

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Anthony Joseph Brindisi

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

United States District Judge for the Northern District of New York

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

Office address:

State Office Building

New York State Court of Claims

207 Genesee Street

3rd Floor

Utica, New York 13501

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

1978; New Hartford, New York

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.

2001 – 2004, Albany Law School; J.D., 2004

2000 – 2001, Thomas M. Cooley Law School; no degree received

1998 – 2000, Siena College; B.A., 2000

1997 – 1998, Mohawk Valley Community College; no degree received

1996 – 1997, Herkimer County Community College; no degree received

6. **Employment Record**: List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have

been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

2022 – present

New York State Unified Court System
State Office Building
New York State Court of Claims
207 Genesee Street
3rd Floor
Utica, New York 13501
Court of Claims Judge/Acting Supreme Court Judge, Oneida County

2021 – 2022; 2004 – 2018

Brindisi, Murad and Brindisi-Pearlman, LLP
2713 Genesee Street
Utica, New York 13501
Partner (2008 – 2014; 2021 – 2022)
Of Counsel (2014 – 2018)
Associate (2004 – 2006)

2021

Third Way
1025 Connecticut Avenue, Northwest
Suite 400
Washington, DC 20036
Non-employee consultant

2019 – 2021

United States House of Representatives
Washington, DC 20515
Representative, District NY-22

2011 – 2018

New York State Assembly
Legislative Office Building
Albany, New York 12248
Assemblymember, District 119

Other Affiliations (uncompensated):

2021 – 2022

Upper Mohawk Valley Memorial Auditorium Authority
400 Oriskany Street West
Utica, New York 13502
Board Member

2019 – 2021
United States Military Academy West Point
646 Swift Road
West Point, New York 10996
Member, Board of Visitors

2009 – 2011
Utica City School District Board of Education
929 York Street
Utica, New York 13502
Board Member

2010 (approximately)
Utica Children’s Museum
106 Memorial Parkway
Utica, New York 13501
Board Member

2006 – 2007 (approximately)
Greater Utica Community Food Bank
729 Broadway
Utica, New York 13502
Board Member

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

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

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

U.S. Chamber of Commerce – Spirit of Enterprise Award (2020)

U.S. Chamber of Commerce – Abraham Lincoln Leadership for America Award (2020)

U.S. Chamber of Commerce – Jefferson-Hamilton Award for Bipartisanship (2020)

Committee for a Responsible Federal Budget, Campaign to Fix the Debt – Fiscal Hero Award (2020)

American Life Sciences Innovation Council – Champion of Health Care Innovation (2020)

Aids Community Resources CNY, Northeast Kidney Foundation – Champion for Healthy Seniors Award (2020)

Mohawk Valley Community Action Agency – Community Visionary Award (2017)

Mohawk Valley Resource Center for Refugees – Many Countries, One Community Award (2017)

Oneida County Volunteer Fire Service – Recognition for Passage of Cancer Legislation (2016)

Empire State Association of Assisted Living Centers – Leading Age Award for Unwavering Support of New York’s Seniors (2016)

Central New York Labor Council – Samuel Gompers Distinguished Service Medal (2015)

Stevens-Swan Humane Society of Oneida County – Recognition for Efforts to Combat Animal Cruelty (2015)

Early Care/Learning Council – Excellence in Leadership Award (2015)

New York State Association of Health Care Providers – Elected Official of the Year (2012)

Utica City School District – President’s Award (2012)

National Trial Lawyers Award for Top 40 Under 40 (approximately 2010)

Million Dollar Advocates Forum (approximately 2008)

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 (2004 – 2019)

New York State Bar Association (2004 – 2022)

Oneida County Bar Association (2004 – present)

Onondaga County Bar Association (2021 – 2022)

New York State Academy of Trial Lawyers (2018 – present)

New York State Trial Lawyers Association (2021 – present)

10. **Bar and Court Admission:**

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

New York, 2004

There have been no lapses in membership.

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

United States District Court for the Northern District of New York, 2004

My admission to practice before the Northern District expired in 2023 after I became a state judge. I chose not to renew my membership because I do not practice in that court. There have been no other 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.

New York State Assembly

Democratic Caucus (2011 – 2018)

Italian American Conference (2011 – 2018)

Mohawk Valley Regional Economic Development Council (2012 – 2018)

Oneida County Democratic Committee (approximately 2008 – 2017)

Member of the following U.S. House of Representatives Caucuses (approximately 2019 – 2020):

Ag Labor Working Group

Air Force Caucus

ALS Caucus
Army Caucus
Autism Caucus
Bipartisan Working Group
Blue Dog Caucus (Co-Chair)
Boating Caucus
Career and Technical Education Caucus
Caucus on Armenian Issues
Chesapeake Bay Watershed Task Force
Congressional Animal Protection Caucus
Congressional Apprenticeship Caucus
Congressional Crop Insurance Caucus
Congressional Directed Energy Caucus
Congressional Franchise Caucus
Congressional Task Force on Alzheimer's
Copper Caucus
Diabetes Caucus
Dietary Supplement Caucus
EMS Caucus
Fire Services Caucus
General Aviation Caucus
House Impact Aid Coalition
House Rural Health Coalition
Hockey Caucus
LGBTQ Equality Caucus
Lupus Caucus
National Guard Caucus
New Democrat Coalition
 National Security Task Force
Problem Solvers Caucus
 USMCA Working Group
Pro-Choice Caucus
Rural Broadband Caucus
Rural Broadband Task Force
Skin Cancer Caucus
Small Brewers Caucus
TRIO Caucus
Working Forest Caucus

Utica Empire State Poverty Reduction Initiative (2016 – 2018)
Executive team member

- b. The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, or religion, or national origin. Indicate whether any of these organizations listed in response to 11a above

currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

To the best of my knowledge, none of the organizations listed above currently discriminates or formerly discriminated on the basis of race, sex, religion, or national origin, either through formal membership requirements or the practical implementation of membership policies.

12. Published Writings and Public Statements:

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

Why I'm running for State Supreme Court Judge, Syracuse Post Standard, October 15, 2021. Copy supplied.

5th Judicial District Supreme Court Campaign commercials, 2021 (various dates). Copies supplied.

Website – Congressman Anthony Brindisi, Representative for the 22nd District of New York. This website has since been deleted but an archived version of this page and all of its contents is available at <https://www.webharvest.gov/congress/116th/2020/1123171925/https://brindisi.house.gov>.

Teamwork leads to crucial flood relief, Observer Dispatch, (Utica, NY), September 13, 2020. Copy supplied.

Proven results from keeping tabs on Spectrum, Observer Dispatch (Utica, NY), August 11, 2020. Copy supplied.

With Rep. John Katko, *Our community will persevere and be stronger*, Times Telegram (Herkimer, NY), April 7, 2020. Copy supplied.

We must protect the rule of law, Syracuse Post Standard, December 17, 2019. Copy supplied.

With Rep. Allyson Schwartz, *Congress should act to protect seniors from higher health costs*, The Hill, October 29, 2019. Copy supplied.

New York Congressional District 22 Campaign Commercials, Digital Advertisements, Mailers and Pushcards, 2018 – 2020 (various dates). Copies supplied.

Website – Anthony Brindisi for Congress (2018 – 2020). This website has since been deleted but an archived version of this page and all of its contents is available at <https://brindisi.bpbuid.com>.

Why I'm running for Congress, Times Telegram (Herkimer, NY), November 1, 2018. Copy supplied.

Informational mailers to Congressional constituents:

Fighting for rural New Yorkers (March 2019 (approximately))
Congressman Brindisi's 100 Days Report, (May 5, 2019). Copy supplied.

Informational mailers/petitions to Assembly constituents:

Working to get cable costs under control (May 18, 2018). Copy supplied.

State Budget Update, (May 8, 2018). Copy supplied.

Thank you for participating in my survey (March 22, 2018). Copy supplied.

Assemblyman Anthony Brindisi works for you (January 18, 2018). Copy supplied.

End of session mailer (June 24, 2016). Copy supplied.

Assemblyman Brindisi's Summer Reading Challenge (June 2016 approximate). Copy supplied.

Community News (April 15, 2016). Copy supplied.

Improve the volunteer firefighters' benefit law to include coverage for conditions incurred due to their performance of duties (October 6, 2015). Copy supplied.

Keep the Adirondack Corridor intact from Utica to Lake Placid (July 8, 2015). Copy supplied.

Assemblyman Brindisi's free recycling event at West Side Senior Center (approximately February 2015). Copy supplied.

Additional Assembly mailers/petitions/constituent news (copies supplied):

2018:

Constituent outreach mailer

Constituent survey response

Dear friend, Oriskany Fire Department letter

Dear friend, Rome funding letter

Cable rates mailer

2017:

Budget news update mailer
Budget town hall mailer

2016:

End of session news mailer
Budget news update mailer

2015:

End of session mailer
Frankfort-Schuyler community news
Gas price gouging news
Holland Patent community news
Nano Utica mailer
New York Mills community news
Oriskany community news
Recycling event mailer
Rome community news
Seniors' mailer
Utica School District news
Whitesboro community news

2014:

Nurses' mailer
Warm for Winter Utica mailer
Common Core reform mailer
CTE diploma update mailer
Flood reassessment updates
Frankfort-Schuyler accomplishments mailer
Floyd accomplishments mailer
Nano Utica mailer
New York Mills accomplishments newsletter
Oriskany accomplishments newsletter
Rome accomplishments newsletter
Staycation mailer
Tax help mailer
Utica accomplishments newsletter
Warm for winter mailer
Whitesboro accomplishments newsletter

2013:

Educations-Oriskany mailer
Education-Rome mailer
Nurses' week mailer
Warm for winter mailer
Animal abuse forum mailer
Education-Frankfort mailer

Education-Ilion mailer
Education-New York Mills mailer
Education-Whitesboro mailer
End of year mailer
Frankfort introduction mailer
Holland Patent mailer
Nanotech mailer
Shop local mailer
STAR reminder mailer
Tax help mailer
Utica newsletter
Veterans ' mailer

2012:

Education mailer
End of session mailer
Base closure mailer
Elder abuse, senior 's mailer
Jobs and taxes-Mohawk Valley mailer
Middle class mailer
Staycation mailer

2011:

HEAP and EPIC mailer
Hydrofracking mailer
NYS Open for business mailer

To the best of my memory, the Observer Dispatch would occasionally publish newspaper columns I wrote between 2012 – 2018. Where available, I have provided the most accessible version of the publication.

