

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Jacqueline Becerra

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

United States District Judge for the Southern District of Florida

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

United States District Court for the Southern District of Florida
James Lawrence King Federal Building
99 Northeast 4th Street, Suite 1067
Miami, Florida 33132

Residence: Miami Shores, Florida

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

1970; Miami Beach, Florida

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.

1992 – 1994, Yale Law School; J.D., 1994

1991 – 1992, University of Miami School of Law; no degree received (transferred to Yale after first year)

1988 – 1991, University of Miami; B.A. (*cum laude*), 1991

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.

2019 – present

United States District Court for the Southern District of Florida
James Lawrence King Federal Building
99 Northeast 4th Street, Suite 1067
Miami, Florida 33132
United States Magistrate Judge

Spring 2023

St. Thomas University Benjamin L. Crump College of Law
16401 Northwest 37th Avenue
Miami Gardens, Florida 33054
Adjunct Professor

2004 – 2018

Greenberg Traurig, P.A.
333 Southeast 2nd Avenue, Suite 4400
Miami, Florida 33131
Shareholder (2004 – 2018)
Co-Chair, Global White-Collar Defense and Investigations Practice (2017 – 2018)
Co-Chair, Women's Initiative (2010 – 2015)

1999 – 2004

United States Attorney's Office for the Southern District of Florida
James Lawrence King Federal Building
99 Northeast 4th Street
Miami, Florida 33132
Assistant United States Attorney (1999 – 2004)
Special Counsel to the United States Attorney (2002 – 2004)

2001 – 2003

University of Miami School of Law
1311 Miller Drive
Coral Gables, Florida 33146
Legal Research and Writing Instructor

1997 – 1999

United States Attorney's Office for the District of Columbia
601 D Street, Northwest
Washington, DC 20530
Assistant United States Attorney

1994 – 1997

United States Department of Justice
Civil Division, Federal Programs Branch
901 E Street, Northwest

Washington, DC 20007
Trial Attorney

1993 – 1994
Professor Harlon L. Dalton
Yale Law School
127 Wall Street
New Haven, Connecticut 06511
Teaching Assistant/Coker Fellow

Summer 1993
Morgan, Lewis and Bockius, LLP
200 South Biscayne Boulevard, Suite 5300
Miami, Florida 33131
Summer Associate

Summer 1992
Professor Martha R. Mahoney
University of Miami School of Law
1311 Miller Drive
Coral Gables, Florida 33146
Research Assistant

Other Affiliations (Uncompensated):

2013 – 2018
Americans for Immigrant Justice
6355 Northwest 36th Street, Suite 2201
Miami, Florida 33166
Board Member

2014 – 2016
Miami-Dade Urban Debate League
2525 Ponce de Leon Boulevard
Coral Gables, Florida 33134
Board Member

2002 – 2015 (approximately)
Federal Bar Association
South Florida Chapter
2800 Southwest 3rd Avenue
Miami, Florida 33129
Board Member (2002 – 2015, approximately)
President (2006 – 2007)

2008 – 2012 (approximately)

Silver Knight Alumni Network
The Miami Herald Media Company
3511 Northwest 91st Avenue
Doral, Florida 33172
Board Member

2010 – 2011
American Bar Association
321 North Clark Street
Chicago, Illinois 60654
Managing Director, Section of Litigation

2010 – 2011
Foundation for the New World School of the Arts
25 Northeast Second Street
Miami, Florida 33132
Board Member

2007 – 2011
Ethics Advisory Committee for the Miami-Dade County School Board
1450 Northeast 2nd Avenue
Miami, Florida 33132
Committee Member
Vice Chair (2010 – 2011)

1995 – 1998 (approximately)
DC Works (dissolved)
Washington, DC
Board Member

1993 – 1994
Immigration Rights Clinic
Yale Law School
127 Wall Street
New Haven, Connecticut 06511
Student Co-Director

Summer 1992
Service Employees International Union
Miami, Florida
Volunteer Organizer

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

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

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

Lawyers in Leadership Award, University of Miami School of Law's Center for Ethics and Public Service (2019)

Lucero Award, Latino Justice Puerto Rican Legal Defense and Education Fund (2018)

The Legal 500, Corporate Investigations and White Collar Criminal Defense, Legalease Ltd. (2018)

Florida Super Lawyers (2013 – 2018)

The Best Lawyers in America, Litigation (2010 – 2018)

Chambers USA Guide, Litigation: White Collar Crime and Government Investigations (2005 – 2018)

150 Women in White Collar, *Corporate Crime Reporter* (2016)

Woman of the Year Finalist, Leukemia and Lymphoma Society (2011)

Legal Elite in Litigation, *Florida Trends* (2009, 2010)

Director's Award for Superior Performance as an Assistant United States Attorney, Executive Office for United States Attorneys (2001)

Tim Evans Memorial Award for Outstanding Performance as an Assistant United States Attorney, United States Attorney's Office for the Southern District of Florida (2001)

Young Federal Lawyer Award (one of five attorneys nationwide selected for this annual award), Federal Bar Association (2000)

Special Projects Editor, *The Yale Law & Policy Review* (1994)

John Fletcher Caskey Prize for the Best Presentation of a Case on Final Trial in the Thomas Swan Barristers Union (Yale Law School's Mock Trial Competition) (1994)

Coker Fellow, Yale Law School (1993 – 1994)

Book Awards in Property, Civil Procedure, and Labor Law at the University of Miami School of Law (1992)

Full Tuition Scholarship, University of Miami School of Law (1991 – 1992)

University of Miami

Phi Beta Kappa (1991)

Pi Sigma Alpha Political Science Outstanding Graduate Award (1991)

Faculty Award for Outstanding Hispanic Student in Political Science (1991)

President's and Dean's Honor Roll (1988 – 1991)

Silver Knight Award for Speech, *Miami Herald* (1988)

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

American Bar Association

Member (2002 – 2019)

Federal Practice Task Force, Section of Litigation, Co-Chair (2018 – 2019)

Law Day, National Chair (2018)

Section of Litigation, Managing Director (2010 – 2011)

Federal Bar Association, South Florida Chapter

Member (2002 – 2015, approximately)

Board Member (2002 – 2015, approximately)

President (2006 – 2007)

Hispanic National Bar Association's Latina Commission

Member (2002 – 2018, approximately)

Commissioner (2015)

United States District Court for the Southern District of Florida

Ad Hoc Committee on Attorney Admissions, Peer Review and Attorney Grievance (2007 – 2018)

Budget Committee (2021 – present)

Committee for the 2023 Bench and Bar Meeting (2022 – present)

Criminal Justice Act Committee (2021 – present)

Fairness and Diversity Committee (2021 – present)

Hispanic Heritage Month Committee, Chair (2023 – present)

Hispanic Heritage Month Committee (2019 – present)

Local Rules Committee (2010 – 2021)

Selection Panel for the Appointment of a United States Magistrate Judge (2011)

I am aware that I am listed as a Reception Host Committee Member for the 2012 National Association of Women Judges. I have no recollection of being involved in that event; it is possible my then-law firm was a sponsor and included my name.

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.

Florida, 1994

There have been no lapses in membership. Since I became a U.S. Magistrate Judge in 2019, my membership status is as a member of the judiciary.

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

United States Court of Appeals for the Eleventh Circuit, 2005

United States District Court for the Middle District of Florida, 2005

United States District Court for the Southern District of Florida, 2004

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.

American Constitution Society (2009 – 2010)

Americans for Immigrant Justice

Board Member (2013 – 2018)

Annual Awards Dinner Co-Chair (2017)

Annual Awards Dinner Committee Member (2018)

DC Works, Board Member and Volunteer (approximately 1995 – 1998)

Ethics Advisory Committee for the Miami-Dade County School Board, Board Member (2008 – 2011)

Foundation for the New World School of the Arts, Board Member (2010 – 2011)

Miami-Dade Urban Debate League, Board Member (2014 – 2016)

President's Commission on White House Fellowship, Southeast Regional Panel Judge (2011 – 2016, approximately)

Silver Knight Alumni Network, Board Member (approximately 2008 – 2012)

United States Department of Justice's Hispanic Employee Association (1994 – 1997)

University of Miami School of Law's Center for Ethics and Public Service, Advisory Board Member (2016)

Women's White Collar Defense Association (2015 – 2018)

Yale Law School Association Executive Committee (2019 – 2022)

Yale Law School 30th Reunion Committee, Chair (2023 – present)

Yale Law School 25th Reunion Social Co-Chair (2019)

- 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 my knowledge, none of the organizations listed 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.

12. Published Writings and Public Statements:

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

With Kara M. Bombach *et al.*, *DOJ and SEC Release New Guidance on FCPA: More Clarity but Few Bright Lines* (published on Greenberg Traurig's website and reprinted on Lexology's website), Nov. 6, 2012. Copy supplied.

With Andres N. Rubinoff & Courtney R. Berman, *Common Law Intentional Infliction of Emotional Distress, Assault, and Battery*, 20 Prac. Litig. 29 (2009).

Copy supplied.

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

None.

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

On February 1, 2017, I signed an open letter entitled *Statement of Former United States Attorneys and Assistant United States Attorneys in Opposition to Enforcement of the Executive Order Titled "Protecting the Nation From Foreign Terrorist Entry Into the United States."* Copy supplied.

On April 6, 2009, I joined a letter to U.S. Senator Robert Menendez in support of Harold H. Koh's nomination for Legal Adviser to the United States Department of State. Copy supplied.

As a member of the Miami-Dade School Board's Ethics Committee, I participated in public hearings concerning a variety of ethical issues brought before the Committee. I am unable to obtain minutes or transcripts of those hearings.

- 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 files and electronic databases in an effort to identify events responsive to this question. I have identified the events listed below, but there may be some events that I have not been able to identify or recall.

October 2, 2023: Speaker, Roosevelt Elementary School, Third Grade Class, Tampa, Florida (by video conference). I discussed basic civics concepts and the role of judges, and I also answered questions posed by the students. I have no

notes, transcript, or recording. The address for Roosevelt Elementary School is 3205 Ferdinand Avenue South, Tampa, Florida 33629.

May 23, 2023: Speaker, "The Road to Becoming a Lawyer and Judge," Hialeah Gardens Middle School, Hialeah Gardens, Florida. I spoke to students in the Exploration of Criminal Justice Occupations Class about the path to becoming a lawyer and judge, and answered questions posed by the students. I have no notes, transcript, or recording. The address for Hialeah Gardens Middle School is 11690 Northwest 92nd Avenue, Hialeah Gardens, Florida 33018.

May 5, 2023: Panelist, "Cross Examining Challenging Witnesses: Civility, Professionalism & Preserving Error," Florida International University College of Law, Miami, Florida. Along with other panel members, I answered questions concerning cross-examination techniques and ethical issues that might present themselves during the examination of witnesses in trial. I have no notes, transcript, or recording. The address for the Florida International University College of Law is 11200 Southwest 8th Street, Miami, Florida 33199.

May 3, 2023: Mock Trial Judge, Fifth Grade Mock Trial Exercise, Miami, Florida. I hosted a fifth-grade class from Palm Spring Elementary School for a mock trial in my courtroom. I have no notes, transcript, or recording. The address for Palm Springs Elementary School is 6304 East 1st Avenue, Hialeah, Florida 33013.

April 28, 2023: Mock Trial Judge, Fifth Grade Mock Trial Exercise, Miami, Florida. I hosted a fifth-grade class from Palm Spring Elementary School for a mock trial in my courtroom. I have no notes, transcript, or recording. The address for Palm Springs Elementary School is 6304 East 1st Avenue, Hialeah, Florida 33013.

April 10, 2023: Speaker, "Civics Presentation In Preparation for Mock Trial," Palm Spring Elementary School, Hialeah, Florida. I gave a basic civics lesson to fifth graders from Palm Spring Elementary School in preparation for a field trip and mock trial that I hosted for the students in my courtroom. I have no notes, transcript, or recording. The address for Palm Springs Elementary School is 6304 East 1st Avenue, Hialeah, Florida 33013.

April 3, 2023: Panelist, "Roadways to the Federal Bench," United States District Court for the Southern District of Florida, Miami, Florida. Over a dozen federal judges attended and spoke to small groups of lawyers interested in becoming United States Magistrates or Bankruptcy Judges. I have no notes, transcript, or recording. The address for the United States District Court for the Southern District of Florida is 400 North Miami Avenue, Miami, Florida 33128.

January 10, 2023: Panelist, University of Florida Court Observer Program, U.S. District Judges in the Southern District of Florida, Miami, Florida. I spoke on a

panel of several judges regarding good practices for trial lawyers. I have no notes, transcript, or recording. The address for the United States District Court for the Southern District of Florida is 400 North Miami Avenue, Miami, Florida 33128.

October 16, 2022: Judge, University of Miami School of Law John T. Gaubatz Moot Court Competition, Miami, Florida. I served as a judge for the semi-final round of the competition. I have no notes, transcript, or recording. The address for the University of Miami School of Law is 1311 Miller Drive, Coral Gables, Florida 33146.

