honorable Lauren Holland (retired)

Co-Counsel

Mark Stageberg
5101 Thimsen Avenue, Suite 20
Minnetonka, MN 55345
(952) 470-5242

Counsel for Defendant

Jonathan M. Hoffman
MB Law Group LLP
117 Southwest Taylor Street, Suite 200
Portland, OR 97204
(503) 220-4277

4. *Yon et al. v. Aqua Glass*, Klamath County Case No. (Unable to locate case number)

From 1999 to 2002, I represented Mr. Yon, Mr. Harden and Mr. Skellham in three separate cases that were eventually consolidated for trial because the allegations of negligence by defendant were similar. The plaintiffs worked as truck drivers responsible for transporting heavy fiberglass shower units across the country. They were also responsible for unloading the units at the destination points. They were injured in separate incidents by units that shifted during transportation and that fell on each of them. I was sole trial counsel. I took depositions and defended witness depositions, coordinated expert witness testimony, prepared witnesses for trial, selected a jury, conducted direct and cross-examination of witnesses at trial, and presented an opening statement and closing argument. The negligence claims proceeded to a six-day trial in 2002. After the jury retired to deliberate, the parties reached a settlement of the claims.

State Circuit Court Judge

The Honorable Roger Isaacson (retired)

Counsel for Defendant

Paul Silver (retired)

5. *In the Matter of the Compensation of Bland, Claimant*, 54 Van Natta 1177, 2002 WL 1884014 (2002)

From 2000 to 2002, I represented an injured worker who was diagnosed with carpal tunnel syndrome resulting from her employment. She filed a workers' compensation claim for the carpal tunnel syndrome, but the claim was denied. I represented her on her appeal of the denial before an administrative law judge (ALJ) and the Workers' Compensation Board. This case involved complex medical issues relating to an earlier predisposing condition. Because the medical condition was characterized as an occupational disease rather than as an acute injury, proving medical causation required considerable development of the medical record. Additionally, because occupational disease claims can involve uncertain onset times, I also had to develop the medical record sufficient to establish the timeliness of the claim for benefits.

Prior to the single-day bench trial, I was responsible for coordinating and developing the medical evidence for its presentation at trial. I also handled all other stages of litigation, including examining and cross-examining witnesses, delivering opening statement and closing argument, and submitting briefs on the appeal before the Workers' Compensation Board. The ALJ concluded the occupational disease claim was compensable and awarded my client benefits. On appeal, the Workers' Compensation Board affirmed the ALJ's

decision.

Administrative Law Judge

ALJ Phillip Mongrain

Workers' Compensation Board Members

Board Member Jodie Phillips Polich

Board Member Vera Langer

Counsel for Defendant

Adam Stamper

717 Murphy Road

Medford, OR 97504

(503) 373-8000

6. *Liberty Northwest Ins. Corp. v. Nichols*, 186 Or. App. 664 (2002)

From 2000 to 2002, I represented an injured worker who cracked his tooth on an employer-supplied snack while he was preparing a product order for delivery. The employer denied the claim for coverage of the injury arguing that the cracked tooth did not arise out of the course and scope of his employment. The case was not medically complex, but rather it involved the presentation of evidence and development of a record that would assist the decision makers in evaluating whether the injury arose out of the course and scope of employment.

The ALJ, the Workers' Compensation Board, and the Oregon Court of Appeals found that an employer-supplied snack that caused injury while the employee was conducting his work-related duties had a sufficient nexus to his employment, which made my client's injury compensable. I handled all stages of litigation for the case, including developing the record, presenting an opening statement and closing argument, and examining and cross-examining witnesses during the single-day bench trial. I also briefed and argued the case before both the Workers' Compensation Board and the Oregon Court of Appeals.

Administrative Law Judge

After searching Westlaw and Lexis, I am unable to locate any information identifying the ALJ in this case.

Workers' Compensation Board Members

After searching Westlaw and Lexis, I am unable to locate the Workers' Compensation Board opinion identifying the Board Members in this case.

Oregon Court of Appeals

The Honorable Walt Edmonds

The Honorable David Schuman

The Honorable Rives Kistler

Counsel for Defendant
David O. Wilson (retired)

7. *McIntosh v. Aqua Glass*, Klamath County Case No. (Unable to locate case number)

From 1998 to 2001, I represented Mr. McIntosh, who worked as a truck driver responsible for transporting heavy fiberglass shower units across the country and unloading the units at the destination points. He injured his back when attempting to unload shower units that had shifted during transport. The complaint alleged that defendant negligently loaded and secured the heavy units, causing the units to shift during transport and causing Mr. McIntosh's injury during the unloading process.