Let Your Voice Be Heard, Observer Dispatch (Utica, NY), February 7, 2017.
Copy supplied.

As 2017 Approaches, Let's Choose to Move Forward, Observer Dispatch (Utica, NY), December 2016 (approximately). Copy supplied

School age children must be state priority, Observer Dispatch (Utica, NY), January 12, 2016. Copy supplied.

Tax credit won't help local schools, Observer Dispatch (Utica, NY), June 5, 2015.
Copy supplied.

Do it for Utica, Observer Dispatch (Utica, NY), December 13, 2014. Copy supplied.

Snowmobile measure will help the industry, Boonville Herald (Boonville, NY), October 23, 2012. Copy supplied.

Assemblyman Brindisi Encourages Mohawk Valley Families to Shop at Farmers Markets this Summer, Observer Dispatch (Utica, NY), May 31, 2012. Copy supplied.

With Sen. Joe Griffo, *MVPC fight has been team effort in Utica, Albany*, Observer Dispatch (Utica, NY), May 9, 2012. Copy supplied.

Honoring Women's History Month, Observer Dispatch (Utica, NY), March 9, 2012. Copy supplied.

Forum will help promote synergy between business, education, and labor organizations as we prepare for new nanotechnology and other high-tech jobs, Observer Dispatch (Utica, NY), December 12, 2011. Copy supplied.

Brindisi, Murad, and Brindisi-Pearlman, LLP, Television advertisements (various dates). Copies 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.

During my tenure in the New York State Assembly, the standing committees I was a member of may have issued annual reports summarizing the work of the committee in that year's legislative session. The text of the annual reports for the committees I was a member of is available at https://nyassembly.gov/search/?q=brindisi&form_submit=Searchhttps://www.youtube.com/channel/UCv94lOGHXulyYyIRejVGJqw.

Mohawk Valley Regional Economic Development Council, *Upstate Revitalization Investment Prospectus* (September 22, 2015). Copy supplied.

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

During my tenure in the United States House of Representatives, I introduced many pieces of legislation. A list of the bill titles and text for each legislation I introduced and co-sponsored is available at <https://www.congress.gov/member/anthony-brindisi/B001308>.

During my time in the United States House of Representatives, I presented a number of bills on the floor of the House, presented testimony in committee, made official statements and other communications relating to matters of public policy or legal interpretation in my role as a Representative. To my knowledge video archive footage is available at <https://www.c-span.org/person/anthony-brindisi/116940>.

During my tenure in the New York State Assembly, I introduced many pieces of legislation. A list of the bill titles and text for each legislation I introduced and co-sponsored between 2011 and 2018 is available at <https://nyassembly.gov/leg>.

During my time in the New York State Assembly, I presented a number of bills on the floor of the Assembly. To my knowledge, the Assembly does not preserve an archive of proceedings. I presented some of the bills I authored, as well as bills authored by other members.

Rep. Brindisi's August Telephone Townhall (August 5, 2020). Video available at <https://www.youtube.com/watch?v=hTx9Dw8TL4U&t=2529s>.

Rep. Brindisi's July Telephone Townhall (July 8, 2020). Video available at <https://www.youtube.com/watch?v=Qent7k31Xqk&t=16s>.

Rep. Brindisi Advocates for COVID-19 Testing for All Veterans during Virtual Committee Hearing (June 13, 2020). Video available at <https://www.youtube.com/watch?v=z3If8kulZDA&t=40s>.

Rep. Brindisi's Round Table with Inner-city Community Leaders (June 12, 2020). Video available at <https://www.youtube.com/watch?v=yJKpi-yPAaM&t=37s>.

Rep. Brindisi's Fourth COVID-19 Telephone Townhall (May 1, 2020). Video available at <https://www.youtube.com/watch?v=LCUoeiFX5Ac&t=27s>.

Rep. Brindisi's Third COVID-19 Telephone Townhall (April 3, 2020). Video available at <https://www.youtube.com/watch?v=yy2LbnMR7VM&t=46s>.

Rep. Brindisi's Second COVID-19 Telephone Townhall (March 27, 2020). Video available at <https://www.youtube.com/watch?v=W8ihIc3fm7U&t=43s>.

Rep. Brindisi's COVID-19 Telephone Townhall (March 19, 2020). Video available at <https://www.youtube.com/watch?v=XcGSbpFTSu0&t=35s>.

Rep. Brindisi Questions Air Force Secretary About Mental Health Crisis Among Servicemembers during House Armed Services Committee (March 5, 2020). Video available at <https://www.youtube.com/watch?v=C2xzls0q0jc&t=72s>.

Rep. Brindisi Speaks on House Floor to Advocate for Passage of the Farm Workforce Modernization Act (March 5, 2020). Video available at <https://www.youtube.com/watch?v=ajSjQ10JZv8&t=77s>.

Rep. Brindisi Brings Priorities of Rome Lab to Sec. of Defense at House Armed Services Committee Meeting (March 5, 2020). Video available at <https://www.youtube.com/watch?v=KSHxgM2pb3E&t=35s>.

Rep. Brindisi Takes Concerns of Local Veterans Directly to VA Secretary During House Veterans' Affairs Committee (March 5, 2020). Video available at https://www.youtube.com/watch?v=zSaV_9aYF4M&t=33s.

Rep. Brindisi Speaks to Constituents about the Need to Bring High Speed Internet to Upstate NY (March 5, 2020). Video available at https://www.youtube.com/watch?v=OxnS_FtLcxE.

Rep. Brindisi Introduces Bipartisan Bill to Expand Automobile Grants for Disabled Veterans during House Veterans' Affairs Committee (February 6, 2020). Video available at <https://www.youtube.com/watch?v=z5vEy14j-do&t=40s>.

Rep. Brindisi Questions VA Officials on Mental Health Crisis in Veteran Community during House Veterans' Affairs Committee (January 30, 2020). Video available at <https://www.youtube.com/watch?v=1di3KqDRtUg&t=69s>.

Rep. Brindisi Urges Department of Defense to Invest in Quantum Research during House Armed Services Committee (January 15, 2020). Video available at <https://www.youtube.com/watch?v=hxadfANPZhA&t=146s>.

Rep. Brindisi Fights for Restrictions on Graphic Social Media Content during House Veterans' Affairs Committee (November 14, 2019). Video available at <https://www.youtube.com/watch?v=FVLBdSID5K8&t=28s>.

Rep. Brindisi Speaks about Recognizing and Condemning the Armenian Genocide of 1915 (November 1, 2019). Video available at <https://www.youtube.com/watch?v=qfUA5kLj1EQ&t=3s>.

Rep. Brindisi Fights for Upstate Farmers & Ag Research Dollars during House Agriculture Committee (October 17, 2019). Video available at <https://www.youtube.com/watch?v=Y40YUkLVUmE&t=28s>.

Rep. Brindisi Fights for the Bainbridge VA Clinic during House Veterans' Affairs Committee (September 26, 2019). Video available at https://www.youtube.com/watch?v=5oud_AY65lc&t=26s.

Rep. Brindisi Speaks during House Veterans' Affairs Committee Health Subcommittee H R 2972 (v 13, 2019). Video available at <https://www.youtube.com/watch?v=hS8pTgWetCs&t=29s>.

Rep. Brindisi Speaks during House Veterans' Affairs Committee Member Day (September 13, 2019). Video available at <https://www.youtube.com/watch?v=tdRVa0fKBCM&t=18s>.

Rep. Brindisi Speaks before Energy and Commerce Committee about Rural Broadband and Holding Cable Companies Accountable (July 25, 2019). Video available at <https://www.youtube.com/watch?v=OfjfHbqE59M&t=31>.

Rep. Brindisi Questions VA Representatives during House Veterans Affairs Committee Hearing on VA Transparency (July 25, 2019). Video available at https://www.youtube.com/watch?v=c4PW9-_onRE&t=23s.

Rep. Brindisi Speaks about Manufacturers on House Floor (July 19, 2019). Video available at <https://www.youtube.com/watch?v=xA5D6nCmNVA>.

Rep. Brindisi Speaks about the Renew 911 VCF (July 19, 2019). Video available at <https://www.youtube.com/watch?v=Wyna6uqnfHg>.

Rep. Brindisi Speaks about Upstate Priorities in NDAA (July 19, 2019). Video available at <https://www.youtube.com/watch?v=2V9eifjU2c&t=36s>.

Rep. Brindisi Celebrates Colgate University's 200th Anniversary on House Floor (July 15, 2019). Video available at <https://www.youtube.com/watch?v=x6oa-igR5TA>.

Rep. Brindisi Questions Witnesses at Committee Hearing on the Economic Well-being of Women Veterans (July 10, 2019). Video available at https://www.youtube.com/watch?v=Xli0V_OJrgk&t=23s.

Rep. Brindisi Speaks about the Congressional App Challenge (June 7, 2019). Video available at <https://www.youtube.com/watch?v=DyECiOFLX5Y>.