September 20, 2022: Speaker, Swearing in Ceremony for the Board Officers of the Legal Services of Greater Miami, Legal Services of Greater Miami, Coral Gables, Florida. I gave brief congratulatory remarks and swore in the new board members and the new president. I have no notes, transcript, or recording. The address for Legal Services of Greater Miami is 4343 West Flagler Street, Suite 100, Miami, Florida 33134.

July 7, 2022: Panelist, University of Florida Court Observer Program, United States District Court for the Southern District of Florida, Miami, Florida. I spoke on a panel with several judges regarding good practices for young trial lawyers. I have no notes, transcript, or recording. The address for the United States District Court for the Southern District of Florida is 400 North Miami Avenue, Miami, Florida 33128.

June 23, 2022: Panelist, "View from the Bench," American Bar Association, Miami, Florida. This panel of judges, part of the ABA's Judicial Intern Opportunities Program Orientation, addressed common concerns and recommendations for success for a group of law school students. I have no notes, transcript, or recording. The address for the American Bar Association is 321 North Clark Street, Chicago, Illinois 60654.

March 23, 2022: Panelist, "The South Florida Lawyer: Insights from the Bench," Yale Law School Alumni Association, Miami, Florida. This was a panel of Yale Law School alumni discussing their road to the bench. I have no notes, transcript, or recording, but press coverage is supplied. The address for the Yale Law School is 127 Wall Street, New Haven, Connecticut 06511.

January 25, 2022: Panelist, "Navigating the Clerkship Process for First-Generation and BIPOC Law Students," American Constitution Society, Miami, Florida (by video conference). This panel of judges provided advice on the clerkship application process. I have no notes, transcript, or recording, but press coverage is supplied. The address for the American Constitution Society is 1899 L Street, Northwest, Suite 200, Washington, DC 20036.

September 23, 2021: Moderator, "Diversity on the Bench: What Does that Mean

For Justice?,” Federal Bar Association, Miami, Florida. This panel discussed the value of diversity in the judiciary. I have no notes, transcript, or recording. The address for the Federal Bar Association is 4075 Wilson Boulevard, 8th Floor, Arlington, Virginia 22203.

May 7, 2021: Panelist, “Panel Discussion: Practice Tips from the Magistrate Judges,” The Florida Bar’s Criminal Law Section, Miami, Florida (by video conference). This panel was part of a webinar titled Advanced Federal Practice 2021, where judges shared insight on good professional practices when appearing before the court. I have no notes, transcript, or recording. The address for the Florida Bar is 651 East Jefferson Street, Tallahassee, Florida 32399.

March 23, 2021: Panelist, “COVID-19 and Its Effect on Women’s Civic and Professional Participation,” United States Attorney’s Office for the Southern District of Florida’s Women’s History Month Committee, Miami Florida (by video conference). This was a panel discussion regarding the pandemic’s effect on women lawyers and judges. I have no notes, transcript, or recording. The address for the United States Attorney’s Office for the Southern District of Florida is 99 Northeast 4th Street, Miami, Florida 33132.

March 17, 2021: Moderator, “Competency vs. Insanity,” Nova Southeastern University Shepard Broad College of Law’s Criminal Law Society, Miami, Florida (by video conference). This presentation addressed the legal differences between the two legal standards. I have no notes, transcript, or recording. The address for Nova Southeastern University Shepard Broad College of Law is 3300 South University Drive, Fort Lauderdale, Florida 33328.

December 9, 2020: Panelist, “Judicial Perspectives on the Advancement of Women in Federal Practice,” Federal Bar Association Broward County Chapter’s Diversity and Inclusion Committee, Miami, Florida (by video conference). I spoke with two other judges on general topics concerning advancement and inclusion of women in the profession, balancing work, practice tips and diversity initiatives. I have no notes, transcript, or recording. The address for the Federal Bar Association, Broward County Chapter is 6400 North Andrews Avenue, Suite 500, Fort Lauderdale, Florida 33309.

October 18, 2020: Judge, University of Miami School of Law John T. Gaubatz Moot Court Competition, Miami, Florida (by video conference). I served as a judge for the semi-final round of the competition. I have no notes, transcript, or recording. The address for the University of Miami School of Law is 1311 Miller Drive, Coral Gables, Florida 33146.

October 15, 2020: Panelist, “Courage and Perspective: A Celebration of Hispanic Heritage in the United States,” Cuban American Bar Association, Weiss Serota, Helfman Cole & Bierman, P.L, University of Miami School of Law, Florida International University College of Law, and St. Thomas University Benjamin L.

Crump College of Law, Miami, Florida (by video conference). This panel discussion centered around the different experiences of Hispanic judges and lawyers in the community. I have no notes, transcript, or recording. The address for the Cuban American Bar Association is 1825 Ponce de Leon Boulevard, Suite 399, Coral Gables, Florida 33134. The address for Weiss Scrota Helfman Cole & Bierman, P.L. is 2800 Ponce de Leon, Suite 1200, Coral Gables, Florida 33134. The address for the University of Miami School of Law is 1311 Miller Drive, Coral Gables, Florida 33146. The address for the Florida International University College of Law is 11200 Southwest 8th Street, Miami, Florida 33199. The address for the St. Thomas University Benjamin L. Crump College of Law is 16401 Northwest 37th Avenue, Miami Gardens, Florida 33054.

June 25, 2020: Panelist, Summer Boardroom Meeting, Federal Bar Association's South Florida Chapter, Miami, Florida (by video conference). I spoke along with another magistrate judge about our paths to the bench and answered questions from attendees. I have no notes, transcript, or recording. The address for the Federal Bar Association, South Florida Chapter is 150 West Flagler Street, Suite 2200, Miami, Florida 33130.

June 19, 2020: Panelist, Federal Judicial Roundtable, The Florida Bar, Miami, Florida (by video conference). I participated along with other federal judges from Florida in informal, small group discussions with bar members. I have no notes, transcript, or recording. The address for The Florida Bar is 651 East Jefferson Street, Tallahassee, Florida 32399.

November 6, 2019: Speaker, Center for Ethics and Public Service Award Luncheon, University of Miami School of Law, Miami, Florida. I gave brief remarks to a group of law students, alumni, faculty, and guests as the recipient of the Lawyers in Leadership Award, and answered questions posed by law students who attended the event. I have no notes, transcript, or recording. The address for the University of Miami School of Law is 1311 Miller Drive, Coral Gables, Florida 33146.

October 27, 2019: Judge, University of Miami School of Law John T. Gaubatz Moot Court Competition, Miami, Florida. I served as a judge for the semi-final round of the competition. I have no notes, transcript, or recording. The address for the University of Miami School of Law is 1311 Miller Drive, Coral Gables, Florida 33146.

September 19, 2019: Panelist, "A Conversation with our Newest Hispanic Federal Judges," United States District Court for the Southern District of Florida's Hispanic Heritage Month Committee, Miami, Florida. Along with two other Hispanic judges, I spoke about my path to the bench. I have no notes, transcript, or recording. The address for the United States District Court for the Southern District of Florida is 400 North Miami Avenue, Miami, Florida 33128.

July 19, 2019: Speaker, Investiture of the Honorable Magistrate Judge Jacqueline Becerra, United States District Court for the Southern District of Florida, Miami, Florida. Transcript supplied.

July 12, 2019: Panelist, “View from the Bench,” United States District Court for the Southern District of Florida, Miami, Florida. The panel consisted of a question-and-answer session with me and three other judges. I have no notes, transcript, or recording. The address for the United States District Court for the Southern District of Florida is 400 North Miami Avenue, Miami, Florida 33128.

May 10, 2019: Speaker, Investiture Ceremony for Florida Supreme Court Justice Barbara Lagoa, The Florida Supreme Court, Tallahassee, Florida. Video available at <https://thefloridachannel.org/videos/supreme-court-briefs-investiture-of-justice-barbara-lagoa>.

April 17, 2019: Speaker, Luncheon, Federal Bar Association, Broward County Chapter, Fort Lauderdale, Florida. I spoke regarding my personal background and how my experience as a child of immigrants shaped my legal career. I have no notes, transcript, or recording. The address for the Federal Bar Association, Broward County Chapter is 100 Southeast Third Avenue, Suite 2001, Fort Lauderdale, Florida 33394.

April 26, 2018: Panelist, “Separation of Powers: Framework for Freedom,” The American Bar Association, Washington, DC. This panel was a question-and-answer session for high school students attending Law Day. I have no notes, transcript, or recording. The address for the American Bar Association is 321 North Clark Street, Chicago, Illinois 60654.

June 21–22, 2017: Panelist, Miami Forum on Anti-Corruption, American Conference Institute, Miami, Florida. I spoke regarding anti-corruption trends and developing adequate compliance programs. I have no notes, transcript, or recording. The address for the American Conference Institute is Two Park Avenue, 20th Floor, New York, New York 10016.

November 4, 2016: Panelist, “Lessons from the Petrobras Case,” International Bar Association, Miami, Florida. I spoke regarding the impact that the Petrobras case had on anti-corruption compliance efforts. I have no notes, transcript, or recording, but press coverage is supplied. The address for the International Bar Association is. Chancery House, 53-64 Chancery Lane, London, WC2A 1QS, United Kingdom.

October 18, 2016: Panelist, “Corporate Compliance and Cybersecurity: Regional and International Trends and Developments,” Chambers and Partners and Greenberg Traurig, Mexico City, Mexico. I spoke regarding anti-corruption compliance controls. I have no notes, transcript, or recording. The address for Chambers and Partners is 165 Fleet Street, London, United Kingdom, EC4A 2AE,

and the address for Greenberg Traurig in Mexico City is Paseo de la Reforma, No 265 PH1, Colonia Cuauhtemoc, CDMX, 06500, Mexico.

November 16, 2015: Panelist, "How to Measure Ethical Behavior and the Success of Your FCPA Compliance Program: Applying the Right Performance Indicators for Testing and Reviews," American Conference Institute's International Conference on the Foreign Corrupt Practices Act, National Harbor, Maryland. I spoke regarding anti-corruption program management. I have no notes, transcript, or recording, but press coverage is supplied. The address for the American Conference Institute is Two Park Avenue, 20th Floor, New York, New York 10016.

February 27, 2015: Panelist, "Foreign Corrupt Practices Act: 2015 Update," The Florida Bar's International Law Section, Miami, Florida. I spoke regarding recent trends in anti-corruption enforcement. I have no notes, transcript, or recording. The address for the Florida Bar is 651 East Jefferson Street, Tallahassee, Florida 32399.

October 15, 2014: Speaker, "Forum on Anti-Corruption," American Conference Institute's Anti-Corruption Conference, Miami, Florida. I gave brief opening remarks to welcome participants to the conference. I have no notes, transcript, or recording, but press coverage is supplied. The address for the American Conference Institute is Two Park Avenue, 20th Floor, New York, New York 10016.

August 14, 2014: Panelist, "Getting the Job and Keeping It: A Panel and Cocktail," The Cuban American Bar Association, Miami, Florida. The panel featured lawyers with diverse career perspectives providing general career advice. I have no notes, transcript, or recording. The address for the Cuban American Bar Association is 1825 Ponce de Leon Boulevard, Suite 399, Coral Gables, Florida 33134.

March 7, 2014: Panelist, "Technology, Social Media, Law and Ethics, What Have We Learned and Where Are We Going?," The American Bar Association's White Collar Conference, Miami Beach, Florida. I spoke regarding the impact of social media and other technology on internal investigations. I have no notes, transcript, or recording. The address for the American Bar Association is 321 North Clark Street, Chicago, Illinois 60654.

November 13, 2013: Panelist, "How to Measure Ethical Behavior and the Success of Your FCPA Compliance Program: Applying the Right Performance Indicators for Testing and Reviews," American Conference Institute's International Conference on the Foreign Corrupt Practices Act, Miami Florida. I have no notes, transcript, or recording, but press coverage is supplied. The address for the American Conference Institute is Two Park Avenue, 20th Floor, New York, New York 10016.

September 5, 2013: Panelist, "How To Implement a Robust and Effective FCPA/Anti-Corruption Compliance Program," Greenberg Traurig, Mexico City, Mexico. This panel addressed best practices for implementing an anti-corruption program in Mexico. I have no notes, transcript, or recording. The address for Greenberg Traurig in Mexico City is Paseo de la Reforma, No 265 PH1, Colonia Cuauhtemoc, CDMX, 06500, Mexico

November 8, 2013: Panelist, "Legal Aspects of Doing Business in the Americas," The Cuban American Bar Association, Miami Florida. This panel addressed anticorruption prosecutions and compliance in Latin America. I have no notes, transcript, or recording, but press coverage is supplied. The address for the Cuban American Bar Association is 1825 Ponce de Leon Boulevard, Suite 399, Coral Gables, Florida 33134.

May 19, 2011: Panelist, "Business Development Workshop," American Bar Association Minority Counsel Program, Miami, Florida. This panel was an open forum to discuss business development strategies. I have no notes, transcript, or recording. The address for the American Bar Association is 321 North Clark Street, Chicago, Illinois 60654.