I was sole counsel. I took depositions and defended witness depositions, coordinated expert witness testimony, prepared witnesses for trial, selected a jury, conducted direct and cross-examination of witnesses at trial, and presented an opening statement and closing argument. The negligence claims proceeded to trial in 2001, and the jury returned a defense verdict.

State Circuit Court Judge
The Honorable Karla Kneips (retired)

Counsel for Defendant
Paul Silver (retired)

8. *Columbia Forest Products v. Woolner*, 177 Or. App. 639 (2001)

From 1998 to 2001, I represented Claimant Woolner, who injured her neck and shoulder while at work. My client's claim for workers' compensation for the injury had initially been accepted, but the employer later denied coverage for treatment. This litigation focused first on appropriate claim construction; that is, whether the employer was legally entitled to deny benefits given the language in its written denial of benefits. The litigation also required the development of medical evidence involving medical causation in the context of other physical predispositions.

The ALJ found that the employer had appropriately denied the claim for benefits through its claim language; the Workers' Compensation Board reversed, finding that the employer had not denied the claim appropriately. The Court of Appeals reversed and remanded the case, concluding, as did the ALJ, that the employer's claim denial was satisfactorily constructed given the state of the medical evidence. On remand to the Workers' Compensation Board, the majority of the Board, with two board members dissenting, upheld the ALJ's previous decision affirming the employer's denial of my client's workers' compensation benefits. I handled all aspects of litigation, including development of the medical record, opening statement and closing argument, examination and cross-examination of witnesses, and all briefing and argument before the Workers' Compensation Board and Oregon Court of Appeals.

Administrative Law Judge

ALJ Stephen Brown

Workers' Compensation Board

Board Member Greig Lowell

Board Member Vera Langer

Board Member Maureen Bock

Board Member Jodie Phillips Polich

Board Member Frank Biehl

Oregon Court of Appeals

The Honorable Jack Landau

The Honorable David Schuman

The Honorable David Brewer

Counsel for Defendant

Karen O'Kasey

Hart Wagner LLP

1000 Southwest Broadway, Suite 2000

Portland, OR 97205

(503) 222-4499

9. *Jeld-Wen, Inc. v. Molena*, 166 Or. App. 396 (2000)

From 1998 to 2000, I represented an injured worker employed in a plywood mill in Klamath Falls, Oregon. She worked with glues, alcohols, and other chemicals. She suffered respiratory symptoms from her exposure to these substances and required medical treatment. The employer denied her claim for coverage of the injury under an occupational disease rubric that required a higher standard of medical evidence than in acute injury claims, especially if an employee had predisposing conditions.

I argued that the exposure, based on the facts presented at the single-day bench trial, was in fact an acute injury rather than an occupational disease, even though exposures to chemicals are often analyzed as an occupational disease. The ALJ, Workers' Compensation Board, and the Oregon Court of Appeals all found that the case, as framed and presented at trial, constituted an acute injury that should be appropriately analyzed as such. The employer was ordered to accept the claim and provide medical benefits. I handled all stages of litigation, including opening statement and closing argument, examination and cross-examination of witnesses, and development of the medical evidence. I also briefed and argued the matter before the Workers' Compensation Board and the Oregon Court of Appeals.

Administrative Law Judge

ALJ Phillip Mongrain

Workers' Compensation Board

Board Member Frank Biehl
Board Member James Moller

Oregon Court of Appeals
The Honorable Walt Edmonds
The Honorable Rex Armstrong
The Honorable David Schuman

Counsel for Defendant
Travis Terrall
30250 Southwest Parkway Avenue, Suite 2
Portland, OR 97070
(503) 691-2700

10. *In the Matter of the Compensation of Shay, Claimant*, 52 Van Natta 2020, 2000 WL 1763497 (2000)

From 1999 to 2000, I represented homeowners who operated a small ranching operation in Klamath Falls, Oregon. A part-time employee at the ranch alleged a work-related injury and filed a workers' compensation claim. The Oregon Department of Consumer and Business Services ("DCBS") found the homeowners to be non-complying employers ("NCE") because they had not previously obtained workers' compensation insurance and DCBS alleged that the homeowners were required to have workers' compensation coverage.

This case involved complex issues of coverage and jurisdiction. My client prevailed before the ALJ. On claimant's appeal before the WCB, the homeowners were again found not to be NCE, and thus my clients avoided significant financial exposure. I handled all stages of litigation including the preservation and limitation of issues before the ALJ during the single-day bench trial, the examination and cross-examination of witnesses, and the presentation of opening statement and closing argument. I also submitted briefing on appeal to the Workers' Compensation Board.