Rep. Brindisi Brings Priorities of Upstate New York Before Ways and Means Committee (June 4, 2019). Video available at <https://www.youtube.com/watch?v=TDere3BkbTM&t=30s>.

Rep. Brindisi Honors L. Frank Baum on the House Floor (May 13, 2019). Video available at <https://www.youtube.com/watch?v=op8MczUCxXg>.

Rep. Brindisi Introduced Mike McMahan to House Ag Committee (April 30, 2019). Video available at <https://www.youtube.com/watch?v=FbmrYxsUPDo>.

Rep. Brindisi Remarks at House Veterans' Affairs Health Subcommittee (April 30, 2019). Video available at <https://www.youtube.com/watch?v=QPkv8Lz73nI&t=18s>.

Rep. Brindisi Remarks at House Veterans' Affairs Committee Veteran Suicide Hearing (April 29, 2019). Video available at <https://www.youtube.com/watch?v=Wfq2W17fMD4&t=20s>.

Rep. Brindisi Speaks on Amendment to Expand Rural Broadband Access on the House Floor (April 10, 2019). Video available at <https://www.youtube.com/watch?v=gG0-6Xkp1Us&t=51s>.

Rep. Brindisi Speaks about HR 1 Amendment on the House Floor (March 8, 2019). Video available at <https://www.youtube.com/watch?v=3Tb5dXhd2Pc&t=16s>.

Rep. Brindisi Speaks on his Childcare for Veterans Amendment on the House Floor (February 7, 2019). Video available at <https://www.youtube.com/watch?v=8kgJf1PhanU&t=57s>.

Rep. Brindisi's First Floor Speech (January 30, 2019). Video available at <https://www.youtube.com/watch?v=qQA74NSxnTM>.

- 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.

The following list reflects my best efforts to identify speeches or talks I have delivered. To compile this list, I have diligently searched my own records and online sources; however, I no longer have access to calendars from my time in the Assembly or Congress to give specific dates. My general practice was to speak without notes but below are dates of speeches I was able to locate along with remarks or notes. There are likely other speeches or talks that I have been unable to recall or identify.

May 2011 – November 2020: I gave numerous campaign speeches and participated in candidate forums while running for election for the New York State Assembly and U.S. House of Representatives. I spoke at various civic, political, and professional organizations, and campaign events. I do not have specific dates and I have no notes, transcripts, or recordings for these events.

January 24, 2020: Speaker, Genesis Group Legislative Forum, Whitesboro, New York. I answered constituent questions on a range of topics. I have no notes, transcript, or recording, but press coverage is supplied. The address for the Genesis Group is 100 Seymour Road, Utica, New York 13502.

July 2018 (specific date unknown): Speaker, City of Utica Fire Academy graduation, Utica, New York. Remarks supplied.

July 7, 2018: Speaker, announcement for City of Rome as recipient of Downtown Revitalization grant, Rome, New York. Notes supplied.

June 9, 2018: Speaker, County of Oneida American Legion Convention, Waterville, New York. Notes supplied.

May 28, 2018: Speaker, Village of Yorkville Memorial Day Ceremony, Yorkville, New York. Remarks supplied.

May 10, 2018: Speaker, Herkimer County Mayors' Association, Herkimer, New York. Notes supplied.

April 27, 2018: Speaker, City of Utica Chamber of Commerce Economic Development Committee, Utica, New York. Notes supplied.

March 16, 2018: Speaker, Brindisi Jobs Plan announcement with Plumbers and Pipefitters Union Local 112, Binghamton, New York. Remarks supplied.

November 20, 2017: Speaker, Chenango Road Bridge press conference, New Hartford, New York. Notes supplied.

November 9, 2017: Speaker, Mohawk Valley Community College Student Financial Aid Workshop, Utica, New York. Notes supplied.

November 9, 2017: Speaker, Frankfort-Schuyler Elementary Veterans' Day Program, Frankfort, New York. Remarks supplied.

November 6, 2017: Speaker, Herkimer County Community College, Herkimer, New York. I spoke at a ceremony unveiling the names of 18 veterans for the Herkimer County Veterans Wall of Honor. I have no notes, transcript, or recording, but press coverage is supplied. The address for Herkimer County Community College is 100 Reservoir Road, Herkimer, New York 13350.

November 2, 2017: Speaker, Volunteer Firefighters Presumptive Cancer Coverage Bill Signing Ceremony, Maynard Volunteer F.D., Marcy, New York. Notes supplied.

October 10, 2017 (approximately): Speaker, 2017 ARC Employer Recognition Luncheon, Utica, New York. Notes supplied.

October 5, 2017: Speaker, Dedication of Corey Lee Carr Memorial Bridge, Utica, New York. Notes supplied.

September 13, 2017: Speaker, Graduation Ceremony, Drug Recognition Expert Certification Ceremony, Utica, New York, Notes supplied.

August 28, 2017: Speaker, Welcome to New York State Comptroller Thomas DiNapoli's 4th Annual NYS Fair Breakfast, Syracuse, New York. Remarks supplied.

February 2, 2017: Panelist, Oneida Nation Legislative Forum, Vernona, New York. Notes supplied.

November 3, 2016: Speaker, announcement for Stanley Theater designation as NY Film Tax Credit Program Qualified Film Production Facility in New York State, Utica, New York. Notes supplied.

November 2, 2016: Speaker, Warm for Winter clothing drive to benefit the Rescue Mission of Utica, Rome Rescue Mission and Mohawk Valley Resource Center for Refugees, Utica, New York. Notes supplied.

October 27, 2016: Speaker, Wonderland of Lights Announcement, Rome City Hall, Rome, New York. Notes supplied.

September 9, 2016: Speaker, opening of Sitrin Health Care Center long-term care program for patients with ALS and Huntington's Disease, New Hartford, New York. Notes supplied.

September 8, 2016: Speaker, Retired Public Employees Association, New Hartford, New York. Notes supplied.

August 25, 2016: Speaker, Rome City School District Security Measures Announcement, Rome, New York. Notes supplied.

April 3, 2015: Participant, 'Rally for The Rails,' outside Utica State Office Building, Utica, New York. Notes supplied.

January 29, 2015: Panelist, Mohawk Valley Community College Student Financial Aid Workshop, Utica, New York. Notes supplied.

November 14, 2014: Speaker, NYSTEC Commercialization Showcase, Rome, New York. Remarks supplied.

November 11, 2014: Speaker, Veterans Day Speech at the New Hartford American Legion, New Hartford, New York. Remarks supplied.

October 18, 2014: Speaker, Groundbreaking for Wyman Memorial Park, Whitestown, New York. Notes supplied.

October 2, 2014: Speaker, SUNY Poly Manufacturer's Day, Marcy, New York. Remarks supplied.

October 2, 2014: Speaker, Women's Employment Resource Center's 'Lighting the Path to a New Beginning' Awards, Utica, New York. Remarks supplied.

October 1, 2014: Speaker, Re-Dedication of the Veterans Memorial Bridge, Utica, New York. Remarks supplied.

September 8, 2014: Speaker, Pledge Day, Rome, New York. Remarks supplied.

September 3, 2014: Speaker, 'Career and Technical Education Degrees: They're Vital to the Mohawk Valley,' MVCC College Center, Utica, New York. Remarks supplied.

August 19, 2014: Speaker, 'The Meaning of Civic Engagement,' SUNY HEOP Program students, Utica, New York. Notes supplied.

July 8, 2014: Speaker, welcoming remarks, 'Nano in Your Neighborhood Forum,' Utica, New York. Remarks supplied.

June 27, 2014: Speaker, Utica Proctor High School graduation, Utica, New York. Remarks supplied.

May 21, 2014: Speaker, Student of the Year Dinner for the East Utica Optimist Club, Utica, New York. Remarks supplied.

May 9, 2014: Speaker, Mohawk Valley Ride for Missing Children Families Dinner, Utica, New York. Remarks supplied.

May 9, 2014: Speaker, Humphrey Gardens Housing Expansion project, Utica, New York. Remarks supplied.

May 5, 2014: Speaker, Introduction of Lupus Awareness Day Resolution, Albany, New York. Remarks supplied.

January 31, 2014: Speaker, Utica Police Officer killed in the line of duty Thomas Lindsey Highway Dedication, Oriskany Street West, Utica, New York. Notes supplied.

January 30, 2014: Panelist, Student Financial Aid Workshop at Mohawk Valley Community College, Utica, New York. Notes supplied.

January 10, 2014: Speaker/participant, Utica City School District education rally to oppose cuts in education funding, Utica, New York. Notes supplied.

October 24, 2013: Speaker/panelist, Rome Chamber of Commerce Legislative Forum, Rome, New York. Notes supplied.

October 11, 2013: Speaker/participant Stanley Theatre 'Welcome Home Leon and Romy' recognition party for advancing to the quarterfinals of 'America's Got Talent,' Utica, New York. Remarks supplied.

September 18, 2013: Speaker/panelist, Village of Whitesboro Public Meeting on Flood Projects, Whitesboro, New York. Notes supplied.

September 17, 2013: Speaker, North Utica/Whitestown Rotary, Utica, New York. Notes supplied.

September 12, 2013: Speaker/panelist, legislative panel at the Mohawk Valley Chapter, Retired Public Employees Association Annual Meeting, Utica, New York. Notes supplied.

September 5, 2013: Speaker/participant, Oneida County Lifeworks Recovery Walk, Utica, New York. Notes supplied.

August 7, 2013: Speaker, Purple Heart Memorial Ceremony, Utica, New York. Remarks supplied.

July 26, 2013: Speaker, Korean War Armistice anniversary event, Parkway War Memorial, Utica, New York. Remarks supplied.