August 5, 2010: Moderator, "A Power Shift: Client Development in the Age of Obama" the American Bar Association's Annual Meeting, San Francisco, California. This panel addressed general topics involving increased enforcement areas during the Obama administration. I have no notes, transcript, or recording. The address for the American Bar Association is 321 North Clark Street, Chicago, Illinois 60654.

April 23, 2010: Panelist, "Simplifying Complex Financial Cases," the American Bar Association's Section of Litigation Annual CLE Conference, New York, New York. This panel addressed ways of making complicated financial disputes understandable to the judge and jury. I have no notes, transcript, or recording. The address for the American Bar Association is 321 North Clark Street, Chicago, Illinois 60654.

September 28, 2009: Panelist, "Diversity in the Legal Profession, the Next Steps," the American Bar Association's National Conference for the Minority Lawyer and the Philadelphia Bar Association's Diversity Summit, Philadelphia, Pennsylvania. This panel addressed the path and challenges of minority lawyers. I have no notes, transcript, or recording, but press coverage is supplied. The address for the American Bar Association is 321 North Clark Street, Chicago, Illinois 60654, the address for the Philadelphia Bar Association is 1101 Market Street, Suite 11, Philadelphia, Pennsylvania 19107.

Fall 2008 (specific date unknown): Panelist, "Women and the Law," University of Miami's Center for Ethics and Public Service," Miami, Florida. This panel of

women lawyers discussed the challenges of balancing work and personal commitments for women. I have no notes, transcript, or recording, but press coverage is supplied. The address for the University of Miami is 1311 Miller Drive, Coral Gables, Florida 33146.

October 12–18, 2008: Instructor, Darfur Legal Training Project, the American Bar Association, London, England. I provided instruction on general topics concerning American litigation. I have no notes, transcript, or recording, but press coverage is supplied. The address for the American Bar Association is 321 North Clark Street, Chicago, Illinois 60654.

August 8, 2008: Panelist, “The Trial of Don Giovanni,” The American Bar Association, New York, New York. This panel was a mock trial of Don Giovanni, the protagonist of the famous opera and I was one of the participants who played the role of a lawyer. I have no notes, transcript, or recording, but press coverage is supplied. The address for the American Bar Association is 321 North Clark Street, Chicago, Illinois 60654.

October 2003 (specific date unknown): Panelist, Leadership Series Leadership Breakfast, University of Miami School of Law’s Center for Ethics and Public Service. This panel series brings together judges and lawyers for informal discussions with law students. I have no notes, transcript, or recording. The address for the University of Miami is 1311 Miller Drive, Coral Gables, Florida 33146.

Additionally, from approximately 2015 to 2017, I provided training and other public presentations as part of a collaborative effort between Greenberg Traurig and leading law firms in Latin America that were creating practice groups specializing in anti-corruption investigations and compliance. As a co-chair of that collaboration, I gave numerous presentations on anti-corruption topics to lawyers from those law firms in Latin America. I have no notes, transcripts, or recordings. The address for Greenberg Traurig in Miami is 333 Southeast 2nd Avenue, Miami, Florida.

- 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.

Jeffrey B. Crockett and John E. Thornton, Jr., *Interview with Judge Jacqueline Becerra, Magistrate Judge for the Southern District of Florida*, Federal Bar Association, South Florida Chapter Newsletter (2019). Copy supplied.

Press Release, “Greenberg Traurig Brings Ex-DOJ Litigator Jessica Natali Into Its White Collar Defense Ranks,” Greenberg Traurig, P.A., December 12, 2018. Copy supplied.

Press Release, "Greenberg Traurig Expands Its U.K. White Collar," Greenberg Traurig, P.A., October 31, 2018. Copy supplied.

David Bernthal, *Understanding the Significance of Law Day*, The News-Gazette, May 13, 2018. Copy supplied.

Press Release, "Greenberg Traurig Shareholder Jacqueline Becerra Received 2018 Lucero Award by Latino Justice PRLDEF," Greenberg Traurig, P.A., April 18, 2018. Copy supplied.

Monika Gonzalez Mesa, *Four Tips for Responding to Bribery Pitches in International Business*, Daily Business Review, May 27, 2016. Copy supplied.

Press Release, "Greenberg Traurig and Chamber and Partners Host," Greenberg Traurig P.A., May 20, 2016. Copy supplied.

Millie Aceba Rousseau, *Corporate Latin America: Archaic Stereotypes To Overcome: Research Consistently Shows That Companies With Women In Top Leadership Positions Do Better Financially, But It Still Remains A Challenge For Women Working In The Region To Get A Corner Office Or A Seat In The Boardroom; Women: C-Suite*, Latin Trade, July 1, 2015. Copy supplied.

Adolfo Pesquera, *FCPA Law Cloned Across Americas*, The American Lawyer, December 1, 2014. Copy supplied.

Q&A: Greenberg Traurig's Becerra, Law360 Minority Powerbrokers, November 13, 2014. Copy supplied.

Press Release, "Greenberg Traurig Sponsoring Anti-Corruption Boot Camp," Greenberg Traurig, P.A., October 14, 2014. Copy supplied.

12th Annual Company and Executive Women Worth Watching in 2014, Profiles in Diversity Journal, September/October 2013. Copy supplied.

Julie Kay, *Lonely at the Top*, Daily Business Review, January 23, 2012. Copy supplied.

John Pacenti, *The Stellar Rise of Willy Ferrer*, Daily Business Review, June 7, 2010. Copy supplied.

John Pacenti, *Top Federal Cops Are Going into PR Overdrive*, Daily Business Review, February 22, 2010. Copy supplied.

Amaris Elliott-Engel, *Advocates of Diversity in the Profession Look to Next Step*, The Legal Intelligencer, September 28, 2009. Copy supplied.

Matthew Balan, *CNN's Rick Sanchez Interviews 'Wise Latina' Women- at His Mom's House*, CNN Newsroom Transcripts, July 18, 2009. Copy supplied (reprinted in multiple formats by CNN).

Julie Kay, *Prosecutors Hire Attorneys*, Daily Business Review, April 28, 2009. Copy supplied.

Eric Sabo, *Family Uses Web in Efforts to Free Imprisoned Son They Say Evidence Proves He Didn't Kill Girlfriend in Nicaragua*, Chronicle Foreign Service, April 6, 2007. Copy supplied.

Maggie Anthony, *Eric Volz's Mother, and Jacqueline Becerra, Washington Attorney, Discuss The Case*, NBC News Transcripts, March 26, 2007. Copy supplied.

Mike Celizic, *Mom Fights to Free Son in Nicaragua*, Today (NBC), March 26, 2007. Copy supplied (covered in multiple outlets).

Adam Jensen, *Friends Come to Defense: Former Tahoe Man Convicted of Rape, Murder; Trial Described as Brimming with Anti-Americanism*, The Tahoe Daily Tribune, March 15, 2007. Copy supplied.

Larry Lebowitz, *Witness Against Cops Lied; Case Dropped*, The Miami Herald, January 21, 2004. Copy supplied.

Neil Reisner, *Federal Prosecutor Known for Preparation Was Unprepared for Peers' National Award*, Daily Business Review, October 27, 2000. Copy supplied.

In addition to the above interviews, in 2008 I volunteered with the Obama/Biden presidential campaign as a Spanish language media spokesperson. In that role, I gave numerous radio and television interviews in support of the campaign. I do not have recordings or transcripts of those interviews.

Also, from 2002 to 2004, I served as Special Counsel to the United States Attorney for the Southern District of Florida. In that role, from 2002 to 2003 I served as the Public Information Officer for the Office. In that capacity, I made regular statements and gave interviews to newspapers, radio stations, and television stations regarding cases that were being handled by the Office. I made those statements and gave interviews in English and in Spanish. I have identified the below articles reflecting such statements and interviews. It is possible, however, that there may be others that I have not been able to identify.

Dan Christensen, *Journalists Ask Courts to End Secret Dockets*, The Broward Daily Business Review, December 31, 2003. Copy supplied.

Illegal Immigrants Detained in Raid, Bucks County Courier Times, October 5, 2003. Copy supplied.

Daniel Trenton, *60 Workers Detained in Raid*, The Miami Herald, October 4, 2003. Copy supplied.

Larry Lebowitz, *Attorney Turnover High at Agency*, The Miami Herald, September 25, 2003. Copy supplied.

Joaquim Utset, *Nueva Ofensiva Contra la Violencia Con Armas*, El Nuevo Herald, June 28, 2003. Copy supplied.

Wilfredo Cancio Isla, *Acusan a Dos Balseiros de Agredir a Guardacostas*, El Nuevo Herald, May 16, 2003. Copy supplied.

Evan S. Benn, *Bush Death Threat Linked to Broward Library*, The Miami Herald, April 16, 2003. Copy supplied.

Glenn Smith and Schuyler Kropf, *Former USC President Arrested*, The Post and Courier, March 29, 2003. Copy supplied.

Peyton D. Woodson, *College Official Jailed in Money-Laundering Case*, Fort Worth Star-Telegram, March 28, 2003. Copy supplied.

Madeline Baro Diaz, *11 Passengers on Cuban Plane to Seek Asylum*, The Sun Sentinel, March 26, 2003. Copy supplied.

U.S.: Several Cubans Who Arrived on Hijacked, The Hutchinson News, March 24, 2003. Copy supplied.

Vanessa Bauza and Kevin Smith, *Castro Welcomes 16 After Hijacking*, The Sun Sentinel, March 23, 2003. Copy supplied.

Julienne Gage, *U.S.: Several Cubans Who Arrived on Hijacked Airliner to Return Home*, The Associated Press State and Local Wire, March 22, 2003. Copy supplied.

EEUU-Terrorismo: Buscan A Dos Personas Acusadas De Intentar La Compra De Misiles, Spanish Newswire Services, March 21, 2003. Copy supplied.

Julienne Gage, *6 Men Seeking U.S. Asylum Charged with Hijacking Cuban Airliner*, The San Diego Union Tribune, March 21, 2003. Copy supplied.

Julienne Gage, *Suspects Sought Asylum; Men Could Be Prosecuted Under Air Piracy Laws*, The Tallahassee Democrat, March 21, 2003. Copy supplied.

Two Indicted on Charges of Trying to Illegally Buy, Associate Press Archive, March 21, 2003. Copy supplied.

Dan Christensen, *Low Burden of Proof, Coincidence, Uncorroborated Report Enough to Get Arab Waiter in South Florida Detained Five Months*, Broward Daily Business Review, March 14, 2003. Copy supplied.

Dan Christensen, *Secrecy Within: Algerian Native's Federal Appeal in Miami Has Court Altering Records, Closing Hearing in Name of Security*, Broward Daily Business Review, March 12, 2003. Copy supplied.

Paul Wood, *Former Mahomet Family's Move a Nightmare*, News Gazette, March 5, 2003. Copy supplied.

Tony Judnich, *49-Year-Old Man Faces Child Pornography Charges*, Stuart News, March 4, 2003. Copy supplied.

Viviana Muñoz, *En Prison 34 Meses Acusado de un Delito Que No*, El Nuevo Herald, March 3, 2003. Copy supplied.

Julia Court, *Arrestan a Dos Agentes del INS*, El Nuevo Herald, February 25, 2003. Copy supplied.

Christy McKerney, *Sudden Guilty Plea Halts Trial*, The Sun Sentinel, February 25, 2003. Copy supplied.

Peter Franceschina, *Papers Link Worker to Counterfeit Card Ring*, The Sun Sentinel, February 22, 2003. Copy supplied.

David Green, *Was Duo Planning a Raid*, The Miami Herald, February 4, 2003.

Wilfredo Cancio Isla, *Drastica Reducción en el Contrabando Humano*, El Nuevo Herald, January 6, 2003. Copy supplied.

Indicted Businessman Returns to U.S., The Miami Herald, December 30, 2002. Copy supplied.

Miami Teacher Among 12 Indicted in Multistate Drug, The Miami Herald, December 19, 2002. Copy supplied.

Carlin Armstead, *12 People Indicted in Five State Drug Ring*, The Canton Repository, December 19, 2002. Copy supplied.

Catherine Wilson, *3 Acquitted in Seminole Theft Trial*, The Sun Sentinel, December 18, 2002. Copy supplied.

Catherine Wilson, *Tribe Reveals Secret Internet Project*, Las Vegas Sun, December 18, 2002. Copy supplied.

Charges Filed in Drug-Ring Case Reminiscent of, The Orlando Sentinel, December 18, 2002. Copy supplied.

Airport Bag Handlers Arrested, The Ledger, December 12, 2002. Copy supplied.

Revelan los Pormenores de un Fatidico Viaje a EU, El Nuevo Herald, November 30, 2002. Copy supplied.

Desbaratan una Red de Ladrones de Equipajes en el Aeropuerto, El Nuevo Herald, December 12, 2002. Copy supplied.