Administrative Law Judge
ALJ Stephen Brown

Workers' Compensation Board
Board Member Frank Biehl
Board Member Sandra Haynes

Counsel for Plaintiff
Allison Tyler (no longer practicing in Oregon, and I am unable to locate her current contact information)

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.)

While serving on the Lane County Circuit Court between 2007 and 2018, I presided over the court's drug court docket as the back-up judge. I would conduct status conferences involving defendants on the drug court docket, their defense counsel, the district attorney's office, and probation office. The stakeholders and I would coordinate efforts to support defendants' treatment and recovery while holding them accountable in a court setting.

As a U.S. Magistrate Judge, I preside over the district court's Court Assisted Pretrial Services (CAPS) program in the Eugene Division. CAPS participants are pre-trial defendants who are considered high-risk, whose charged crimes do not involve violence against persons, and where a rigorous plan for pre-trial supervision and court oversight can be satisfactorily constructed. Once I admit a CAPS defendant to the program, I will order pre-trial release requiring frequent and regular status conferences with the court so I can ensure compliance with release conditions, treatment, and recovery. The objective is to hold defendants accountable in a setting similar to a drug court program.

One of the highlights of my public service career has been the opportunity to work with young people, law students, and new lawyers in supporting their exploration in legal careers and public service. I frequently host middle school, high school, and college students at the courthouse to share my commitment to our legal system and inspire them about its role in a healthy democracy. Throughout my judicial career I have regularly recruited law student externs. Externs help with managing trials, conducting legal research, and writing memoranda and draft opinions. I also spend time in chambers discussing with students their own career paths and how to successfully achieve their goals. Additionally, I mentor new lawyers throughout Oregon hoping to inspire them to stay in Oregon and help create an inclusive legal profession committed to access to justice.

While I have not performed lobbying activities and I have never been registered as a lobbyist, I was at one point involved in the Oregon State Bar's work on legislation. In 2007, I testified on behalf of the Procedure and Practice Committee of the Oregon State Bar at hearings on three bills before the Oregon Senate Judiciary Committee (Oregon State Legislature). In 2008 and 2009, I served as a legislation contact person on procedure and practice issues for the Oregon State Bar.

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.

Litigation Lab, University of Oregon School of Law, Summer term, 2021 to present. This is a summer semester course on pre-trial litigation, which I teach with lectures and practical exercises. The class culminates with students arguing a motion for summary judgment. Summer 2023 syllabus supplied.

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

None.

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

The only outside employment that I would plan to pursue during my service with the court, assuming it would be consistent with my judicial obligations, would be teaching the Litigation Lab at the University of Oregon School of Law.

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.

The District of Oregon, where I currently serve as a magistrate judge, maintains an automated conflict checking system that precludes cases with attorneys or parties on the conflict list from being assigned to the identified judge. On my list I

include my spouse; any spouse/partner of a law clerk, who is an attorney; and any company in which an immediate family member or I have a financial interest. I am not aware of any other family member or other persons, parties, categories of litigation, or financial arrangements that are likely to present potential conflicts-of-interests if I am confirmed to the position to which I have been nominated.

- 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 as a United States District Judge, I would continue to resolve any potential conflict of interest by adhering to the Code of Conduct for United States Judges, 28 U.S.C. § 455, other relevant ethical canons and rules, and all applicable policies and procedures of the United States Courts.

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.

During my time in private practice, I volunteered for a senior legal services program where I would advise seniors with certain legal issues. I would hold hours for approximately 1 to 2 hours a month, and I did this for about one year. I also volunteered for a "teen court" program where I would preside as a judge in a restorative and peer justice program. This involved 1 to 2 hours per month. I also did this work for about one year.

Since my judicial and quasi-judicial public service began in 2003, my ability to take on direct pro bono representations has been restricted. I have sought to serve my community in other ways, including by mentoring students and lawyers through the Oregon Minority Lawyers Association's mentorship program, the Oregon Asian Pacific American Association's mentorship program, and the Lane County Bar Association's mentorship program.

26. **Selection Process:**

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

On March 23, 2023, I submitted an application to Senators Ron Wyden and Jeff Merkley regarding a position on the United States District Court for the District of Oregon. On May 13, 2023, I interviewed with the Judicial Selection Commission established by Senators Wyden and Merkley. On June 12, 2023, I interviewed with attorneys from the White House Counsel's Office. Since June 24, 2023, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On September 6, 2023, 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.