July 19, 2013: Speaker, Remarks for the annual ReLeaf Conference for individuals learning more about "Rust to Green" and Urban Forestry, Kunsela Hall, SUNYIT, Marcy, New York. Notes supplied.

July 12, 2013: Speaker, Remarks at the 'boot camp' graduation, Frankfort VFD, Frankfort, New York. Remarks supplied.

July 3, 2013: Speaker, Utica Fire Academy Commencement, Utica, New York. Notes supplied.

June 14, 2013: Speaker, Utica Flag Day event, Utica, New York. Remarks supplied.

May 17, 2013: Speaker, Herkimer County Community College Commencement, Herkimer New York. Remarks supplied.

May 14, 2013: Speaker, Commencement speech Utica School of Commerce. Remarks supplied.

May 8, 2013: Speaker, Naturalization Ceremony, Utica, New York. Remarks supplied.

February 7, 2013: Speaker, St. Elizabeth Hospital—Mercy Flight Central Announcement, Utica, New York. Notes supplied.

January 24, 2013: Speaker/panelist, Oneida-Herkimer-Madison BOCES Legislative Forum. Notes supplied.

December 1, 2012: Speaker, FIRST LEGO League at SUNYIT, Marcy, New York. Notes supplied.

November 7, 2012: Speaker, Turning Stone Casino and Resort ground-breaking for expansion project, Verona, New York. Notes supplied.

November 1, 2012: Speaker, Munson-Williams Museum remarks for the travelling Emancipation Proclamation exhibit, Utica, New York. Notes supplied.

October 2012 (specific date unknown): Speaker, retirement party for Mohawk Valley Community College employees, Utica, New York. Notes supplied.

October 18, 2012: Speaker/panelists, Elder Abuse Forum, Utica, New York. Notes supplied

October 16, 2012: Speaker/participant, opening Comments, Mohawk Valley Independent Higher Education Forum, Utica, New York. Notes supplied.

September 20, 2012: Speaker, formal kick off of the Center for Global Advanced manufacturing located on the campus of SUNYIT, Marcy, New York. Notes Supplied.

September 17, 2012: Speaker, Naturalization Ceremony, Utica, New York. Notes supplied.

August 31, 2012: Speaker/participant, event marking the anniversary of local business J Grippe Industrial Supply, Frankfort, New York. Notes supplied.

August 30, 2012: Speaker, Bosnian Islamic Association Utica Mosque Grand Opening, Utica, New York. Remarks supplied.

August 26, 2012: Speaker, ceremony marking 100-year anniversary of Delta Lake, Rome, New York. Notes supplied.

August 21, 2012: Participant, ribbon cutting ceremony at Rome's Bellamy Harbor, Rome, New York. Notes supplied.

August 2, 2012: Speaker, community forum on proposed State Thruway toll hikes, Utica, New York. Notes supplied.

July 31, 2012: Speaker/participant, Johnson Park Center dedication, Utica, New York. Notes supplied.

March 29, 2012: Speaker, Village of Whitesboro event honoring Volunteer Firefighter Raymond Daviau, Whitesboro, New York. Remarks supplied.

January 27, 2012: Participant, Genesis community forum, Utica, New York. Notes supplied.

November 10, 2011: Speaker, Genesis Group Strive luncheon, Utica, New York. Notes supplied.

October 26, 2011: Speaker/participant, Northern Oneida County Council of Governments meeting, Rome, New York. Notes supplied.

2008 (specific date unknown): Instructor, *Evidentiary Update*, Continuing Legal Education class, New York State Academy of Trial Lawyers, Syracuse University School of Law, Syracuse, New York. I instructed a small group of attorneys on the latest caselaw in the law of evidence. I have no notes, transcript, or recording. The address for the New York State Academy of Trial Lawyers is 100 Great Oaks Boulevard, Albany, New York 12203.

- 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.

See attached list of interviews.

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.

In June 2022, I was appointed to the New York State Court of Claims by Governor Kathy Hochul to serve the remainder of an unexpired term ending December 31, 2028. Court of Claims judges are appointed by the Governor by and with the advice and consent of the New York State Senate. Court of Claims judges serve nine-year terms. The Court of

Claims is the trial court in New York State that has exclusive jurisdiction over the State of New York as well as certain authorities that are sued under their own name. The Court currently consists of 27 civil judges as well as other judges who sit as Acting Supreme Court judges around the state. All trials within the Court of Claims are bench trials with judges acting as the trier of fact and law. Matters within the court's jurisdiction include claims for breach of contract, appropriation claims, intentional and unintentional tort claims, medical malpractice matters, unjust conviction and imprisonment claims, and incarcerated pro-se matters such as claims alleging an excessive use of force within a correctional facility. I am assigned to the Utica district and hear claims from an eight-county region across central and northern New York. In addition, in 2024, I was appointed by the Chief Administrative Judge as an acting Supreme Court judge in Oneida County. The Supreme Court is the state-wide trial court with the broadest jurisdiction. I am assigned primarily to hear cases involving medical malpractice, motor vehicle accidents, and other tort matters.

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

I have presided over 37 bench trials.

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

jury trials:	0%
bench trials:	100%

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

civil proceedings:	100%
criminal proceedings:	0%

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

R.S. v. State of N.Y., 2024 NY Slip Op 50859(U), 83 Misc. 3d 1234(A) (Ct. Cl.)

- 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. *Mathews v. State of New York*, UID No. 2023-065-514 (Ct. Cl., Oct. 11, 2023). Decision supplied.

This negligence action stemmed from a trip and fall incident that occurred at a state-owned park. The claimant was on a school field trip and fell after stepping

into a large hole on a walkway within the state park. As a result of the fall, the claimant sustained serious injuries including a fractured hip that required surgery. The claimant's mother sued the State of New York on behalf of the claimant alleging that the state, through its maintenance staff at the park, had a duty to keep the premises safe, were aware of a dangerous condition on the walkway and failed to take reasonable steps to correct this condition. The defendant argued that it did not breach a duty owed to the claimant and was unaware of any dangerous condition prior to her fall. The parties agreed to bifurcate the trial. After a bench trial on the issue of liability over which I presided, I wrote a decision finding that the claimants met their burden by a preponderance of the evidence presented at trial; however, I also found that the claimant had some comparative fault for failing to observe the hole in the walkway prior to stepping in it. I apportioned liability 75 percent on the part of the defendant and I found the claimant 25 percent liable. A subsequent trial on the issue of damages over which I presided has recently concluded. To date, I have not rendered a decision in that matter and am still awaiting post-trial submissions.

Counsel for Claimant:

Robert Abdella
Abdella & Sise, LLP.
8 West Fulton Street, P.O. Box 673
Gloversville, NY 12078
(518) 725-1819

Counsel for Defendant:

Albert D. DiGiacomo
Office of the Attorney General
207 Genesee Street, Room 508
Utica, NY 13501
(315) 864-2009

2. *Kemp v. State of New York*, UID No. 2023-065-518 (Ct. Cl., Dec. 4, 2023).
Decision supplied.

This lawsuit involves a paraplegic resident at a state-owned psychiatric facility who was injured during a physical restraint/takedown by a nurse, fracturing his hip. Specifically, the claimant, while seated in his wheelchair, attempted to throw a cup of coffee at another patient and the cup struck a nurse employed by the state. The nurse, in response, lifted the claimant out of his wheelchair and slammed him to the ground. The claimant sued the State of New York for negligence and alleged that the nurse's actions occurred while he was acting within the scope of his employment. Therefore, the claimant asserted that the state was responsible for the actions of the nurse under the doctrine of respondeat superior. The state contested liability, arguing that the actions of the nurse were not foreseeable, were outside the scope of his employment, and constituted an assault and battery. A bifurcated bench trial ensued over which I presided. After

several days of trial in which multiple witnesses testified, and after review of the parties' post-trial submissions, I wrote a decision finding that the State was 100 percent liable for the actions of the nurse and I ordered a damages trial. A trial on the issue of damages trial is scheduled for later this year. The parties are attempting to mediate the matter.

Counsel for Claimant:

James C. Knox
Alishah Bhimani
E. Stewart Jones Hacker Murphy, LLP
28 Second Street
Troy, NY 12180
(518) 354-9414

Counsel for Defendant:

John C. Jensen
Office of the Attorney General
207 Genesee Street, Room 508
Utica, NY 13501
(315) 864-2018

3. *Scozzafava v. State of New York*, UID No. 2023-065-519 (Ct. Cl., Jan. 11, 2024). Decision supplied.

This lawsuit stemmed from a serious motor vehicle accident on the New York State Thruway. The claimant was driving a rented box truck and struck a couch that was in his lane of travel. After striking the couch, claimant's truck rolled over and he sustained serious injuries including several fractures. Claimant was airlifted from the scene of the accident. It was never determined how the couch ended up on the Thruway. The claimant sued the State Thruway Authority alleging that its call dispatchers were negligent because they failed to timely dispatch maintenance crews to remove the couch from the road prior to the claimant's accident. The evidence showed that 911 calls were received approximately ten minutes prior to claimant's accident alerting the call dispatchers about the obstruction on the road. The evidence also revealed that the call dispatchers immediately dispatched a maintenance crew to remove the couch; however, they were unable to get to it prior to claimant's accident. The defendant argued at trial that the actions of its employees were reasonable under the circumstances. After a lengthy bench trial on the issue of liability, I wrote a decision that the State was not negligent in failing to remove the couch or take other action sooner. I dismissed the claim for failure to prove a prima facie case.

Counsel for Claimant:

George J. Szary
DeGraff, Foy & Kunz, LLP
41 State Street, Suite 901

Albany, NY 12207
(518) 462-5300

Counsel for Defendant:

John C. Jensen
Office of the Attorney General
207 Genesee Street, Room 508
Utica, NY 13501
(315) 864-2018

4. *Maynor v. State of New York*, UID No. 2024-065-501 (Ct. Cl., Feb. 7, 2024).
Decision supplied.