Six Miami Airport Bag Handlers Charged with Stealing from Bags, Associated Press International, December 11, 2002. Copy supplied.

Madeline Baro Diaz, *Bond Set for Smuggling Suspects*, The Sun Sentinel, November 28, 2002. Copy supplied.

Rui Ferreira, *Parientes de Ilegales Cubanos Niegan Acusaciones*, El Nuevo Herald, November 28, 2002. Copy supplied.

Larry Lebowitz, *Incidents Show Security Weak Points*, The Miami Herald, November 27, 2002. Copy supplied.

Jennifer Babson, Elaine Del Valle, and Andres Vigluzzi, *U.S. Brings Cuban Boy to Shore*, The Miami Herald, November 27, 2002. Copy supplied.

Patrick Moser, *Cuban Boy to Testify Against Those Who Smuggled Him to the United States*, Agence France Presse, November 27, 2002. Copy supplied.

Catherine Wilson, *Cuban Spy Seeks New Trial Outside Miami*, The Associate Pres State and Local Wire, November 12, 2002. Copy supplied.

Andrea Elliot, Andres Vigluzzi, and Larry Lebowitz, *19 Haitian Migrants Are Being Sent Back Today*, The Miami Herald, November 5, 2002. Copy supplied.

Wilfredo Cancio Isla, *Solicitan un Nuevo Juicio para los Espías*, EL Nuevo Herald, November 3, 2002. Copy supplied.

Rui Ferreira and J. Utset, *EU Admite Como Testigo a Niño Balseiro*, El Nuevo Herald, November 2, 2002. Copy supplied.

Matthew Haggman, *Election Hardball; Democrats Sue to Stop Anti-McBride Pollwatchers*, The Palm Beach Daily Business Review, November 1, 2002. Copy supplied.

Jasmine Kripalani, *Strip Club Owner's Conviction Overturned*, The Miami Herald, November 1, 2002. Copy supplied.

Jeff Shields, *Ruling May Clear Strip Club Mogul*, The Sun Sentinel, November 1, 2002. Copy supplied.

Kimberly A.C. Wilson and Alec MacGillis, *Antigua Investigating Sniper Suspects*, The Sun Sentinel, October 29, 2002. Copy supplied.

Alfonso Chardy, Marika A. Lynch, and Larry Lebowitz, *Sniper Suspect Was Held in Miami; INS Officials Were Suspicious of Muhammad*, The Charlotte Observer, October 27, 2002. Copy supplied.

Dan Christensen, *Exonerated Miami Man Asks Feds to Pay Attorney Fees*, Miami Daily Business Review, October 23, 2002. Copy supplied.

Barbara Hijek and William Lucey, *Agent: Inmate Plotted Court Officers' Deaths*, The Sun Sentinel, October 17, 2002. Copy supplied.

Angela Delgado, *Ex-Detective, Ally Guilty in Drug Case*, The Sun Sentinel, October 9, 2002. Copy supplied.

Viviana Muñoz, *Cae una Banda que Vendia Drogas en Discotecas*, El Nuevo Herald, October 7, 2002. Copy supplied.

Ina Paiva Cordle, *Former Officer Sues Carnival*, The Miami Herald, September 26, 2002. Copy supplied.

Kelly Wolfe, *Ex-Medical Examiner Pleads Guilty*, The Palm Beach Post, September 5, 2002. Copy supplied.

Carolyn Salazar, *Kendall Man Faces Deportation*, The Miami Herald, August 27, 2002. Copy supplied.

John Pain, *Accused Cuban Torturer Dies*, The Bradenton Herald, August 25, 2002. Copy supplied.

Madeline Baro Diaz, *Cuban Accused of Torture Dies*, The Sun Sentinel, August 24, 2002. Copy supplied.

Acharya Tom Yew, *Cops Ground 58 High-Flying Financiers; Former Toronto Securities Chief Alleged to Have Set Up Fake Funds*, Hamilton Spectator, August 16, 2002. Copy supplied.

Andrea Cecil, *Indictment Spoils WorldTeq's News of Strong Growth*, The Daily Record, August 15, 2002. Copy supplied.

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

On January 3, 2019, I was appointed by the district judges of the Southern District of Florida to serve as a United States Magistrate Judge. The jurisdiction of the United States District Court extends to all criminal and civil cases in which federal subject matter or diversity jurisdiction exists. In civil cases, the district judge presides and refers specific motions for disposition by the magistrate judge. Magistrate judges are authorized to rule by final order on all non-dispositive matters. Upon the parties' consent, a magistrate judge may preside over all dispositive matters in a case including presiding over a jury trial and entering final judgment. In criminal cases, magistrate judges cannot preside over jury trials or sentence individuals. However, they are authorized to handle all other aspects of a criminal case, such as search warrants, criminal complaints, initial appearances, bond revocation and detention hearings, motions to suppress evidence, jury selection, guilty pleas, and supervised release violations.

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

I have presided over four trials that went to verdict or judgment.

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

jury trials:	75%
bench trials:	25%

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

civil proceedings:	100%
criminal proceedings:	0%

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

See attached list of 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. *United States v. Estupinan*, No. 1:22-cr-20571-JEM, 2023 WL 2575149 (S.D. Fla. Mar. 9, 2023), *R. & R. adopted*, No. 1:22-cr-20571-JEM, 2023 WL 2572467 (S.D. Fla. Mar. 20, 2023).

The defendants were charged with conspiracy to possess with intent to distribute, and possession with intent to distribute, more than five kilograms of cocaine while on board a vessel within the maritime jurisdiction of the United States. The defendants moved to dismiss the indictment, arguing, among other reasons, that the statute at issue was unconstitutional as applied to them, and that the government had failed to bring them before a magistrate judge “without unnecessary delay,” in violation of Federal Rule of Criminal Procedure 5(a), because over a period of 40 days, the government refused to take the defendants to the nearest U.S. port despite having nine different opportunities to do so. After an evidentiary hearing on the matter, I wrote a report and recommendation finding that the statute at issue was not unconstitutional as applied, and that the indictment should not be dismissed under Eleventh Circuit precedent, despite an unreasonable delay in presenting the defendants to a magistrate judge. The district judge adopted my report and recommendation. The defendants have since expressed their intents to plead guilty and the case remains pending.

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2. *Restivo v. Pennachio*, No. 1:21-cv-23388-JEM, 2021 WL 5361072 (S.D. Fla. Nov. 5, 2021), *R. & R. adopted sub nom. Restivo v. Pennachio and Restored Dreams, LLC*, No. 1:21-cv-23388-JEM, 2021 WL 5360411 (S.D. Fla. Nov. 17, 2021).

This case arose from a long-standing dispute between two former bandmates about the use of the band's name that the plaintiff and the defendants had both been associated with for decades. After the band split, the plaintiff continued to perform under the band's name, and applied for and received a federal trademark registration for the name of the band. The lead defendant claimed that he had prior use of the mark and had acquired the common law rights to the mark. The district judge referred to me the plaintiff's motion for a temporary restraining order, which sought to restrain the defendants from performing at an upcoming local concert. After holding an evidentiary hearing, I found in favor of the defendants, who had made a claim of ownership that had a substantial likelihood of success on the merits. I also found the plaintiff had not shown any irreparable harm that might result without a temporary restraining order given that the parties had both been using the band name for years. The district judge affirmed my report and recommendation, and the case later settled.

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3. *Grunow v. Nova Cas. Co.*, No. 4:10-cv-10041-KMM, 2021 WL 4976531 (S.D. Fla. Aug. 13, 2021), *R. & R. adopted sub nom. Willis v. Nova Cas. Co.*, No. 4:10-cv-10041-KMM, 2021 WL 4451368 (S.D. Fla. Sept. 29, 2021), *aff'd*, No. 21-13778, 2023 WL 334567 (11th Cir. Jan. 20, 2023).

The lead plaintiff in this case was a law firm seeking to enforce a charging lien against a former client. The professional relationship between the firm and the client spanned 20 years and involved claims arising from an allegedly illegal mangrove cutting on approximately three acres of federally protected land in John Pennekamp State Park. The law firm argued that it was entitled to attorneys' fees as negotiated by the parties during the pendency of the underlying matter. The client argued that an evidentiary hearing was necessary because the law firm had breached its agreement and was not entitled to enforce the lien placed on settlement funds. The matter was referred to me by the district judge. After conducting a two-day evidentiary hearing, I issued a report and recommendation finding that the law firm was entitled to its fees. The district court adopted my report and recommendation. The client appealed, but the Eleventh Circuit affirmed.

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4. *Music Specialist, Inc. v. Atlantic Recording Corp.*, No. 1:18-cv-25474-RAR, 2021 WL 2905410 (S.D. Fla. Mar. 8, 2021), *R. & R. adopted sub nom. Nealy v. Atlantic Recording Corp.*, No. 1:18-cv-25474-RAR, 2021 WL 2280025 (S.D. Fla. June 4, 2021), *certified question answered sub nom. Nealy v. Warner Chappell Music, Inc.*, 60 F.4th 1325 (11th Cir. 2023), *cert. granted*, 2023 WL 6319656 (U.S. Sept. 29, 2023) (No. 22-1078).

The plaintiffs brought this copyright-infringement action against two media companies alleging that the companies were using their musical works in violation of the Copyright Act. Specifically, the plaintiffs contended that the defendants had obtained the licenses for the works from third parties that did not own the copyrights. After I ruled on various discovery issues, the district judge referred to me the cross motions for summary judgment. After review and a hearing, I recommended that the motions be denied in part and the trial proceed on limited claims. The district judge adopted my report and recommendation but certified for interlocutory appeal a legal question that I had considered: whether, under the Copyright Act and *Petrella v. Metro-Goldwyn-Mayer, Inc.*, 572 U.S. 663 (2014), the plaintiffs' damages were limited to the three-year period preceding the complaint's filing. Based on the law at the time, I found, and the district court agreed, that the plaintiff could not recover retrospective relief for infringement occurring more than three years before the lawsuit's filing. However, the Eleventh Circuit, as a matter of first impression but creating a circuit split, found that the plaintiffs could recover for all infringement so long as the plaintiffs' claim was timely. The matter is now stayed pending the Supreme Court's review of a petition for certiorari.

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5. *Taylor Grp., Inc., v. Indus. Distribs. Int'l Co.*, 522 F. Supp. 3d 1212 (S.D. Fla. 2021), *aff'd*, 859 F. App'x 439 (11th Cir. 2021).

This case involved claims for trademark infringement and unfair competition brought by the domestic manufacturer of an agricultural, forestry, and reforestation equipment company against its former Latin American distributor. The plaintiffs alleged that the defendants were using their trademarks to sell products in Latin America without authorization. After the parties consented to have me preside over the entire case, I heard the defendants' motion to stay the case and compel arbitration before the International Chamber of Commerce, which motion argued that the issue of arbitrability was to be heard by an arbitrator. In addition, the defendants argued that the plaintiffs should be bound

by an arbitration clause contained in an agreement entered into by companies the defendants claimed were affiliates of the plaintiffs. I denied the motion to compel arbitration, finding that the question of arbitrability was properly before me, and that the plaintiffs, who were not signatories to the arbitration clause, could not be compelled to arbitrate . I subsequently granted the defendants' motion to stay the case while my order was appealed. My decision was affirmed by the Eleventh Circuit Court of Appeals, and the case settled shortly thereafter.

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6. *United States v. Black*, No. 1:15-tp-20087, 2020 WL 8458838 (S.D. Fla. Dec. 18, 2020), *R. & R. adopted*, 2021 WL 19375 (S.D. Fla. Jan. 20, 2021), *aff'd*, No. 21-10991, 2022 WL 17986656 (11th Cir. Dec. 29, 2022).

This case involved the government's petition to revoke the defendant's supervised release based on his new arrest and charge by Florida state authorities for cocaine trafficking. The defendant was on supervised release after serving his 140-month sentence for armed robbery in Alabama. On the date of this arrest, the government claimed that law enforcement identified him on a Title III wiretap as an individual believed to be transporting narcotics. Based on that information, a traffic stop was conducted on a vehicle that the defendant was driving. A search of that vehicle recovered cocaine in quantities consistent with the distribution of narcotics. The defendant contested those charges based on alleged irregularities in his arrest and the investigation leading up to it. The district judge referred to me the petition to revoke the defendant's supervised release. After holding an evidentiary hearing, I recommended to the district judge that the defendant's supervised release be revoked based on the cocaine possession with intent to distribute allegation, but not based on the allegation that the defendant also possessed drug paraphernalia. The defendant objected to my findings, arguing that there was insufficient evidence to find that he had knowledge of the narcotics in his vehicle. The district judge overruled the defendant's objections and adopted my report and recommendation. The district judge sentenced the defendant to an additional 36 months of imprisonment followed by another term of supervised release. After the defendant appealed, the Eleventh Circuit affirmed the district judge's order on all grounds, including the findings I made at the evidentiary hearing.

