

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Brandy Renée McMillion
Brandy Renée Murphy

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

United States District Judge for the Eastern District of Michigan

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

Office: United States Attorney's Office for the Eastern District of Michigan
211 West Fort Street, Suite 2001
Detroit, Michigan 48226

Residence: Troy, Michigan

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

1979; Dayton, Ohio

5. **Education:** List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

2003 – 2006, The George Washington University Law School; J.D. (with Honors and Pro Bono Distinction), 2006

1997 – 2002, University of Michigan; M.S.E., 2002, B.S.E., 2001

1998 – 1999, Oakland Community College; no degree (summer courses during undergraduate studies)

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.

2015 – present

United States Attorney's Office for the Eastern District of Michigan
211 West Fort Street, Suite 2001
Detroit, Michigan 48226
Chief, General Crimes Unit (2022 – present)
Deputy Chief, Health Care Fraud Unit (2019 – 2022)
Opioid Fraud Abuse and Detection AUSA (2017 – 2022)
Assistant United States Attorney (2015 – present)

2012 – 2015

Bryan Cave LLP
161 North Clark, Suite 4300
Chicago, Illinois 60601
Senior Litigation Associate

2007 – 2012

Perkins Coie LLP
110 North Upper Wacker Drive, Suite 3400
Chicago, Illinois 60606
Associate

2006 – 2007; Summer 2005; Summer 2004

Pepper Hamilton LLP
4000 Town Center, Suite 1800
Southfield, Michigan 48075
Associate (2006 – 2007)
Summer Associate (Summer 2005; Summer 2004)

2005 – 2006

The George Washington University Community Living and Learning
2350 H Street, Northwest
Washington, DC 20052
Community Facilitator

2004 – 2005; 2005 – 2006

The George Washington University Student Judicial Services
800 21st Street, Northwest
Washington, DC 20052
Judicial Conference Officer

Summer 2005

Miller, Canfield, Paddock & Stone PLC
150 West Jefferson Avenue, Suite 2500
Detroit, Michigan 48226

Summer Associate

2002 – 2003

Ann Arbor Public Schools
2555 South State Street
Ann Arbor, Michigan 48104
Substitute Teacher

2002 – 2003; 2001 – 2002

The University of Michigan Minority Engineering Program Office
1221 Beal Avenue
Ann Arbor, Michigan 48109
Program Coordinator (2002 – 2003)
Program Assistant (2001 – 2002)

2002

Ypsilanti Public Schools
1885 Packard Road
Ypsilanti, Michigan 48197
Substitute Teacher

Summer 2002; Summer 2001

Procter & Gamble Company
One P&G Plaza
Cincinnati, Ohio 45202
Summer Intern

Other Affiliations (uncompensated)

2015 – present

Warrior Women Against Poverty, Inc.
P.O. Box 21911
Detroit, Michigan 48221
Director

2015 – 2018

The George Washington University Law School Alumni Board
2000 H Street, Northwest
Washington, DC 20052
Board Member

2016 – 2017

Identify Your Dream Foundation
91 North Saginaw Street
Pontiac, Michigan 48342
Board President

2012 – 2015

Chicago Committee for Minorities in Large Law Firms
70 West Madison Street, 33rd Floor
Chicago, Illinois 60602
Associate Board Member

2010 – 2015

Black Women Lawyers' Association of Greater Chicago, Inc.
321 South Plymouth Court, Suite 600
Chicago, Illinois 60604
Scholarship Fund Board Member

2009 – 2010

Blue Sky Inn
3720 North Lincoln Avenue
Chicago, Illinois 60613
Board Vice President

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

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

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

United States Attorney's Office for Eastern District of Michigan Michelle Tomsho
Award for Outstanding Service (2022)

US Attorney's Award for Outstanding Achievement (2021)

Michigan Chronicle 40 Under 40 Honoree (2018)

University of Michigan Black Alumni Association Making a Difference Award (2015)

Black Women Lawyers' Association of Greater Chicago President's Award for
Outstanding Service (2014)

Perkins Coie Pro Bono Achievement Award (2009)

West Publishing Award in Family Law (2006)

Patricia Roberts Harris Leadership Award (2006)

The George Washington University Law School
Pro Bono Award (2006)
Mock Trial Board (2005 – 2006)
Leadership Award (2005)

The National GEM Consortium Graduate Fellow (2001 – 2002)

Ford Foundation Graduate Fellow (2001 – 2002)

University of Michigan
Marian Sarah Parker Research Scholar (1997 – 2001)
Scholar Recognition Award Scholarship (1997 – 2001)

HT Ewald Foundation Scholarship (1997 – 2001)

Trinity Missionary Baptist Church Scholarship (1997 – 2001)