In this lawsuit the claimant, a formerly incarcerated individual, sued the State of New York for injuries that occurred to him in a correctional facility when a ceiling in a laundry room collapsed and struck him. The claimant at the time of the incident was a laundry porter in the facility and was performing his job duties when chunks of a plaster ceiling above him fell onto his head causing serious injuries. A bifurcated bench trial was held on the issue of liability over which I presided. The claimant argued the state was liable for his injuries under the doctrine of *res ipsa loquitur* because the collapse of a ceiling does not typically occur absent some negligence. The defendant attempted to raise questions of competency about claimant's ability to testify due to his mental health diagnosis. I ruled that the claimant was competent to testify. The state also attempted to argue that the claimant caused his injuries. After the conclusion of the trial, and after review of the post-trial submissions, I wrote a decision finding the defendant 100 percent liable for claimant's injuries. This matter is scheduled for a damages trial in November 2024.

Counsel for Claimant:

Brian Dratch
The Dratch Law Firm, P.C.
233 Broadway, Suite 1800
New York, NY 10279
(212) 571-1808

Counsel for Defendant:

Ramona Rabeler
Office of the Attorney General
207 Genesee Street, Room 508
Utica, New York 13501
(315) 864-2003

5. *Gilbert v. State of New York*, UID No. 2024-065-504 (Ct. Cl., Mar. 28, 2024)

In this lawsuit, the claimant, an incarcerated individual in a correctional facility, alleged he was being targeted by another incarcerated individual from a rival gang and had requested, but was denied by prison staff, protective custody. Claimant was eventually assaulted by this individual and sustained injuries, including a fractured jaw. The claimant argued that the state had a duty to protect him and either knew or should have known he was at risk of being assaulted by this rival gang member. The claimant further alleged that the state failed to take steps to protect him. The state argued its duty to protect the claimant only extended to known risks and they had no knowledge claimant was in danger at any time before being assaulted. Therefore, the state argued, there was no breach of its duty to protect claimant. After a bench trial on the issue of liability, and after review of the post-trial submissions, I held that the claimant failed to meet his burden of proof and granted the defendant's motion for directed verdict dismissing the claim.

Counsel for Claimant:

Robert Rickner
Rickner PLLC
14 Wall Street, Suite 1603
New York, NY 10279
(212) 300-6506

Counsel for Defendant:

Yvette Velasco
Office of the Attorney General
207 Genesee Street, Room 508
Utica, NY 13501
(315) 864-2008

6. *Rivera v. State of New York*, UID No. 2024-065-508 (Ct. Cl., July 10, 2024).
Decision supplied.

This lawsuit stems from an alleged assault and battery by state corrections officers on a formerly incarcerated individual in a prison. The claimant alleged that he was assaulted in the bathroom of his dormitory when officers stormed in and began punching and thrashing him. The state argued that there was no evidence to support the claimant's allegations of assault and that claimant likely caused his own injuries or was assaulted by other incarcerated individuals. A bifurcated bench trial was held on the issue of liability over which I presided. Upon conclusion of the trial, and after reviewing the post-trial submissions, I wrote a decision finding that claimant failed to prove his case by a preponderance of the evidence. A large part of my decision was based upon my finding that the claimant's testimony was not credible. Specifically, I found inconsistencies between the claimant's trial testimony and previous deposition testimony. In my written decision I granted the defendant's trial motion for a directed verdict, which I previously reserved decision on during the trial, and dismissed the claim.

Counsel for Claimant:

Brian M. Dratch
Dratch Law Firm, P.C.
223 Broadway, Suite 1800
New York, NY 10279
(212) 571-1808

Counsel for Defendant:

Yvette Velasco
Office of the Attorney General
207 Genesee Street, Room 508
Utica, NY 13501
(315) 864-2008

7. *Davidson v. State of New York*, UID No. 2023-065-503 (Ct. Cl., Feb. 17, 2023). Decision supplied.

In this lawsuit a self-represented incarcerated individual alleged that he sustained injuries when a chemical agent was disseminated by officers into the prison mess hall during an altercation between other incarcerated individuals. The claimant also alleged that following the incident he received improper medical treatment and his personal property was taken from him and not returned during a search. The defendant argued that the actions of its officers in spraying the chemical agent constituted a proper use of force to prevent a larger riot among the incarcerated individuals within the mess hall. After a bench trial on the issue of liability, I found that the claimant failed to prove correction officers acted negligently in releasing the chemical agent during the altercation and that the claimant provided no proof of what, if any, personal items were taken from him. Furthermore, I wrote that the claimant failed to present any medical records or competent medical evidence supporting his allegations of injuries as a result of the events in the mess hall. The claim was dismissed.

Counsel for Claimant:

Claimant proceeded pro se

Counsel for Defendant:

Heather Rubinstein
Office of the Attorney General
One Civic Plaza, Suite 401
Poughkeepsie, NY 12602
(845) 485-3900

8. *Myers v. State of New York*, UID No. 2022-065-504 (Ct. Cl., Dec. 16, 2022). Decision supplied.

In this lawsuit the claimant, an individual confined in a state secure treatment facility, sought reimbursement for his portable gaming system he claimed was improperly confiscated by staff during a dormitory room inventory search. I presided over a bench trial during which several witnesses credibly testified that the claimant had altered his gaming system rendering it contraband as defined by the facility guidelines. After the bench trial I issued a written decision finding that the claimant failed to establish a bailment cause of action since the facility staff confiscated his portable gaming system in accordance with facility rules and regulations regarding contraband. I therefore dismissed the claim.

Counsel for Claimant:

Claimant proceeded pro se

Counsel for Defendant:

Albert D. DiGiacomo
Office of the Attorney General
207 Genesee Street, Room 508
Utica, NY 13501
(315) 864-2009

9. *Quaid v. State of New York*, UID No. 2024-065-502 (Ct. Cl., Feb. 26, 2024).
Decision supplied.

This lawsuit involved a self-represented incarcerated individual who alleged assault and battery and excessive force by state corrections officers during his intake into a Special Housing Unit (SHU) at a correctional facility. The claimant alleged he had been involved in a previous incident with staff at the facility and upon his admission into the SHU, he was assaulted in retaliation. Although the defendant acknowledged that a use of force occurred, they argued that force was reasonable under the circumstances. At the bench trial I presided over I found that the claimant testified credibly about his version of events and that the defendant failed to provide justification for any use of force upon claimant. In assessing what degree of force was necessary at the time of the incident, I had to consider the particular circumstances that confronted the officers at the time the force was applied. In my written decision I found the use of force by correction officers was not reasonable. Therefore, the defendant was found liable for the actions of its officers. However, in assessing the damages, I found that the claimant offered no proof of anything but minor injuries and awarded him nominal damages.

Counsel for Claimant:

Claimant proceeded pro se

Counsel for Defendant:

Ray Kyles
Office of the Attorney General
300 South Street, Suite 300

Syracuse, NY 13202
(315) 448-4800

10. *Pogan v. State of New York*, UID No. 2023-065-513 (Ct. Cl., Aug. 18, 2023).
Decision supplied.

In this lawsuit a self-represented incarcerated individual alleged that he sustained injuries when, at his assigned job within the prison maintenance shop, he walked into a security gate with a fabricated metal handle protruding, causing him to break his front teeth. The claimant further alleged that he was denied proper medical treatment for the injuries. The defendant argued that the mere happening of an accident does not require the imposition of liability and that the claimant was responsible for failure to use ordinary care. During the trial the claimant conceded that he did not have a valid claim for any alleged denial of proper medical treatment. In a written decision, I found that claimant failed to meet his burden of proof that he was denied a safe workplace or present any evidence regarding alleged medical malpractice. Accordingly, I granted the defendant's motion to dismiss made at the conclusion of trial.

Counsel for Claimant:

Claimant proceeded pro se

Counsel for Defendant:

Ray Kyles
Office of the Attorney General
300 South Street, Suite 300
Syracuse, NY 13202
(315) 448-4800

- 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. *Miller v. State of New York*, UID No. 2024-065-006 (Ct. Cl., Apr. 16, 2024).
Decision supplied.

Counsel for Claimant:

Woodruff Lee Carroll
334 Nottingham Road
Syracuse, NY 13210
(718) 962-8709

Counsel for Defendant:

John Jensen
Office of the Attorney General

207 Genesee Street, Room 508
Utica, NY 13501
(315) 864-2018

2. *Gilbert v. State of New York*, UID No. 2024-065-504 (Ct. Cl., Mar. 28, 2024).
Decision previously supplied in response to Question 13c.

Counsel for Claimant:

Robert Rickner
Rickner PLLC
14 Wall Street, Suite 1603
New York, NY 10279
(212) 300-6506

Counsel for Defendant:

Yvette Velasco
Office of the Attorney General
207 Genesee Street, Room 508
Utica, NY 13501
(315) 864-2008

3. *Maynor v. State of New York*, UID No. 2024-065-501 (Ct. Cl., Feb. 7, 2024).
Decision previously supplied in response to Question 13c.

Counsel for Claimant:

Brian Dratch
The Dratch Law Firm, P.C.
233 Broadway, Suite 1800
New York, NY 10279
(212) 571-1808

Counsel for Defendant:

Ramona Rabeler
Office of the Attorney General
207 Genesee Street, Room 508
Utica, New York 13501
(315) 864-2003

4. *Scozzafava v. State of New York*, UID No. 2023-065-519 (Ct. Cl., Jan. 11, 2024). Decision previously supplied in response to Question 13c.