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7. *Herrera v. 7R Charter Ltd.*, No. 1:16-cv-24031-KMW, 2020 WL 8768451 (S.D. Fla. Oct. 23, 2020), *aff'd*, No. 21-11766, 2022 WL 4275 (11th Cir. Jan. 5, 2022).

The plaintiff filed this Jones Act case alleging that she was injured in a boating accident as the result of the negligence of her employer, who owned a charter yacht. The district judge referred the matter to me for discovery, as well as for dispositions of seven pretrial motions, including a motion to strike the jury demand, motions to strike experts, a motion for sanctions, and for deposition designations. The motion for costs after trial was also referred to me.

After holding a motion hearing in which the parties presented testimonial evidence and oral arguments, I denied the plaintiff's motions for sanctions for lack of foundation, struck the demand for jury trial as untimely, and made evidentiary rulings, including allowing some testimony by one expert but striking another expert from the witness list. The plaintiff appealed my order striking their jury demand, but the district judge affirmed my ruling. The case proceeded to a bench trial before the district judge who entered judgement in favor of the defendant. The plaintiff thereafter appealed the order to strike the jury demand to the Eleventh Circuit, which affirmed the district judge's order adopting my report and recommendation on the issue.

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8. *M.D. v. Centene Corp., Inc.*, No. 1:18-cv-22372-JB, 2020 WL 7585033 (S.D. Fla. Oct. 7, 2020).

This class action involved claims by insureds who alleged that their medical insurance company improperly used certain medical indicators in considering whether to cover a direct-acting antiviral treatment for hepatitis C. The parties consented to my jurisdiction, and I presided over class certification, class notice, objections, the award of attorneys' fees and costs, and final approval of the class and the class settlement. Under the terms of the settlement agreement, the defendant agreed to not reinstate the restrictions as a basis to deny coverage for the lifesaving drug, including as to any person who was previously denied coverage. The parties estimated that the settlement value was in excess of \$141 million to the class members. After consideration of the terms of the settlement agreement, the factors set forth in Federal Rule of Civil Procedure 23(e)(2), and the relevant case law, I approved the settlement designed to afford class members access to the lifesaving treatment.

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9. *Cruz v. Jinny Beauty Supply Co. Inc.*, No. 1:17-cv-23445-JB, 2019 WL 5212463 (S.D. Fla. Sept. 22, 2019).

I presided over the jury trial of this employment discrimination case after the parties consented to my jurisdiction. The plaintiff, a 61-year-old Hispanic woman, alleged that she was terminated from her job because of her national origin and her age, asserting that during her employment the sales staff was mostly younger individuals of Asian descent. The plaintiff alleged age discrimination and retaliation under the Age Discrimination in Employment Act, and race and national origin discrimination and retaliation under Title VII of the Civil Rights Act. She also alleged Florida Civil Rights Act violations. After the defendant moved for summary judgment, I granted the motion as to the retaliation claim but denied it as to the age and discrimination claims, finding that there were disputed issues of material fact for a jury to determine. In addition, I ruled on nine different motions *in limine*, as well as a sanctions motion based on various discovery violations. After a weeklong trial that I presided over, the jury returned a defense verdict. After the verdict, the plaintiff filed a motion for a new trial and the defendant filed a motion for costs. The parties thereafter agreed to withdraw both motions and waived their rights to appeal, and I entered a final judgment in favor of the defendant.

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10. *Garcia v. Acosta Tractors Inc.*, Order on Plaintiffs' Motion for Default, Jury Trial as to Damages, for Sanctions and for Miscellaneous Relief, No. 1:12-cv-21111-JB (S.D. Fla. June 11, 2019), ECF No. [105]. Opinion supplied.

I presided over the weeklong bench trial in this Fair Labor Standards Act case. The five plaintiffs were construction workers who were suing their former employer and its owners and manager for unpaid overtime wages. The plaintiffs alleged that they were denied wages for the time they spent at the company office in the mornings waiting for rides to work sites. Initially, almost nine years before I was assigned the case, the plaintiffs filed two separate suits which were assigned to two different judges. The parties moved to consolidate both cases and consented to having the consolidated case assigned to me. Before trial, I ruled on various substantive motions, which included denying a motion for default, jury trial, and sanctions. At trial, the defendants showed that the time spent waiting for rides to worksites was *de minimis* and that there was no requirement that the plaintiffs show up at the office for rides to the work sites, but that the company had actually offered the transportation on company trucks for the workers' convenience. Based on the evidence, I entered judgment for the defendants. Given the length of time the matter had been pending, I decided, without objection from the parties, not to enter a written order but instead gave an hourlong oral opinion from the bench, detailing my findings of facts and conclusions of law. The decision was not appealed.

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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. *United States v Estupinan*, 2023 WL 2575149 (S.D. Fla. Mar. 9, 2023), *R. & R. adopted*, 2023 WL 257247 (S.D. Fla. Mar. 20, 2023).

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2. *Nash v. Marin*, No. 4:21-cv-10124-JLK, 2023 WL 2330692 (S.D. Fla. Feb. 14, 2023), *R. & R. adopted*, No. 21-cv-10124-JLK, 2023 WL 2329765 (S.D. Fla. Mar. 2, 2023).

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3. *Caballero v. Fuerzas Armadas Revolucionarios de Colombia*, No. 1:18-cv-25337-KMM, 2022 WL 18664563 (S.D. Fla. Dec. 10, 2022), *R. & R. adopted in part*, No. 1:18-cv-25337-KMM, 2023 WL 187685 (S.D. Fla. Jan. 15, 2023).

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4. *United States v. Pierre*, No. 1:22-cr-20321-JEM (S.D. Fla. Nov. 28, 2022), ECF No. 53, *R. & R. adopted in part and rejected in part*, Paperless Order, No. 1:22-cr-20321-JEM (S.D. Fla. Feb. 23, 2023), ECF No. 74. Copies supplied.

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5. *Del Valle v. Fla. Dep't of Corr.*, No. 1:14-cv-20061-KMW, 2022 WL 1446499 (S.D. Fla. Apr. 13, 2022), *R. & R. adopted*, No. 1:14-cv-20061-KMW, 2022 WL 1443053 (S.D. Fla. May 6, 2022).

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6. *Isaac Indus., Inc. v. Petroquimica de Venezuela, S.A.*, No. 1:19-cv-23113-JLK, 2021 WL 4976642 (S.D. Fla. July 7, 2021), *R. & R. adopted*, No. 1:19-cv-23113, 2021 WL 3907803 (S.D. Fla. Sept. 1, 2021).

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7. *Music Specialist, Inc. v. Atl. Recording Corp.*, No. 1:18-cv-25474-RAR, 2021 WL 2905410 (S.D. Fla. Mar. 8, 2021), *R. & R. adopted sub nom. Nealy v. Atl. Recording Corp.*, No. 1:18-cv-25474-RAR, 2021 WL 2280025 (S.D. Fla. June 4, 2021), *appeal dismissed in part*, No. 21-12458-GG, 2022 WL 18354071 (11th Cir. Dec. 15, 2022), and *certified question answered sub nom. Nealy v. Warner Chappell Music, Inc.*, 60 F.4th 1325 (11th Cir. 2023), *cert. granted*, 2023 WL 6319656 (U.S. Sept. 29, 2023) (No. 22-1078).

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8. *Taylor Grp., Inc. v. Indus. Distribs. Int'l Co.*, 506 F. Supp. 3d 1256 (S.D. Fla.

2020).

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9. *Cruz v. Jinny Beauty Supply Co. Inc.*, No. 1:17-cv-23445, 2019 WL 5212463 (S.D. Fla. Sept. 22, 2019).

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10. *Islam v. McAleenan*, No. 1:17-cv-22237-JLK, 2019 WL 2718586 (S.D. Fla. May 16, 2019), *R. & R. adopted sub nom. Islam v. Kelley*, No. 1:17-cv-22237-JLK, 2019 WL 2716318 (S.D. Fla. June 28, 2019), *aff'd sub. nom. Islam v. Sec'y, Dep't of Homeland Sec.*, 997 F.3d 1333 (11th Cir. 2021).

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

Music Specialist, Inc. v. Atl. Recording Corp., No. 1:18-cv-25474-RAR, 2021 WL 2905410 (S.D. Fla. Mar. 8, 2021), *R. & R. adopted sub nom. Nealy v. Atl.*

Recording Corp., No. 1:18-cv-25474-RAR, 2021 WL 2280025 (S.D. Fla. June 4, 2021), *appeal dismissed in part*, No. 21-12458-GG, 2022 WL 18354071 (11th Cir. Dec. 15, 2022), and *certified question answered sub nom. Nealy v. Warner Chappell Music, Inc.*, 60 F.4th 1325 (11th Cir. 2023), *cert. granted*, 2023 WL 6319656 (U.S. Sept. 29, 2023) (No. 22-1078).

Gibson v. Inch, No. 9:19-cv-80525-DMM, 2021 WL 6198035 (S.D. Fla. Nov. 13, 2021), *R. & R. adopted*, No. 9:19-cv-80525-DMM, 2021 WL 6197803 (S.D. Fla. Dec. 30, 2021), *reconsideration denied sub nom. Gibson v. Dixon*, No. 9:19-cv-80525-DMM, 2022 WL 18862041 (S.D. Fla. Feb. 1, 2022), *certificate of appealability denied sub nom. Gibson v. Sec'y, Fla. Dep't of Corr.*, No. 22-10731-A, 2022 WL 18862370 (11th Cir. May 20, 2022), *cert. denied sub nom. Gibson v. Dixon*, 143 S. Ct. 819 (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.

Music Specialist, Inc. v. Atl. Recording Corp., No. 1:18-cv-25474-RAR, 2021 WL 2905410 (S.D. Fla. Mar. 8, 2021), *R. & R. adopted sub nom. Nealy v. Atlantic Recording Corp.*, 2021 WL 2280025 (S.D. Fla. June 4, 2021), *certified question answered sub nom. Nealy v. Warner Chappell Music, Inc.*, 60 F.4th 1325 (11th Cir. 2023) *cert. granted*, 2023 WL 6319656 (U.S. Sept. 29, 2023) (No. 22-1078). The plaintiffs brought this copyright-infringement action against two media companies alleging that the companies were using their musical works in violation of the Copyright Act. Specifically, the plaintiffs contended that the defendants had obtained the licenses for the works from third parties that did not own the copyrights. After I ruled on various discovery issues, the district judge referred to me the cross motions for summary judgment. After review and a hearing, I recommended that the motions be denied in part and the trial proceed on limited claims. The district judge adopted my report and recommendation but certified for interlocutory appeal a legal question that I had considered: whether, under the Copyright Act and *Petrella v. Metro-Goldwyn-Mayer, Inc.*, 572 U.S. 663 (2014), the plaintiffs' damages were limited to the three-year period preceding the complaint's filing. Based on the law at the time, I found, and the district court agreed, that the plaintiff could not recover retrospective relief for infringement occurring more than three years before the lawsuit's filing. However, the Eleventh Circuit, as a matter of first impression but creating a circuit split, found that the plaintiffs could recover so long as the plaintiffs' claim was timely. The matter is now stayed pending the Supreme Court's review of a petition for certiorari.

Glob. Network Mgmt. Ltd. V. CenturyLink Latin Am. Sols., LLC, No. 1:20-cv-20723-JB, 2021 WL 4977321 (S.D. Fla. Sept. 30, 2021), *aff'd in part and rev'd in*

part, No. 21-13719, 2023 WL 3522296 (11th Cir. May 18, 2023). This matter arose out of the theft of the plaintiff's digital memory cards which were stored in the defendant's data facility. After the parties consented to my jurisdiction for all matters, I issued an order granting the defendant's motion to dismiss all three claims of the complaint. On appeal, the Eleventh Circuit affirmed my decision to dismiss two of the three claims (the breach of contract implied in law and breach of contract implied in fact) on the grounds that the express contract between the parties indeed precluded those claims. However, the Eleventh Circuit reversed and remanded the case on the dismissal of the implied bailment count, noting that the claim had been plausibly alleged. This case remains pending.

United States v. Pierre, No. 1:22-cr-20321-JEM (S.D. Fla. Nov. 28, 2022), Report and Recommendation on Defendant's Motion to Dismiss Indictment Under Second Amendment, ECF No. 53, *R. & R. adopted in part and rejected in part*, Paperless Order, No. 1:22-cr-20321-JEM (S.D. Fla. Feb. 23, 2023), ECF No. 74, *appeal docketed*, No. 23-11604 (11th Cir. May 15, 2023). Copies supplied. In this felon in possession of a firearm and ammunition case where the defendant had filed a motion to dismiss, the district judge referred the motion for my review. The defendant argued that that felon-in-possession statute, 18 U.S.C. § 922(g), was unconstitutional upon application of the historical analysis required under the Supreme Court's decision in *New York State Rifle & Pistol Association, Inc. v. Bruen*, 142 S. Ct. 2111 (2022). After conducting a motion hearing, I wrote in my report and recommendation that the dismissal motion should be denied because prohibiting felons from possessing firearms is consistent with the historical tradition of the nation's firearm regulations. In reaching that decision, I declined to rely exclusively on the Eleventh Circuit's pre-*Bruen* decision in *United States v. Rozier*, 598 F.3d 768 (11th Cir. 2010), because *Rozier* did not engage in text-and-history interpretation of the Second Amendment. The district judge denied the defendant's dismissal motion, in agreement with my report and recommendation, but did not adopt my reasoning that a *Bruen* analysis was necessary. The defendant thereafter pleaded guilty, and the district judge sentenced him to 48 months in prison. The defendant has appealed his conviction and sentence to the 11th Circuit.