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

Black Women Lawyers' Association of Greater Chicago, Inc.
Scholarship Fund Board Member (2013 – 2015)

Chicago Committee for Minorities in Large Law Firms
Associate Board Member (2012 – 2015)

Federal Bar Association – Eastern District of Michigan Chapter
Diversity Committee Co-Chair (2022 – present)

Illinois State Bar Association

National Bar Association

Wolverine Bar Association

10. **Bar and Court Admission:**

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

Illinois, 2007

Indiana, 2013
Michigan, 2006

I allowed my Indiana bar admission to lapse in 2015 because I was leaving private practice and transitioning to the United States Attorney's Office in Michigan. As the primary purpose of my Indiana bar admission was to service a private client in that state, there was no longer a need to be admitted to practice in Indiana. In 2017, I changed my Illinois bar status to "Voluntarily Inactive." As an Assistant United States Attorney, I only need to be actively barred in one state. Since I was also licensed to practice in the State of Michigan, I went to inactive status in Illinois. There have been no other lapses in membership.

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

United States Court of Appeals for Seventh Circuit, 2014
United States Court of Appeals for the Federal Circuit, 2009
United States District Court for the Northern District of Illinois, 2008
United States District Court for the Northern District of Indiana, 2013
United States District Court for the Eastern District of Michigan, 2006

There have been no lapses in membership.

11. Memberships:

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

Blue Sky Inn (2008 – 2010)
Vice President, Board of Directors (2009 – 2010)

Delta Sigma Theta Sorority, Inc. (1999 – present)
Detroit Alumnae Chapter Executive Leadership Team (2015 – present)
Nu Chapter President (2000 – 2001)

Identify Your Dream Foundation (2015 – 2017)
President, Board of Directors (2016 – 2017)

Michigan Drug Endangered Children Alliance (2019 – present)
Steering Committee (2019 – present)

The George Washington University Black Law Alumni Association (2006 – present)

The George Washington University Law Alumni Association (2006 – present)
Board of Directors (2015 – 2018)
Mentor Program (2017 – 2019)

University of Michigan Alumni Association, Life Member (2008 – present)

University of Michigan Black Alumni Association (2001 – present)

Tutormate Reading Program (2017 – 2019)

Warrior Women Against Poverty, Inc. (2015 – present)
Board Member (2015 – present)

Additionally, since 2017 I have been a member of the Parent Teacher Organizations at my children's schools, and I have been a Co-President of one PTO since 2022.

- 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.

Delta Sigma Theta Sorority, Inc. is an international public service organization that extends membership only to women. To the best of my knowledge, none of the other organizations listed above currently discriminate or formerly discriminated on the basis of race, sex, religion, or national origin either through formal membership requirements or the practical implementation of membership policies.

12. Published Writings and Public Statements:

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

With Patrick Collins & Jade Lambert, *Quinn Must Act on Clemency Petitions*, Chicago-Sun Times (Nov. 11, 2011). Copy supplied.

With Michael O. Warnecke, *Is There a Better Way to Resolve a Patent Dispute Than in a Court?*, *Who's Who Legal: Patents 2010* (July 2010). Copy supplied.

With Michael O. Warnecke, *The KSR Standard for Obviousness: A Pendulum Shift to 20/20 Hindsight*, 15 No. 11 *Andrews Intell. Prop. Litig. Rep.* 12 (Sept. 10, 2008). Copy supplied.

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

Federal Bar Association, Eastern District of Michigan Chapter, 2021 Chapter Diversity Statement. Copy supplied.

Illinois Reform Commission, 100 Day Report (Apr. 28, 2009). 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.

1000 Black Women Pen Letter to Biden-Harris Administration. Copy supplied.

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

The following list reflects my best effort to identify the public speaking events in which I have participated, based on a review of my records and publicly available information. There may be some events that were inadvertently omitted.

April 13, 2023: Speaker, Oak Park Preparatory Academy Career Day, Oak Park Preparatory Academy, Oak Park, Michigan. Presentation supplied.

March 24, 2023: Panelist, Virtual Forum on Swatting for Michigan School Superintendents, Federal Bureau of Investigations, Detroit, Michigan (virtual

program). Notes supplied.

March 3, 2021: Speaker, Pretty Brown Girl Attorney Day, Southfield, Michigan. I spoke with elementary school girls about careers in the law and the importance of education. I have no notes, transcript, or recording. The address for Pretty Brown Girls is P.O. Box 1082, Novi, Michigan 48376.

December 8, 2020: Speaker, Michigan Drug Endangered Children's Alliance, Lansing, Michigan (virtual presentation). I spoke to the Michigan DEC Steering Committee on the Department of Justice's opioid initiatives and efforts to combat the opioid epidemic. I have no notes, transcript, or recording. The Michigan DEC Alliance is housed within the Michigan State Police at 7150 Harris Drive, Dimondale, Michigan 48821.