Counsel for Claimant:

George J. Szary
DeGraff, Foy & Kunz, LLP
41 State Street, Suite 901
Albany, NY 12207

(518) 462-5300

Counsel for Defendant:

John C. Jensen
Office of the Attorney General
207 Genesee Street, Room 508
Utica, NY 13501
(315) 864-2018

5. *Kemp v. State of New York*, UID No. 2023-065-518 (Ct. Cl., Dec. 4, 2023).
Decision previously supplied in response to Question 13c.

Counsel for Claimant:

James C. Knox
Alishah Bhimani
E. Stewart Jones Hacker Murphy, LLP
28 Second Street
Troy, NY 12180
(518) 354-9414

Counsel for Defendant:

John C. Jensen
Office of the Attorney General
207 Genesee Street, Room 508
Utica, NY 13501
(315) 864-20186.

6. *Mathews v. State of New York*, UID No. 2023-065-514 (Ct. Cl., Oct. 11, 2023). Decision previously supplied in response to Question 13c.

Counsel for Claimant:

Robert Abdella
Abdella & Sise, LLP
8 West Fulton Street, P.O. Box 673
Gloversville, NY 12078
(518) 725-1819

Counsel for Defendant:

Albert D. DiGiacomo
Office of the Attorney General
207 Genesee Street, Room 508
Utica, NY 13501
(315) 864-2009

7. *Diederichs v. State of New York*, UID No. 2023-065-027 (Ct. Cl., Aug. 16, 2023). Decision supplied.

Counsel for Claimant:

Robert Bruschini
Peter P. Balouskas
Martin, Harding & Mazzotti
P.O. Box 15141
Albany, NY 12212
(518) 862-1200

Counsel for Defendant:

John Jensen
Office of the Attorney General
207 Genesee Street, Room 508
Utica, NY 13501
(315) 864-2018

8. *Williams v. State of New York*, UID No. 2023-065-021 (Ct. Cl., Aug. 8, 2023).
Decision supplied.

Counsel for Claimant:

Ameer Benno
30 Wall Street, 8th Floor
New York, NY 10005
(212) 227-9300

Jeffrey A. Rothman
305 Broadway, Suite 200
New York, NY 10007
(212) 227-2980

Counsel for Defendant:

John Jensen
Office of the Attorney General
207 Genesee Street, Room 508
Utica, NY 13501
(315) 864-2018

9. *Young v. State of New York*, UID No. 2023-065-017 (Ct. Cl., Jul. 26, 2023).
Decision supplied.

Counsel for Claimant:

Edward E. Kopko
208 North Tioga Street, 2nd Floor
Ithaca, NY 14850
(607) 592-4711

Counsel for Defendant:

Yvette Velasco
Office of the Attorney General
207 Genesee Street, Room 508
Utica, NY 13501
(315) 864-2008

10. *Calverley v. State of New York*, UID No. 2022-065-004 (Ct. Cl., Oct. 3, 2022).
Decision supplied.

Counsel for Claimant:

Nelson Canter
McLaughlin & Stern
260 Madison Avenue
New York, NY 10016
(212) 448-1100

John A. Donovan
Matthew D. Rush
Sloane and Walsh, LLP
One Boston Place
201 Washington Street, Suite 1600
Boston, MA 02108
(617) 523-6010

Counsel for Defendant:

Albert D. DiGiacomo
John C. Jensen
Office of the Attorney General
207 Genesee Street, Room 508
Utica, NY 13501
(315) 864-2018

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

Based upon a review of my records and legal databases, certiorari has not been requested or granted in any of my cases.

- 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.

Based on a review of my records and legal databases, I have not been reversed in any of my cases.

- 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.

All decisions in which I issued an opinion in the Court of Claims are available on the New York State Court of Claims website,
<https://ww2.nycourts.gov/COURTS/nyscourtofclaims/decisions.shtml>.

- 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.

None.

- 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.

The Court of Claims has a general rule that for the first two years after appointment, the newly appointed judge may provide a list of attorneys that the judge served as co-counsel or otherwise had a former working relationship with which would automatically exclude the judge from presiding over a case. A list of attorney names is provided to the Chief

Clerk's Office and the list is maintained for two years which the court employs as an "automatic" recusal system without my knowledge of having been assigned a claim.

Additionally, under Judiciary Law §9, I moved to recuse myself, sua sponte, on October 13, 2022, on the following cases because I had a working relationship with counsel for claimant(s) within the previous two years:

Kogut v. State of New York, Claim No.: 137725

Kistner and Austrie v. State of New York, Claim No.: 137302

Price and Price v. State of New York, Claim No.: 135366

Millbower v. State of New York, Claim No.: 135303

Radley v. State of New York, Claim No.: 135529

Valentino Jr., as Administrator of the Estate of Valentino v. State Of New York, Claim No.: 136394

My recusal was sought in the following cases:

James v. State of New York, Claim No.: 136565. Here, a self-represented claimant requested that I recuse myself based upon the idea that claimant made telephone calls to my prior office when I was in Congress that went unanswered, and that the court had engaged in misfeasance and treated claimant unfairly. Under Rules of the Chief Administrative Judge § 100.3 (E) Disqualification: "(1) A judge shall disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned, including but not limited to instances where: (a) (i) the judge has a personal bias or prejudice concerning a party or (ii) the judge has personal knowledge of disputed evidentiary facts concerning the proceeding. . . ." I informed claimant that I had no recollection of calls, correspondence or any issue that went unanswered when I was a member of Congress. Additionally, "absent a legal disqualification under Judiciary Law §14, recusal is a matter solely within the discretion and personal conscience of the court." I concluded that I had acted fairly and impartially in presiding over claimant's matter and would continue to do so through the conclusion of his claim. The claim is still pending and there have been no further requests for recusal.

Fay Street Warehouse v. State of New York, UID No. 2022-065-501, Claim No.: 126191 (Ct. Cl., Oct. 24, 2022). This was an eminent domain claim. Defendant raised several issues regarding the inadvertent disclosure by claimant's counsel during a court conference of the advance payment figure paid by the state to claimant. The defendant argued that it was not appropriate for me, as both finder of fact and law, to be aware of the advance payment amount. Defendant also argued that I may have personal knowledge of the underlying facts based on my prior work in the state Assembly. Claimant opposed the motion and oral argument was held. Despite assurances that my impartiality had not

been affected in any way, defendant was unwilling to consent to my continuing to preside in the matter. Therefore, I recused to avoid the appearance of any bias.

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.

Board Member, Utica City School District Board of Education (2009 – 2011);
elected in 2009.

Assemblymember, New York State Assembly (District 119) (2011 – 2018);
elected in 2011.

Representative, United States House of Representatives (District New York 22)
(2019 – 2021).

Candidate for Judge, New York State Supreme Court Fifth Judicial District
(2021), unsuccessful election campaign.

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

In addition to my own campaigns, I volunteered to go door to door for the Kerry Campaign in Ohio in 2004. From approximately 2008 to 2017 I was a member of the Oneida County Democratic Committee.

16. Legal Career: Answer each part separately.

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

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

I have not served as a clerk to a judge.

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

I have not practiced alone.

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

2021 – 2022; 2004 – 2018
Brindisi, Murad and Brindisi-Pearlman, LLP
2713 Genesee Street
Utica, New York 13501
Partner (2006 – 2014; 2021 – 2022)
Of Counsel (2014 – 2018)
Associate (2004 – 2006)

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

I have not served as a mediator or arbitrator.

b. Describe:

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

Over the course of my career as a practicing attorney, I handled primarily civil litigation matters and specialized in personal injury cases primarily on behalf of plaintiffs. I tried or settled cases in state and federal courts involving labor law and construction site accidents, motor vehicle accidents, premises liability accidents, breach of contract claims, intentional tort claims, and defamation claims. I managed all aspects of civil litigation from the investigation, pleadings, deposition, and discovery stages through the motion, pre-trial, settlement and/or trial and appeal processes. I also handled real estate matters, including commercial and residential closings, employment law issues, non-profit law and adoptions. Over my career my role in cases changed as I became more experienced. In the earlier part of my career, I worked alongside more senior partners and assisted them with researching caselaw, drafting pleadings, motion practice, and trial preparations. As I became more senior in my firm, I also handled administrative and supervisory duties. I was assigned my own caseload which included negotiating settlements on behalf of my clients, trial, appeal, and mediation work.

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

Throughout my years of practice my clients tended to be injured plaintiffs in serious personal injury matters. However, I have also represented a small number of defendants in civil litigation matters as well as individuals in business and real estate transactions.

- 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.

Prior to becoming a judge, litigation made up 90 percent of my practice. I appeared in court frequently while in private practice. In recent years, given the responsibilities of my political offices, I appeared in court less often. I did not practice litigation at all during my two years in congress.

- i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|-----|
| 1. federal courts: | 5% |
| 2. state courts of record: | 95% |
| 3. other courts: | 0% |
| 4. administrative agencies: | 0% |

- ii. Indicate the percentage of your practice in:

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

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

The majority of matters I have handled have been disposed of by settlement short of trial. A large percentage of those matters were settled by mediation or arbitration. I estimate that I tried six cases in (two as chief counsel and four as associate or co-counsel) to verdict or judgment.

- i. What percentage of these trials were:

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

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

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

17. **Litigation:** Describe the ten (10) most significant litigated matters which you personally

handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

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

1. *McCann v. Gordon* (Supreme Court, Oneida County, Index No. EFCA2019-001574).