Bowles v. Kijakazi, No. 1:20-cv-24942-PCH, 2022 WL 4287578 (S.D. Fla. June 13, 2022), *R. & R. adopted in part and rejected in part*, No. 1:20-cv-24942-PCH, 2022 WL 3133982 (S.D. Fla. Aug. 5, 2022). This was an appeal of an administrative law judge's decision to deny the plaintiff's request for social security disability benefits. The district judge referred the case to me to review the parties' cross motions for summary judgment. In my report and recommendation, I found that the decision of the administrative law judge to deny the claimant benefits should be affirmed because it was supported by substantial evidence. The district judge disagreed with my finding in part and remanded the case to the administrative law judge to determine whether the plaintiff could perform two specific jobs and whether those jobs exist in significant numbers in the national economy. After remand to the Social Security Administration, this

case has not been appealed again to the district court.

McLeod v. Kijakazi, No. 1:21-cv-20904-PCH, 2022 WL 3154908 (S.D. Fla. July 6, 2022), *R. & R. adopted in part and rejected in part*, No. 1:21-cv-20904-PCH, 2022 WL 3025303 (S.D. Fla. Aug. 1, 2022). This was an appeal of an administrative law judge's decision to deny the plaintiff's request for social security disability benefits. The district judge referred the case to me to review the parties' cross motions for summary judgment. In my report and recommendation, I found that the decision of the administrative law judge to deny the claimant benefits was not based on substantial evidence and recommended remanding the case for proper evaluation of one physician's medical opinion. The district judge disagreed with my finding and affirmed the decision of the administrative law judge.

United States v. Mayes, No. 1:21-cr-20167-JLK (S.D. Fla. Jan. 23, 2022), Report and Recommendation on Defendant's Motion to Suppress Physical Evidence and Statements, ECF No. 47, *R. & R. adopted in part and rejected in part*, No. 1:21-cr-20167-JLK, 2022 WL 2045330 (S.D. Fla. June 7, 2022). Report and Recommendation supplied. In this felon in possession of a firearm and ammunition case where the defendant had filed a suppression motion, the district judge referred the motion to me. The defendant asserted that all evidence obtained from the car that the defendant had been seen riding in should be suppressed because the officers did not have reasonable suspicion to stop the car or probable cause to search the car. After holding an evidentiary hearing, I found that the suppression motion should be granted because the officer who stopped the car only had information that the defendant's car was "gray" and did not have any information about the car, such as the make, year, number of passengers, and direction of travel, and therefore lacked reasonable suspicion for the stop of the vehicle in which defendant was a passenger. Alternatively, I found that if the officer did have reasonable suspicion to stop the vehicle, the defendant knowingly and voluntarily waived his *Miranda* rights. The government and the defendant each filed objections. The district judge granted the government's objections and adopted my report and recommendation only as to the finding that the defendant knowingly and voluntarily waived his *Miranda* rights.

United States v. Joseph, No. 1:86-cr-00322-RAR, 2022 WL 1913247 (S.D. Fla. May 16, 2022), *R. & R. rejected*, No. 1:86-cr-00322-RAR, 2022 WL 1909096 (S.D. Fla. June 3, 2022). I handled a compassionate release motion submitted by the defendant after the district judge referred the motion to me. The defendant was serving a 150-year sentence imposed in January 1987 for conspiracy to possess with intent to distribute, and possession and distribution of, cocaine and heroin. At his sentencing, the district judge noted that the defendant could not become eligible for parole until he had served at least 40 years of his sentence. By the time the defendant filed the compassionate release motion under the First Step Act, the 73-year-old defendant had served 36 years. In my report and recommendation, I determined that the motion should be granted and

recommended that the district judge re-designate the defendant—who had deteriorating medical conditions (including anemia, thrombocytopenia, prediabetes, bilateral low vision) and a history of leukopenia, prostate cancer, and atrial fibrillation—to home confinement at his son’s home for the remainder of his sentence. The district judge declined to adopt my report and recommendation. Although the district judge agreed that the defendant satisfied the criteria for compassionate release, noting that he “presented extraordinary and compelling circumstances, no longer presents a danger to society, and has an exceptional release plan,” the district judge concluded that the defendant was not eligible for compassionate release based on the date of his offenses (namely, the defendant was sentenced in January 1987 while the eligibility date under the Sentencing Reform Act of 1984 was in November 1987). The district judge “strongly recommend[ed] that the Bureau of Prisons grant a request” allowing the defendant to become eligible for parole.

Dobson v. Azar, 451 F. Supp. 3d 1346 (S.D. Fla. 2020), *vacated and remanded sub nom. Dobson v. Sec. Health and Hum. Servs.*, No. 20-11996, 2022 WL 424813 (11th Cir. Feb. 11, 2022). This matter was a challenge to the Medicare Appeals Council’s affirmance of an administrative law judge’s denial of Medicare Part D coverage for the plaintiff’s off-label use of dronabinol. The Council had concluded that the citation in the DRUGDEX compendium supported the use of dronabinol to treat nausea and vomiting related only to metastatic cancer of the gastrointestinal mucosa, and not the Central Cord Syndrome and Eagle Syndrome that the claimant was suffering from. The parties consented to my jurisdiction for all matters and filed cross motions for summary judgment. I granted the government’s motion and denied the plaintiff’s motion. Specifically, I affirmed the Medicare Appeals Council’s decision that the plaintiff’s off-label use of dronabinol was not covered by Medicare Part D. On appeal, the Eleventh Circuit vacated the entry of summary judgment for the defendant and remanded with instructions to enter summary judgment for the plaintiff. The Eleventh Circuit found that the plaintiff’s use of the prescription drug was supported by one or more citations included or approved for inclusion in the DRUGDEX Information System, reversing the decision of the agency. This case has since settled.

Pupo v. Berryhill, No. 17-cv-23609-JB (S.D. Fla. Sept. 30, 2019), Order on Cross Motions for Summary Judgment, ECF No. 28, *vacated and remanded sub nom. Pupo v. Comm’r, Soc. Sec.*, 17 F.4th 1054 (11th Cir. 2021). Order supplied. This was an appeal of an administrative law judge’s decision to deny the plaintiff’s request for social security disability benefits. I found that the administrative law judge’s decision should be affirmed on the ground that it was supported by substantial evidence. On *de novo* review, the Eleventh Circuit vacated my order and remanded the case, holding that substantial evidence did not support the Commissioner’s decision, and instructed the administrative law judge to consider the effects of the plaintiff’s incontinence on her residual functional capacity. After remand to the Social Security Administration, this case has not been appealed again to the district court.

Delgado v. Saul, No. 1:19-cv-23693-JLK, 2020 WL 5803511 (S.D. Fla. Aug. 26, 2020), *R. & R. adopted*, No. 1:19-cv-23693-JLK, 2020 WL 5800995 (S.D. Fla. Sept. 29, 2020), *vacated and remanded sub nom. Delgado v. Comm’r of Soc. Sec.*, No. 20-14234, 2021 WL 4099237 (11th Cir. Sept. 9, 2021). This was an appeal of an administrative law judge’s decision to deny the plaintiff’s request for social security disability benefits. I found that the administrative law judge’s decision should be affirmed on the ground that it was supported by substantial evidence. The district judge adopted my recommendation in full. On *de novo* review, the Eleventh Circuit vacated the district judge’s order and remanded the case, instructing the Commissioner to reconsider the weight accorded to the opinions of two physicians as well as the plaintiff’s subjective complaints. After remand to the Social Security Administration, this case has not been appealed again to the district court.

Bunch v. Carnival Corp., No. 1:18-cv-21867-KMM (S.D. Fla. June 9, 2021), Order Memorializing Discovery Hearing, ECF No. 123, *rev’d*, No. 1:18-cv-21867-KMM (S.D. Fla. June 16, 2021), ECF No. 126. Copies supplied. The plaintiff alleged that she was injured while onboard a cruise ship. The Eleventh Circuit had previously reversed the district judge’s order on summary judgment. On remand, the district judge allowed discovery to be re-opened for the purpose of gathering “limited discovery on the issue of corrective actions taken on other ships with respect to similar conditions, before the date of Plaintiff’s incident.” The district judge referred the discovery disputes to me. I granted Plaintiff’s motion to compel and ordered the cruise ship company to make several of its vessels available for a virtual inspection. The company appealed my discovery order and argued that virtual inspections of its vessels exceeded the scope of the discovery permitted by the district judge’s order. The district judge agreed with the company and reversed my order. This case has since settled.

IAG Engine Ctr. Corp. v. Cagney Glob. Logistics Inc., 501 F. Supp. 3d 1287, 1300–1310 (S.D. Fla. 2020), *R. & R. adopted in part and rejected in part*, 501 F. Supp. 3d 1287, 1287–1300 (S.D. Fla. 2020). This matter concerned damages sustained to an airplane engine while it was being transported from Michigan to Miami, Florida. The district judge referred the motion to dismiss the amended complaint to me. I concluded in part that the amended complaint was not barred by a previously issued bankruptcy stay because the bankruptcy court had allowed a cause of action for the damages at issue to proceed. The district judge adopted my report and recommendation, except for the portion where I determined that the amended complaint was not barred by the stay. The district judge held that the matter, at least as to a new party, was stayed, reasoning that the new party’s interest was acquired before the bankruptcy stay, the bankruptcy court’s subsequent lifting of the stay did not explicitly include the new party, and that no clarification or amendment of the bankruptcy stay had been sought. The parties ultimately settled the matter.

Morrow Acosta v. Comm'r of Soc. Sec., No. 1:17-cv-24576-JLK (S.D. Fla. Feb. 2, 2020), R. & R. on Cross Motions for Summary Judgement, ECF No. 24, R. & R. *adopted in part and rejected in part*, No. 1:17-cv-24576-JLK, 2020 Dist. LEXIS 267640 (S.D. Fla. Mar. 31, 2020). Report and Recommendation supplied. This was an appeal of an administrative law judge's decision to deny the plaintiff's request for social security disability benefits. The district judge referred the case to me to review the parties' cross motions for summary judgment. I found that the decision of the administrative law judge to deny the claimant benefits should be affirmed on the ground that it was supported by substantial evidence. The district judge disagreed with my finding and found that the administrative law judge did not properly review the claimant's mental impairments.

- 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 magistrate judge, I have issued more than 1,100 orders and report and recommendations, of which more than 200 are available on Westlaw and Lexis. All of my other opinions are filed and stored in the Southern District of Florida's public electronic docket system (CM/ECF) under the case number assigned to the matter.

- 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.

United States v. Pierre, No. 1:22-cr-20321-JEM (S.D. Fla. Nov. 28, 2022), Report and Recommendation on Defendant's Motion to Dismiss Indictment Under Second Amendment, ECF No. 53, R. & R. *adopted in part and rejected in part*, Paperless Order, No. 1:22-cr-20321-JEM (S.D. Fla. Feb. 23, 2023), ECF No. 74. Copies previously supplied in response to Question 13d.

Del Valle v. Fla. Dep't of Corr., No. 1:14-cv-20061-KMW, 2022 WL 1446499 (S.D. Fla. Apr. 13, 2022), R. & R. *adopted*, No. 1:14-cv-20061-KMW, 2022 WL 1443053 (S.D. Fla. May 6, 2022).

Islam v. McAleenan, No. 1:17-cv-22237-JLK, 2019 WL 2718586 (S.D. Fla. May 16, 2019), R. & R. *adopted sub nom.*, *Islam v. Kelley*, No. 1:17-cv-22237-JLK, 2019 WL 2716318 (S.D. Fla. June 28, 2019), *aff'd sub. nom.*, *Islam v. Sec'y, Dep't of Homeland Sec.*, 997 F.3d 1333 (11th Cir. 2021).

- 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 have not been asked to recuse myself by any party or lawyer. The cases listed below are all matters where I recused *sua sponte*. As a general matter, I recuse in cases where an objective, disinterested, and fully informed lay observer would entertain a significant doubt about my impartiality. See 28 U.S.C. §§ 144, 455. The judges in our district court can give the Clerk's Office a list of individuals or entities from which the judge would recuse if the individual or entity was listed as counsel or a party in the case. The Clerk's Office then provides a notification if a case with those individuals or entities as counsel or party is assigned to that judge. This notification ensures that a case is not missed by the judge. I have provided such a list to the Clerk's Office. In addition to the below, I recuse in criminal cases where I made an appearance as the prosecutor, or where a former client or someone known to me is the target or defendant in a matter. The criminal cases on unindicted matters are not listed.