January 23, 2020: Speaker, Oak Park Preparatory Academy Career Day, Oak Park Preparatory Academy, Oak Park, Michigan. Presentation supplied.

2019 (specific date unknown) and January 10, 2020: Panelist, Classroom to Courtroom Program, Federal Bar Association Eastern District of Michigan Chapter, Detroit, Michigan. I spoke with law students about my career path, federal legal practice, and opportunities for internships. I have no notes, transcript, or recording. The address for the Federal Bar Association Eastern District of Michigan Chapter is P.O. Box 5249, Northville, Michigan 48167.

June 4, 2019: Panelist, WMU-Cooley Law School Mentor Jet, Western Michigan University Cooley Law School, Auburn Hills, Michigan. I spoke on a panel of local attorneys and judges to law students, recent graduates, and newly-admitted attorneys regarding legal careers. I have no notes, transcripts, or recording. The address for Western Michigan University Thomas M. Cooley Law School is 300 South Capitol Avenue, Lansing, Michigan 48933.

May 17, 2019: Panelist, International Association of Special Investigation Units Michigan Conference, International Association of Special Investigation Units, Dearborn, Michigan. Presentation supplied.

May 9, 2019: Speaker, Pretty Brown Girl Attorney Day, Detroit, Michigan. I spoke with elementary school girls about careers in the law and the importance of education. I have no notes, transcript, or recording. The address for Pretty Brown Girls is P.O. Box 1082, Novi, Michigan 48376.

June 5, 2018: Panelist, WMU-Cooley Law School Mentor Jet, Western Michigan University Cooley Law School, Auburn Hills, Michigan. I spoke on a panel of local attorneys and judges to law students, recent graduates, and newly admitted attorneys regarding careers in the legal profession. I have no notes, transcript, or recording, but press coverage is supplied. The address for Western Michigan University Thomas M. Cooley Law School is 300 South Capitol Avenue,

Lansing, Michigan 48933.

February 15, 2018: Panelist, WMU-Cooley Law School Opioid Public Health Conference, Western Michigan University Cooley Law School, Auburn Hills, Michigan. Presentation and press coverage supplied.

2017 – 2019 (specific dates unknown): Reading Tutor, Tutormate Reading Program, United States Attorney's Office for the Eastern District of Michigan, Detroit, Michigan. I, along with several other AUSAs, participated in Retooling Detroit's online tutoring program. I served as a weekly reading tutor to Detroit Public School students. I have no notes, transcript, or recording. The address for the United States Attorney's Office for the Eastern District of Michigan is 211 West Fort Street, Suite 2001, Detroit, Michigan 48226.

November 4, 2017: Moderator, IDYD Education Empowerment Summit, Identify Your Dream Foundation, Auburn Hills, Michigan. I moderated a program on education and specifically how it affects children who have been labeled "at risk" or "high risk" because they need special attention, and introduced the keynote speaker. I have no notes, transcript, or recording. The address for Identify Your Dream Foundation is 91 North Saginaw Street, Pontiac, Michigan 48342.

May 2, 2016, and March 7, 2017: Panelist, Law Day, United States District Court for the Eastern District of Michigan and the Federal Bar Association Eastern District of Michigan Chapter, Detroit, Michigan. I spoke to high school students about my career path and practicing in federal court in both civil and criminal practice. I have no notes, transcript, or recording, but press coverage for the March 2017 event is supplied. The address for the Federal Bar Association Eastern District of Michigan Chapter is P.O. Box 5249, Northville, Michigan 48167.

April 10, 2015: Panelist, National Summit of Black Women Lawyers, Black Women Lawyers' Association of Greater Chicago, Inc., Chicago, Illinois. I spoke on a panel exploring career paths for Black women in the legal profession. I have no notes, transcript, or recording. The address for Black Women Lawyers' Association of Greater Chicago is 321 South Plymouth Court, Suite 600, Chicago, Illinois 60604.

2015 – 2020 (specific dates unknown): Speaker, Project Sentry Program, United States Attorney's Office for the Eastern District of Michigan, Detroit, Michigan. I participated in the United States Department of Justice anti-violence presentation at public elementary, middle, and high schools in the Metro-Detroit area. I engaged in conversations with students on topics of violence prevention, engaging with law enforcement, decision-making, resolving conflict, navigating challenges, and the importance of education and pathways to college and law school. I have no notes, transcript, or recording. The address for the United States Attorney's Office for the Eastern District of Michigan is 211 West Fort

Street, Suite 2001, Detroit, Michigan 48226.