I was trial co-counsel representing the plaintiff in this matter. McCann alleged that defendant Gordon defamed her when he falsely stated in a press release and live media during his 2019 political campaign for Oneida County Executive that plaintiff had an illicit sexual relationship with defendant's married political opponent, then the current Republican County Executive. The defendant also publicly claimed that plaintiff was paid off for the affair in an illegal pay raise scheme and became pregnant during the affair. Significant discovery had occurred prior to my participation in the case. Liability had been established in a previous summary judgment motion and the case proceeded to a damages trial. I was brought in to handle the trial along with my law partner. I was involved in extensive trial preparations that included legal research, witness preparation, and managing a massive volume of evidence including hundreds of exhibits. At trial, I provided an opening statement and examined witnesses to establish plaintiff's damages to her reputation. After a bench trial, the judge returned a verdict in favor of our client awarding damages in the amount of \$394,416, consisting of \$4,416 in economic damages; \$40,000 in damages to her reputation; \$50,000 in past humiliation and mental anguish; \$250,000 in future humiliation and mental anguish; and \$50,000 in punitive damages. The defendant elected to proceed pro se in this action after his counsel withdrew from representation prior to trial.

Dates of Representation: 2021 (client was represented by co-counsel from 2019 – 2021)

Presiding Judge: Hon. Scott Delconte

Co-Counsel:

Eva Pearlman
Brindisi, Murad, and Brindisi-Pearlman
2713 Genesee Street
Utica, NY 13501
(315) 733-2396

Defendant's Counsel:

Defendant proceeded pro se

2. *Metzgier v. Miller*, 87 A.D.3d 1409, 930 N.Y.S.2d 516 (2011) (2011).

I was sole counsel for the defendant on this pro-bono matter I handled on behalf of the Mid-York Legal Aid Society. The defendant was an indigent farmer with no property insurance who was being sued for an accident that occurred on his farm. Specifically, the plaintiff, while operating an all-terrain vehicle, struck a fence erected on the defendant's farm to keep his horses and livestock on the property. I handled paper discovery, depositions, motion practice, and an appeal. Upon completion of discovery, I moved for summary judgment on behalf of the defendant based on New York's "Recreational Use" statute, arguing that judgment should be granted in favor of the defendant because plaintiff was injured during a recreational activity while trespassing on the defendant's land. After the motion was denied in the trial court, I prepared an appeal to the appellate court in our judicial department and succeeded in having the lower court reversed, resulting in dismissal of the case.

Dates of Representation: 2009 – 2011

Presiding Judge: Hon. Michael Daley

Plaintiff's Counsel:

George Aney
401 North Prospect Street
Herkimer, NY 13350
(315) 866-6600.

3. *Laskowski v. Barr & Barr, Inc., & Murphy Excavating* (Supreme Court, Oneida County, Index No. CA2007-000186).

I was lead counsel for a construction worker who was injured during the course of his employment with a demolition contractor. At the time of the incident, the plaintiff was on a construction site working on an upper floor of an old building that was in the process of being demolished. While he was clearing debris, plaintiff was knocked down and dragged several feet across the floor by a Bobcat skid steer construction vehicle operating too close to him in a dimly lit work area. The plaintiff alleged negligence on the part of the owner and general contractor on the construction project, as well as several violations of the New York State Industrial Code and Labor Law. I handled each phase of the litigation. I drafted the pleadings and conducted extensive discovery in this case including the review of investigation reports, contracts, safety meeting minutes, and photographs of the accident scene. I also handed several depositions of various representatives from the owner of the property, general contractor, subcontractors, and non-party witnesses on the job site. I prepared response papers and successfully opposed a motion for summary judgment. I engaged in trial preparations which included interviewing and retaining expert witnesses to testify at trial. I also entered into extensive

settlement discussions with defense counsel and insurance adjusters. The matter was settled for \$750,000 prior to trial.

Dates of Representation: 2008 – 2010

Presiding Judge: Hon. John Grow

Co-Defendant's Counsel:

Daniel Ryan
Smith Sovik
250 South Clinton Street
Syracuse, NY 13202
(315) 474-2911

Daniel Fletcher
Costello, Cooney & Fearon, PLLC
211 West Jefferson Street
Syracuse, NY 13204
(315) 422-1152

4. *Tanney v. Terwilliger & Greene Trucking* (Supreme Court, Herkimer County, Index No. 89207/08).

I was lead counsel for a woman seriously injured in a trucking accident. The plaintiff was stopped in her vehicle on a highway attempting to make a left turn. Before she could make her turn, she was rear-ended by a tractor-trailer. She received injuries to her head; fractures of several vertebrae and a herniated disc that required surgery. I handled each phase of the litigation starting with review of the police investigation and accident reconstruction. I visited the scene of the accident, took statements from witnesses and took photographs of the roadway and vehicles involved. I drafted pleadings and conducted discovery, which included handling several depositions. I prepared a motion for summary judgment on the issue of the defendant's liability and successfully argued the motion. I engaged in trial preparations and participated in a mediation prior to trial. I prepared a mediation statement and had extensive discussions with the mediator and defense attorney regarding the value of the case. The parties negotiated a settlement for \$750,000.

Dates of Representation: 2007 – 2010

Presiding Judge: Hon. Michael Daley

Defendant's Counsel:

Michael Donnelly (deceased)

5. *Janda v. Faxton-St-Luke's Healthcare* (Supreme Court, Oneida County, Index No. CA2006-001317).

This was a medical malpractice/negligence matter. I was co-counsel for a young woman who was severely burned during an inpatient stay in the mental health unit at a local hospital. The defendants, two physicians and the healthcare system, vigorously contested liability. My participation in this case was to sit as second chair to my law partner at trial. I assembled, organized, and managed all the evidence at trial. I conducted legal research and drafted jury instructions, verdict sheets, pre-trial briefs, and motions. I assisted in witness preparations. I interviewed, secured, and prepared our expert witnesses for trial. I participated in voir dire and gave the opening statement outlining the case for the jury. After several weeks of trial, the jury returned a verdict dismissing the action against the two physicians and finding liability against the hospital. The judge found that the jury verdict on damages was against the weight of the evidence presented and inconsistent with what would be reasonable compensation for a plaintiff with similar injuries. The verdict on damages was set aside by the judge and a new trial on damages was ordered. The matter settled pre-trial for \$550,000.

Dates of Representation: 2007 – 2009

Presiding Judge: Hon. John Grow

Co-Counsel:

Louis Brindisi
Brindisi, Murad, and Brindisi-Pearlman, LLP.
2713 Genesee Street
Utica, NY 13501
(315) 733-2396

Stephanie Palmer
Law Offices of Robert Julian
2037 Genesee Street
Utica, NY 13501
(315) 797-5610

Co-Defendant's Counsel:

Eugene Napierski
Napierski, VanDenburgh, Napierski & O'Connor, LLP.
296 Washington Avenue Extension #3
Albany, NY 12203
(518) 862-9292

Kevin Hulslander
Smith Sovik
250 South Clinton Street
Syracuse, NY 13202
(315) 474-2911

6. *Cordisco v. Borders, Inc.* (Supreme Court, Onondaga County, Index No. 2005-22378).

I was lead counsel to a plaintiff who received a severe leg injury while he was shopping at a bookstore. While he walked around the store, his leg was cut on a book display protruding into an aisle. As a result of the cut, the plaintiff developed an infection in his leg that led to a chronic condition known as Reflex Sympathetic Dystrophy Syndrome or Complex Regional Pain Syndrome. The condition caused severe burning pain in his leg and sensitivity to touch. The plaintiff was a pharmacist and was unable to stand for long periods of time, which led to him losing his job. I drafted a complaint that alleged the defendant was aware of a dangerous condition in the store and failed to take measures to make its store safe for customers. I handled every aspect of this litigation from the paper discovery through depositions. After multiple depositions I took of store employees, I was able to establish that they knew the book display was dangerous prior to my client's accident. The defendant disputed liability and, following the conclusion of discovery, moved for summary judgment. I prepared motion papers responsive to the defendant's summary judgment motion. I was able to establish a question of fact through our motion papers and the judge denied summary judgment. I engaged in trial preparations which included retaining several experts to establish liability as well as the plaintiff's damages. Immediately prior to trial, the parties agreed to mediate the matter. New co-counsel for the defendant was brought in to handle the mediation. I also engaged the assistance of my prior law partner to assist with the mediation. I prepared a mediation statement and conducted settlement discussions with defense counsel. Ultimately, I was able to secure a settlement on behalf of my client for \$1.9 million.

Dates of Representation: 2006 – 2008

Presiding Judge: Hon. Donald Greenwood

Co-Counsel:

Robert Julian
2037 Genesee Street
Utica, NY 13501
(315) 797-5610

Co-Defendant's Counsel:

Paul Catone
Taylor and Associates
1 Columbia Circle
Albany, NY 12202
(518) 452-0802

Kevin Burke
Burke, Scolamiro & Hurd, LLP
7 Washington Square
Albany, NY 12205

(518) 862-1386

7. *Welch v. Pyramid Management Group et al.* (Supreme Court, Oneida County, Index No. 1302029/05; 1302300/06).

I was lead counsel for a plaintiff who received a traumatic brain injury from a slip and fall incident at a local mall. The plaintiff was hospitalized for six weeks and underwent multiple surgeries connected with his head injury, one of which required the removal of a large section of his left skull. The plaintiff sued the property manager, owners, and snow-removal contractor, alleging that the defendants were negligent in their maintenance of the premises and that their negligence created a dangerous condition. The defendants contended that there was a snowstorm in progress at the time of the accident and that the plaintiff was aware of the conditions and therefore caused his own injuries. I prepared pleadings and conducted the depositions of the parties in this matter. After the conclusion of discovery, the defendants moved for summary judgment, which was denied by the trial judge. I prepared the response papers to the motion. I was able to establish a question of material fact in my response papers by citing meteorological records and deposition testimony. I conducted trial preparations in this matter and drafted a mediation statement for the mediator. I engaged in settlement discussions with defense counsel. A trial was scheduled but following mediation the case settled for \$3 million.