I recused in the following cases because the counsel of record was Greenberg Traurig (I recused from any case handled by the firm for three years):

Herron v. C R Bard Inc., No. 1:19-cv-24369-JEM (S.D. Fla.)

Longhini v. The Graham Co., No. 1:20-cv-21595-KMM (S.D. Fla.)

Lucius v. Claire's Stores, Inc., No. 1:20-cv-22381-KMM (S.D. Fla.)

McKinney v. C R Bard Inc., No. 1:20-cv-21315-KMM (S.D. Fla.)

United States v. Green, No. 1:19-cv-24026-KMM (S.D. Fla.)

Ortega v. C R Bard Inc., No. 1:19-cv-24366-KMM (S.D. Fla.)

Porto Hernandez v. Microsoft Corp., No. 1:19-cv-23202-KMM (S.D. Fla.)

Houston v. Centene Mgmt. Co., LLC, No. 1:19-cv-20620-RAR (S.D. Fla.)

Hevia v. Ocwen Loan Serv., LLC, No. 1:18-cv-25463-KMM (S.D. Fla.)

Gyptec, S.A. v. Carlos Hakim-Daccach, No. 1:16-cv-20810-KMW (S.D. Fla.)

Bloom v. Jenny Craig, Inc., No. 1:18-cv-21820-KMM (S.D. Fla.)

Zumpano v. Am. Bankers Ins. Co. of Fla., No. 4:18-cv-10085-JLK (S.D. Fla.)

Hoag v. Am. § Ins. Co., No. 1:18-cv-24965-RS (S.D. Fla.)

Caracol Television S.A. v. Telemundo Network Group LLC, No. 1:21-cv-20782-JLK (S.D. Fla.)

Housing Opportunities Project for Excellence, Inc. v. Hidden Grove, Ltd., No. 1:21-cv-21177-JEM (S.D. Fla.)

I recused in the following cases because a party was a former client:

Sawyer v. Walmart Stores E., L.P., No. 1:20-cv-24506-PCH (S.D. Fla.)

Brightstar Corp. v. Mayland, No. 1:20-cv-23325-WPD (S.D. Fla.)

Brightstar Corp. v. De Guzman, No. 1:21-cv-20456-JEM (S.D. Fla.)

Brightstar Corp. v. Euler Hermes World Agency S.A.S., No. 1:19-cv-20955-KMM (S.D. Fla.)

Echevarria v. Walmart, Inc., No. 1:18-cv-24680-RAR (S.D. Fla.)

Luster v. Walmart Stores Inc., No. 1:18-cv-21371-JLK (S.D. Fla.)

Columbo v. Espear, LLC, No. 1:20-cv-20407-KMM (S.D. Fla.)

Auckland Prop. 005, LLC v. TRG - Block One, Ltd., No. 1:19-cv-24443-AHS (S.D. Fla.)

McIntosh v. C R Bard Inc., No. 1:19-cv-24374-KMM (S.D. Fla.)

I recused in the following case because it involved labor union my father was a member and president of for many years:

May v. Bd. of Tr. of the Int'l Longshoremen's Ass'n (AFL-CIO) Emp. Pension Fund Se. Fla. Ports, No. 1:19-cv-20748-RS (S.D. Fla.)

I recused in the following cases because I had presided over the settlement conference and, as a result, possessed confidential information regarding the matter:

Guzman v. Mayor Realty, Inc., No. 1:19-cv-20193-KMM (S.D. Fla.)

Knight v. Noriega, No. 1:20-cv-25053-JEM (S.D. Fla.)

I recused in the following cases because the counsel of record or in-house counsel for a party was a close friend:

Richardson v. United States, No. 1:19-cv-23219-FAM (S.D. Fla.)

O'Keefe v. Sequoia Capital Operations, LLC, No. 1:23-cv-20700-JEM (S.D. Fla.)

Fontainebleau Florida Hotel, LLC dba Fontainebleau v. Context Summits LLC, No. 1:21-cv-21437-JLK (S.D. Fla.)

United States v. Curry, No. 1:21-cr-20415-JLK-1 (S.D. Fla.)

United States v. Cherenfant, No. 1:15-cr-20787-WPD-1 (S.D. Fla.)

Anglin v. FL Fontainebleau Miami, No. 1:22-cv-21281-JEM (S.D. Fla.)

In re: FTX Cryptocurrency Exchange Collapse Litigation, No. 1:23-md-030760-KMM (S.D. Fla.)

Red Dragon Partners, LLC v. TruthMD, LLC et al, No. 0:23-cv-60093-JEM (S.D. Fla.)

I recused in the following case because the counsel was a member of the Judicial Nominating Conference for the Southern District of Florida:

Petithomme v. United States, No. 1:20-cv-21493-KMM (S.D. Fla.)

15. Public Office, Political Activities and Affiliations:

- a. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

None.

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

I have volunteered in various presidential campaigns. In 1992, I, along with other classmates, formed the Yale Law Students for Clinton, *et al.* Committee in support of the 1992 Clinton/Gore campaign. I served as a precinct captain for the 2004 Kerry/Edwards campaign in Miami. I was involved both as a Spanish-language media spokesperson and as a voter protection volunteer for the 2008 Obama/Biden campaign in Miami. During the 2016 Clinton/Kaine campaign, I volunteered on various occasions in efforts to encourage citizens to vote during Florida's early voting period.

As a Shareholder at Greenberg Traurig, I co-hosted various fundraisers for former Florida U.S. Senator Bill Nelson. These fundraisers were held at the firm's Miami office.

In 2006 and 2012, I served on the Committee to Retain Judge Darrin P. Gayles when he served as a Miami-Dade County Judge and an Eleventh Judicial Circuit of Florida Judge, respectively.

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 did not serve as a clerk to a judge.

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

I have not practiced law alone.

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

1994 – 1997

United States Department of Justice, Civil Division
Federal Programs Branch
901 E Street, Northwest

Washington, DC 20007
Trial Attorney

1997 – 1999
United States Attorney's Office for the District of Columbia
601 D Street, Northwest
Washington, DC 20530
Assistant United States Attorney

1999 – 2004
United States Attorney's Office for the Southern District of Florida
James Lawrence King Federal Building
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Miami, Florida 33132
Assistant United States Attorney (1999 – 2004)
Special Counsel to the United States Attorney (2002 – 2004)

2004 – 2018
Greenberg Traurig, P.A.
333 Southeast 2nd Avenue, Suite 4400
Miami, Florida 33131
Shareholder (2004 – 2018)
Co-Chair, Global White Collar Defense and Investigations Practice (2017
– 2018)
Co-Chair, Women's Initiative (2010 – 2015)

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

I have never served as a mediator or arbitrator except in my capacity as a United States Magistrate Judge.

b. Describe:

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

I began my career in 1994 through the U.S. Department of Justice's Honors Program, where I served as a Trial Attorney in the Civil Division, Federal Programs Branch. Attorneys in the Federal Programs Branch defend the Executive Office of the President, members of the Cabinet, government officials, and virtually all of the approximately 100 federal agencies and departments of the Executive Branch in civil actions challenging the legality of government policies and decisions.

In 1997, I became an Assistant United States Attorney in the United States Attorney's Office for the District of Columbia. I served in the Office's Misdemeanor, Grand Jury, and General Felony Units. I prosecuted a wide variety of matters, from shoplifting and drug possession cases, to armed carjacking and homicide cases. In addition to trying dozens of bench trials, as well as a dozen jury trials on my own, I handled hundreds of preliminary hearings and grand jury investigations.

I joined the United States Attorney's Office for the Southern District of Florida in 1999. In that Office, I served in the Narcotics Section and served as Special Counsel to the United States Attorney. In the Narcotics Section, I investigated large and sophisticated drug trafficking organizations using investigative tools that included Title III wire taps and confidential informants. I indicted and tried many significant multi-defendant narcotics trafficking and violent gang cases, as well as money laundering cases. I also tried a public corruption case against four City of Miami police officers. Finally, I handled one criminal appeal and one matter involving a post-conviction motion pursuant to 28 U.S.C. § 2255 during my time at the Office.

As Special Counsel to the United States Attorney from 2002 to 2004, I was part of the "front office" management team with responsibilities over the entire Southern District of Florida, from Fort Pierce to Key West. I was part of the team that provided advice and counsel to the United States Attorney on all significant prosecutions. In addition, I was responsible for the Office's Public Affairs Office.

In 2004, I joined Greenberg Traurig, P.A., as a Shareholder. I represented both individual and large and small corporate clients in a variety of commercial disputes in both state and federal courts. I also handled numerous arbitrations, including securities arbitrations on behalf of an international brokerage firm. In addition to civil litigation matters, a significant part of my practice consisted of conducting internal investigations for companies on a wide variety of issues.

Starting in 2009, that part of my practice increasingly concentrated on matters relating to the Foreign Corrupt Practices Act (FCPA), which prohibits any person or company over which the United States has jurisdiction from offering anything of value to a government official, anywhere in the world, in return for a government action. By 2011, my practice was almost exclusively internal investigations and FCPA compliance. In addition to conducting multiple internal investigations for publicly traded and privately held companies concerning matters of corruption and fraud, I also specialized in counseling clients on anti-corruption compliance and on designing programs that would comply with applicable legal standards.

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

As a Trial Attorney in the U.S. Department of Justice's Civil Division, my clients were government agencies, including the United States Air Force, the United States Forest Service, Customs and Border Patrol, the Department of State, and the Department of Housing and Urban Development. As an Assistant United States Attorney, I was a prosecutor representing the interests of the United States in enforcing the criminal law, and thus did not represent specific clients. As a Shareholder at Greenberg Traurig, I represented individuals, privately held companies, financial institutions, and large multinational and publicly traded companies.

- c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.
 - i. Indicate the percentage of your practice in:
 - 1. federal courts: 95%
 - 2. state courts of record: 5%
 - 3. other courts: 0%
 - 4. administrative agencies: 0%
 - ii. Indicate the percentage of your practice in:
 - 1. civil proceedings: 35%
 - 2. criminal proceedings: 65%
- d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

I tried more than 25 criminal jury trials to verdict, and one civil trial to verdict. I also represented clients in approximately six cases before arbitral panels.

- i. What percentage of these trials were:
 - 1. jury: 95%
 - 2. non-jury: 5%
- 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 United States Supreme Court.

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. *Solett v. WBTV Distrib., LLC*, No. 2004-025273-CA-01 (Fla. 11th Cir. Ct. 2004) (Bagley, J.).

My clients in this case were the defendants, Home Box Office and Warner Channel. The matter arose in 2002, after an internal investigation into allegations that certain advertising sales representatives in Latin America had improper conflicts of interest with the plaintiff, a high-level executive of my clients. After being terminated for cause, the plaintiff filed a lawsuit in Florida Circuit Court, asserting various tort and contract claims. This highly contentious matter was initially handled by another large law firm and in 2007, while I was with Greenberg Traurig, I was asked to take over the defense. I was the lead trial lawyer for the following eight years, handling all pretrial matters, discovery (including depositions), and trial. In the end, I was able to materially reduce my clients' potential exposure by successfully litigating a number of key pretrial motions. The matter ultimately went to trial on the contract-based claims in late 2012 and a mistrial was declared before the plaintiff rested her case. Just before the second trial began in early 2015, the case settled and was dismissed with prejudice.

Opposing Counsel

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2. *Morris Hatchery, Inc. v. Interlink Grp. Corp. USA, Inc.*, No. 1:10-cv-24480-MARTINEZ (S.D. Fla. 2010).

My client in this case was the plaintiff, a family-owned Florida company that sold commercial broiler hatching eggs and other poultry products to domestic and foreign

consumers. The defendant was in the business of selling those products to end-users in Russia and former Soviet Republics. A business dispute arose concerning the termination of certain exclusivity agreements between them that resulted in my client suing the defendant, which in turn countersued my client. Although I was not involved in the pretrial phase, I co-counseled the weeklong trial in federal court in 2011 with another Greenberg Traurig partner. Although the jury rendered a verdict in favor of the defendants for \$1.4 million, the defendants had sought over \$12.6 million in damages. After the jury's verdict, there were several post-trial motions after which the parties ultimately settled.

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3. *Scheck Investments v. Viatical Benefactors*, No. 0:04-cv-21160-MORENO (S.D. Fla. 2004).