Dates of Representation: 2005 – 2007

Presiding Judge: Hon. Norman Siegel

Co-Defendant's Counsel:

Kenneth Alweis
Goldberg Segalla, LLP
5786 Widewaters Parkway
Syracuse, NY 13214
(315) 413-5410

Patrick Sardino
Cozen O'Connor
3WTC
175 Greenwich Street
55th Floor
New York, NY 10007
(212) 908-1337

8. *Rashford v. City of Utica* (Supreme Court, Oneida County, Index No. 02-00354).

This matter was tried before a jury in 2007. I served as co-counsel and second chair at trial on behalf of the plaintiff. The plaintiff was seriously injured in a sledding accident at a municipally-owned park. Specifically, plaintiff was sledding down a hill with his children and received head injuries when he struck the bottom of an unguarded aerial

chairlift tower. The metal tower was guarded on three sides with bales of hay but the side facing individuals sledding down the hill was left unguarded exposing the bottom of the structure. The plaintiff alleged that the City of Utica negligently maintained its property in that it was aware individuals in the City and surrounding areas used the hill for sledding purposes and failed to take reasonable precautions to prevent the plaintiff's injuries. The City disputed that it was liable for the plaintiff's injuries; however, witness testimony demonstrated that the City was aware of the dangerous condition and failed to take steps to alleviate the danger. At the conclusion of trial and prior to jury deliberations, that parties entered into a settlement for \$750,000. I assisted in drafting pleadings and legal research prior to trial. I also assisted in trial preparations including assembling the key evidence, drafting subpoenas, pre-trial memoranda and motions, jury instructions, and verdict sheets. I interviewed and prepared witnesses for trial. I assisted with voir dire, gave the opening statement outlining the case for the jury, and examined witnesses. I also assisted in the settlement negotiations that ultimately resolved the case.

Dates of Representation: 2005 – 2007

Presiding Judge: Hon. John Grow

Co-Counsel:

Louis Brindisi
Anthony Murad
Brindisi, Murad, and Brindisi-Pearlman, LLP
2713 Genesee Street
Utica, NY 13501
(315) 733-2396

Defendant's Counsel:

Diane Martin-Grande
1200 Floyd Avenue
Rome, NY 13440
(888) 913-3992

9. *Misiaszek v. L.H. Searles Garage, Freightliner, LLC* (Supreme Court, Oneida County, Index No. CA2004-001390).

I was co-counsel for a plaintiff who had been severely injured in a tractor roll-over accident. The plaintiff was a fertilizer salesman and was traveling as a passenger in a tractor with an attached trailer loaded with both spraying equipment and two plastic tanks of liquid nitrogen. The brakes on both the tractor and trailer failed causing the vehicles to overturn after passing through an intersection. The defendants included the manufacturers of the tractor and trailer, the owner and lessee of the vehicle, and a garage that allowed the tractor to pass inspection despite knowing the brakes weren't working properly. The plaintiff suffered multiple injuries including several fractured vertebrae, which led to a form of partial paralysis. After extensive discovery and motion practice, the matter settled for \$1.76 million and included waiver of a \$641,677 worker's compensation lien. I

conducted legal research and assisted with drafting of pleadings and motions in response to several motions to dismiss that were filed in the case.

Dates of Representation: 2004 – 2007

Presiding Judge: Hon. Robert Julian

Co-Counsel:

Louis Brindisi
Anthony Murad
Brindisi, Murad and Brindisi-Pearlman, LLP
2713 Genesee Street
Utica, NY 13501
(315) 733-2396

Co-Defendant's Counsel:

Kevin E. Hulslander
Smith Sovik Kendrick & Sugnet, PC
250 South Clinton Street, Suite 600
Syracuse, NY 13202
(315) 474-2911

Jeffrey N. Miller
Friedman, Hirschen & Miller, LLP
12 Jordan Court
Latham, NY 12110
(518) 331-4373

Michael R. Vaccaro
Melvin & Melvin PLLC
217 South Salina Street
Syracuse, NY 13202
(315) 422-1311

Valerie L. Barbic
Law Offices of John Wallace
60 Lakefront Boulevard, Suite 102
Buffalo, NY 14202
(585) 321-8143

Thomas S. Lane
Webster Szanyi LLP
424 Main Street, Room 1400
Buffalo, NY 14202
(716) 842-2800

Shelly L. DiBenedetto
Costello Cooney & Fearon PLLC
211 West Jefferson Street
Syracuse, NY 13202
(315) 422-1152

George Melo
Wilson Elser Moslowitz Edelman & Dicker, LLP
1133 Westchester Avenue West
White Plains, NY 10604
(914) 323-7000

10. *Brooks v. Byrne et al.*, Case No. 9:01-CV-56 (N.D.N.Y.).

I was assigned by the Hon. David Hurd to represent a pro-se litigant who was incarcerated in a New York State Correctional Facility. I was sole trial counsel to the plaintiff and received the case when the matter was trial ready. I had to rely on all discovery conducted by the plaintiff because I was not permitted to re-open discovery. The plaintiff brought suit under 42 U.S.C. § 1983 against several correctional officers alleging that they assaulted him during a transfer within the facility. The plaintiff claimed that he was thrown down a flight of stairs and received injuries due to the alleged assault. There were no other witnesses to the incident. The trial lasted five days. I handled every aspect of the trial including opening and closing statements, examinations of witnesses, jury selection, and post-trial motions. The jury returned a verdict in favor of the defendants.

Dates of Representation: 2005 – 2006

Presiding Judge: Hon. David Hurd

Defendant's Counsel:

Senta Siuda
Office of the Attorney General
207 Genesee Street
Utica, NY 13501
(315) 266-4319

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 a substantial part of my law practice involved litigating disputes that involved going to court, I also spent significant time resolving disputes outside of the judicial process before any litigation was commenced. I handled a number of mediations and arbitrations working with opposing counsel to negotiate settlements to avoid litigation. In addition to my work as a civil litigator, I represented clients in matters that did not involve litigation such as real estate matters and employment law cases. In one such employment law matter I represented a public employee who was under investigation stemming from allegations of misconduct within his department. I was able to successfully negotiate a resolution of the dispute between him and the employing municipality without the need for litigation. I also counseled thousands of clients or potential clients as a practitioner and assumed co-management and supervisory responsibilities with my previous law firm when I became a partner.

My legal skills also provided me with valuable insight into the process of drafting and interpreting laws which I carried forward in my roles as an Assemblyman and Member of Congress. For example, I drafted laws in the Assembly to protect the safety of children from violent sex offenders and worked to establish alternative resolution programs for service members and veterans involved in combat who were accused of certain crimes. In Congress, following a horrific murder of a young woman in my community, I drafted Bianca's Law to hold social media companies more accountable for sharing graphic and violent content on their platforms. Through the experience of my legislative work, I was exposed to areas of the law outside of my legal training. I honed my skills as a careful, attentive, and active listener which carried forward to my role as a judge.

I have never registered as a lobbyist or engaged in lobbying activity.

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

None.

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

None.

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

None.

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

See attached Financial Disclosure Report.

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

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

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

If confirmed, I will recuse myself in any litigation in which I have ever played a role. I will recuse myself in any matters involving my previous law firm, Brindisi, Murad, and Brindisi-Pearlman. I am unaware of any financial arrangements or categories of litigation, or other persons or parties, likely to present potential conflicts of interest if I am confirmed. I will evaluate any real or potential conflicts of interest, or relationship that could give rise to an appearance of a conflict, on a case-by-case basis and determine appropriate action, including recusal where necessary.

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

If confirmed, I will carefully evaluate and address any real or potential conflicts by reference to 28 U.S.C. § 455, Canon 3 of the Code of Conduct for United States Judges, and any and all other laws, rules, and practices governing such circumstances.

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

I volunteered as trial counsel for a *pro se* litigant in a civil action in the Northern District of New York. The matter involved the representation of a person incarcerated in a New York State Correctional Facility. The matter went to trial, and I tried the case to jury verdict. Also, I volunteered with the Mid-York Legal Aid Society. One case involved my representation of an indigent defendant farmer without insurance who was being sued for a something that was not his fault. I spent approximately 50 hours handling motions and an appeal for this individual. Prior to my appointment as a state judge, I volunteered my time to help incorporate a Utica-area non-profit that serves families of children with severe medical conditions. In addition, I served as a volunteer member of the Board of Education for the Utica City School District from 2009 to 2011. The district, which serves approximately 10,000 students from diverse backgrounds, is a high-needs, economically disadvantaged school system. As the only lawyer on the board, I frequently applied my legal expertise, particularly in budget oversight and interpretations of education law. On average, I dedicated 10 to 15 hours per week to this role, with some weeks requiring up to 20 hours of my time.

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.

I contacted Senator Charles Schumer's and Senator Kirstin Gillibrand's offices in in early January 2022 to express my interest in being considered for any vacancies on the United States District Court for the Northern District of New York. On January 17, 2022, I forwarded Senator Gillibrand a letter and a resume reiterating my interest. In Spring 2022, I interviewed with staff from Senator Gillibrand's office. In late March or early April 2024, I received a call from Senator Gillibrand's office inquiring if I was still interested in being considered for any potential vacancies in the Northern District of New York. Shortly thereafter, I was told by Senator Gillibrand's office that she intended to submit my name to the White House for consideration. On May 10, 2024, I was contacted by the White House Counsel's Office to schedule an interview, which took place on May 14, 2024. On May 28, 2024, I was notified by the White House Counsel's Office that I would be continuing the vetting process. Since that date, I have been in contact with officials from the White House Counsel's Office and the Office of Legal Policy of the Department of Justice. On July 31, 2024, 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.