I represented defendant Union Planters in this class action that arose in connection with the Securities and Exchange Commission's enforcement suit against a life insurance viatical company, Mutual Benefits Corporation (MBC) and some of its principals. *SEC v. Mutual Benefits Corp.*, 0:04-cv-60573-FAM (S.D. Fla.). Union Planters was a financial institution that served as MBC's escrow agent and held more than \$200 million in its accounts with Citibank at the time that the SEC froze all of MBC's accounts as part of its enforcement action. The SEC charged that MBC was making knowingly false representations to raise money from investors for the purchase of viatical and life settlement contracts. These contracts involved either a terminally ill person or a senior citizen selling their life insurance policy at a discounted price from the face value of the policy. Investors would thereafter pay the premiums and receive face value of the insurance policy when the insured died. The SEC charged that MBC allocated funds for approximately 9,097 life insurance policies with death benefits of over \$1.4 billion and raised over \$1.067 billion from 29,000 investors in the ten years prior to the action. The

SEC action alleged that MBC was running a Ponzi scheme, costing its investors millions of dollars in losses. Soon after the SEC action was filed, a class action was filed on behalf of investors who had purchased these viatical interests from MBC and suffered damages as a result of those investments. The civil action was filed against more than a dozen individuals and institutions who were affiliated with MBC and mirrored the allegations raised by the SEC. As the lead partner handling the case for my client, I worked extensively on the day-to-day aspects of the case for more than three years from the time that the SEC receiver was first appointed. In addition to appearing in court and arguing motions, I prepared witnesses for depositions, had regular contact with the court-appointed Receiver and his counsel, and directed the legal arguments on various issues that significantly limited my client's exposure to liability. I also managed the return of all the funds held at Union Planters to the plaintiffs as well as other parties and investors. Ultimately, Union Planters settled with the class in December 2008. My involvement in the matter ended at the end of 2008.

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United States Chief Bankruptcy Judge Laurel M. Isicoff (formerly with Kozyak Tropin Throckmorton)
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Although the matter had over a dozen defendants and dozens more lawyers listed as counsel, there were two other financial institutions that were in a similar posture to my client's and whose lawyers I worked with on a regular basis. I have added these below.

Counsel to RBC Bank

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4. *Latino Broad. Co. v. Grupo Latino et al.*, No. 1:05-cv-21255-JORDAN (S.D. Fla. 2005), *remanded to state court*, No. 2005-007180-CA-01 (Fla. 11th Cir. Ct.) (Miller, J.).

The plaintiff in this case was a Spanish radio syndication business, and I represented the defendants. The complaint alleged that the plaintiff had provided financial information to my clients during the course of negotiations over my clients' potential acquisition of the plaintiff's business. The plaintiff claimed that my clients used that financial information to interfere with its business relationships and to compete for the radio broadcasting rights for Mexican soccer leagues that were worth millions of dollars. The matter was originally filed in state court, removed to federal court, and then remanded back to state court where the matter progressed to trial. The firm was retained at the time the lawsuit was first filed in 2005, and I was one of two partners that represented the client throughout the litigation. Specifically, I handled various aspects of the pretrial discovery, including the taking and defending of depositions. At the trial, I handled jury selection and was responsible for key direct and cross-examinations. The case settled in 2008 during my cross-examination of one of the plaintiff's key witnesses.

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5. *Tiger Direct, Inc. v. Apple Computer, Inc.*, No. 1:05-cv-21136-LENARD (S.D. Fla. 2005).

My client in this case was the plaintiff, a Miami-based company that held a variety of trademarks using the name “Tiger” to promote and sell computers, computer software, and related products and accessories. At the time of the suit, its TigerDirect.com website had been ranked the third most-visited website for computer hardware on the internet and had been listed as a “Top 25 Internet Site” by The New York Times. In April 2005, Apple announced that it would launch a new operating system software product for its Apple computing systems. In conjunction with that, Apple created and launched a nationwide media blitz led by Steve Jobs, overwhelming the computer world with a sea of Tiger references and marks. My client filed this 2005 lawsuit against Apple for trademark infringement and sought a temporary restraining order and preliminary injunction. As a co-counsel, I handled the hearing on the request for injunction. The court denied the motion for injunctive relief finding that there was no evidence of consumer confusion. The matter was settled shortly thereafter.

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6. *United States v. Aguero*, No. 1:02-cr-20174-ALTONAGA (S.D. Fla. 2002).

This is a case I tried while I was an Assistant United States Attorney for the Southern District of Florida. The four defendants in this case were City of Miami police officers charged with civil rights violations for using excessive force in beating a man after he was placed under arrest. This case was part of a series of public corruption cases that were brought against City of Miami police officers. The case was tried twice. The first trial (which I was not involved in) resulted in a hung jury. In 2004, the United States Attorney asked me to join the second trial team. At that second trial, I was responsible for jury selection, opening statements, and presenting half of the government’s witnesses.

During the trial, the victim of the case unexpectedly testified in a manner that was inconsistent with the government's evidence. Given the contradiction in his testimony, we decided that continuing the prosecution was no longer in the interest of justice and we dismissed the case.

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7. *United States v. Gomez-Maya*, No. 1:99-cr-00433-SEITZ (S.D. Fla. 1999).

This was a multi-agency, long-term narcotics trafficking investigation that led to the indictment and extradition of five defendants from Colombia associated with a notorious and significant member of the North Valley Cartel, Mr. Vallejo. I was one of two Assistant United States Attorneys from the Southern District of Florida who investigated and charged the defendants and others in connection with organizing a shipment of 10,000 pounds of cocaine from Colombia to Spain. The vessel was stopped and brought to the United States by the Coast Guard, which gave the United States jurisdiction over the matter. Although the case continued after I left the United States Attorney's Office, I handled the prosecution and guilty pleas of two of the lead defendants, Mr. Gomez Maya, who was sentenced to 165 months, and Ms. Escaf De Saldarriaga, who was sentenced to 108 months of incarceration. Mr. Vallejo was extradited after I left the Office and

sentenced to 264 months of imprisonment.

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8. *United States v. Gracia*, 1:00-cr-00320-GOLD (S.D. Fla. 2000); *United States v. Genois*, 1:00-cr-00435-SEITZ (S.D. Fla. 2000).

I handled these two cases as an Assistant United States Attorney for the Southern District of Florida. They were part of a series of cases resulting from a Federal Bureau of Investigation task force investigation into violent drug gangs that were committing armed home invasions. The FBI task force was put together in response to a significant rise in the homicide rate in the Little Haiti area of Miami, Florida. As part of the investigation, the FBI rented vacant homes that were then identified to the targets as homes that were

being used to “stash” narcotics. In each case, groups of defendants, believing the house to be occupied, would organize an armed home invasion for the purpose of stealing narcotics. The defendants were charged with cocaine trafficking conspiracy and using and carrying a firearm during the commission of a drug trafficking felony. My co-counsel and I investigated and prosecuted these cases together, as well as many other related investigations and charges. More than 25 defendants were indicted across various cases. The *Gracia* case went to trial in November 2000, and the *Genois* case went to trial in August 2001. I co-chaired both trials, giving the opening statements, and examining half the witnesses. Of the twelve defendants indicted in these two cases, ten either pled or were found guilty by the jury. The sentences received by the ten defendants ranged from 97 to 384 months of imprisonment. One defendant in the *Gracia* case was acquitted after trial, and one defendant in the *Genois* case won his dismissal motion after successfully litigating a suppression issue. None of the defendants who appealed their convictions or sentences were successful.

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9. *United States v. Schlaen*, 1:99-cr-00689-GOLD (S.D. Fla. 1999).

In this case I handled as an Assistant United States Attorney for the Southern District of Florida, the two defendants were brothers who were charged with money laundering conspiracy and failure to file IRS tax form 8300. The defendants operated a business where they received cash payments for goods that they knew were drug trafficking proceeds. Although I was not the prosecutor who investigated or indicted this case, I joined the case as co-counsel in a weeklong jury trial in June 2000 during which I gave the opening statements, handled the examination of half the witnesses, and made legal arguments to the court on a variety of issues. Both defendants were found guilty of numerous money laundering counts, while being acquitted of the others. At sentencing, the court departed downward from the Sentencing Guidelines to impose 14- and 9-month sentences, and the government appealed. The Eleventh Circuit reversed and ordered new sentencings. I handled the second set of sentencing hearings in 2003 where the defendants were sentenced to 37 and 33 months.

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10. *United States v. Castillo*, 1:99-cr-00595-UNGARO (S.D. Fla. 1999); *United States v. Cabanas*, 1:99-cr-00588-LENARD (S.D. Fla. 1999).

These two cases, which I handled as an Assistant United States Attorney for the Southern District of Florida, were part of a long-term narcotics investigation that resulted in the prosecution of more than 50 airline employees at Miami International Airport. The defendants, who were indicted on narcotics and weapons charges, would use their security passes at the airport to bypass checkpoints and transport drugs and weapons onto commercial airplanes. As part of the conspiracy, they boarded commercial flights with what they believed to be narcotics and weapons, and delivered the contraband to cities across the Northeast. Three of the defendants were law enforcement officers. These cases, which predated September 11, 2001, exposed significant security lapses in airline and airport security. After joining the trial team in 1999, shortly after indictment, I had significant responsibilities with respect to managing all the cases and, although many of the defendants entered guilty pleas, I handled five trials to verdict. The juries returned guilty verdicts as to all but one defendant. The sentences for the defendants ranged from 15 to 160 months of imprisonment. After these trials, I continued to investigate and

prosecute cases related to airport security, and in 2002 I indicted a second group of airport employees who were using the cargo area of commercial airliners to import cocaine into Miami International Airport. Those cases were charged in *United States v. Tenorio*, No. 1:02-cr-20265-PCH (S.D. Fla.) and *United States v. Hernandez*, No. 1:02-cr-20266-PCH (S.D. Fla.). The 13 defendants in the *Tenorio* and *Hernandez* cases all pled guilty and received sentences ranging from 12 to 70 months of imprisonment. I was the sole prosecutor in the *Tenorio* and *Hernandez* cases.

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18. **Legal Activities:** Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

Although the vast majority of my work as a lawyer involved litigation, there are several significant legal activities I pursued that did not progress to trial or did not involve litigation. Most notably, as an Assistant United States Attorney, I was a part of a small group of prosecutors from the United States Attorney's Office for the Southern District of Florida who worked closely with the FBI's Miami Field Office, and later with FBI Headquarters, to investigate the September 11th attack and the activities of the hijackers.

In private practice, I represented a young American man who was wrongfully accused of killing his girlfriend in Nicaragua. Despite phone records that conclusively showed that he was in another city at the time of the murder, my client was later convicted and imprisoned until a Nicaraguan appellate court ordered his release over a year later.

During the last five years I was in private practice, I spent considerable time specializing in anti-corruption matters. As part of that work, I lead a team of lawyers that conducted internal investigations, performed anti-corruption risk assessments and compliance reviews, and implemented anti-corruption compliance programs for companies in Mexico, Costa Rica, Brazil, Guatemala, Nicaragua, El Salvador, Honduras, Argentina, Panama, Colombia, and Chile.

Finally, as a judge, I am committed to mentoring young people in our community. As part of that commitment, I have partnered with a local elementary school from a predominantly immigrant community to present civics classes and to host mock trials in order to introduce them to the legal system in the United States. I also hire and mentor

several college and law school interns every year.

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

In the Spring 2023 term, I taught Advanced Civil Procedure at the St. Thomas University Benjamin J. Crump College of Law. I was asked to teach the course after the semester had already started because a professor could not complete their commitment. Syllabus supplied.

For two academic years, 2001 to 2002 and 2002 to 2003, I taught Legal Research and Writing at the University of Miami School of Law. This course was offered to first-year law students and required that each student prepare case briefs, legal memorandums, an appellate brief, and participate in a mock appellate argument. I am unable to locate the syllabi for the course.

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

None.

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

None.

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

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

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

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

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

I do not anticipate any specific types of cases or litigants that are likely to present potential conflicts of interest. Should a potential conflict arise, I would continue to follow the Code of Conduct for United States Judges, 28 U.S.C. § 455, and any other relevant ethical laws, rules, or canons.

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

If confirmed, I would continue to evaluate and resolve any potential conflict of interest by applying the Code of Conduct for United States Judges, 28 U.S.C. § 455, and any other relevant ethical laws, rules, or canons.

25. **Pro Bono Work:** An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.

As a United States Magistrate Judge since January 2019, and during my tenure as a lawyer with the U.S. Department of Justice from 1994 to 2004, I did not and have not taken on any direct pro bono representation.

During my time in private practice, I donated my time to various pro bono causes, including giving significant amounts of time to Americans for Immigrant Justice (formerly known as the Florida Immigrant Advocacy Center), on whose Board I served from 2013 to 2019. From 2014 to 2016, I was part of the founding Board for the Miami-Dade Urban Debate League, whose mission is to bring competitive debate to inner-city public schools. From 2007 to 2011, I served on the Ethics Advisory Committee for the Miami-Dade County Public Schools.

26. **Selection Process:**

- a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or

communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

In May 2021, I interviewed with the Judicial Nominating Conference organized by Florida Democratic members of the House of Representatives. On April 7, 2023, I interviewed with Senator Rick Scott's General Counsel. On April 11, 2023, I interviewed with Senator Scott. On April 25, 2023, I received a call from the White House regarding my interest in a potential nomination to be a district judge. On April 26, 2023, I interviewed with attorneys from the White House Counsel's Office. Since April 26, 2023, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On [date], 2023, [the President announced his intent to nominate me/my nomination was submitted to the Senate].

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

No.