2013 (specific date unknown): Speaker, The ABC's of WBE/MBE/DBE/ACDBE Certification, Southside Women's Business Alliance, Chicago, Illinois. I spoke with women small business owners about the process for applying for federal certifications. I have no notes, transcript, or recording. The address for the Southside Women's Business Alliance is 9551 South Damen Avenue, Chicago, Illinois 60643.

- 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.

Julie Hinds, *It's About Time: Michigan Women are Inspired by Harris' Vice President Win*, Detroit Free Press (Jan. 17, 2021). Copy supplied.

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

I have not held judicial office.

- a. Approximately how many cases have you presided over that have gone to verdict or judgment? _____
 - i. Of these cases, approximately what percent were:
 - jury trials: _____%
 - bench trials: _____% [total 100%]
 - ii. Of these cases, approximately what percent were:
 - civil proceedings: _____%
 - criminal proceedings: _____% [total 100%]
- b. Provide citations for all opinions you have written, including concurrences and dissents.
- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature of the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (4) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).
- d. For each of the 10 most significant opinions you have written, provide: (1)

citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.

- e. Provide a list of all cases in which certiorari was requested or granted.
- f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.
- g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.
- h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.
- i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.

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

I have not held judicial office.

- a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;
- b. a brief description of the asserted conflict of interest or other ground for recusal;
- c. the procedure you followed in determining whether or not to recuse yourself;
- d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

15. Public Office, Political Activities and Affiliations:

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

None.

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

None.

16. Legal Career: Answer each part separately.

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

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

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;

2006 – 2007
Pepper Hamilton LLP
100 Renaissance Center, 36th Floor
Detroit, Michigan 48243
Associate

2007 – 2012
Perkins Coie LLP
131 South Dearborn Street, Suite 1700
Chicago, Illinois 60603

Associate

2012 – 2015

Bryan Cave LLP
161 North Clark Street, Suite 4300
Chicago, Illinois 60601
Senior Litigation Associate

2015 – present

United States Attorney's Office for the Eastern District of Michigan
211 West Fort Street, Suite 2001
Detroit, Michigan 48226
Chief, General Crimes Unit (2022 – present)
Deputy Chief, Health Care Fraud Unit (2019 – 2022)
Opioid Fraud Abuse and Detection AUSA (2017 – 2022)
Assistant United States Attorney (2015 – present)

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

I have not served as a mediator or arbitrator in alternative dispute resolution proceedings.

b. Describe:

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

My legal career has consisted of both civil and criminal legal practice. I have spent half of my career as a commercial litigator and the other half of my career as a federal prosecutor.

I began practicing in 2006 as a commercial litigation associate, focusing on general contractual disputes and labor and employment matters. In 2007, I expanded my practice to include intellectual property claims involving misappropriation of trade secrets, trade dress, trademark, copyright and patent infringement, unfair competition, tortious interference claims, and commercial foreclosure actions. From 2007 to 2015, I represented financial institutions in consumer and corporate financial services transactions and litigation, and I represented a major supplier/distributor in credit, collections, and bankruptcy matters.

In addition to my litigation practice, I worked on numerous business transactions focusing on complex commercial real estate matters, structured finance, and joint venture agreements. I also conducted white-

collar criminal and internal investigations. In 2010, I began representing business owners in federal, state, and local regulatory programs.

In 2015, I transitioned my practice to public service and became an Assistant United States Attorney for the Eastern District of Michigan. I began by prosecuting health care fraud, drug diversion, financial fraud, identity theft, and drug distribution; and assisted federal and state law enforcement agencies in the investigation of federal criminal activity. In 2017, I was designated by Attorney General Sessions to serve as one of 12 dedicated prosecutors nationwide in the Opioid Fraud Abuse and Detection Unit, where I focused my prosecutions solely on drug diversion and attacking the opioid epidemic, taking a data-driven approach to identifying violations of the law. In 2019, I was appointed Deputy Chief of the Health Care Fraud (HCF) unit, adding the responsibility of supervising all HCF support staff.

In 2022, I was promoted to Chief of the General Crimes Unit (GCU). As GCU Chief, I am responsible for all intake of reactive cases, and supervision and training of 14 AUSAs and six support staff. I prosecute and supervise prosecutions of firearms offenses, bank robberies, carjackings, counterfeiting, postal violations, child exploitation crimes, bank and wire fraud, and drug trafficking crimes.

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

In civil practice, my clients varied over time. I represented corporations, small business owners, financial institutions, a wholesale food distributor, and educational institutions. My pro bono work allowed me to represent prisoners, refugees, tenants, and children in foster care.

As an Assistant United States Attorney, my client is the United States. In this role, I previously specialized in prosecuting medical professionals for health care fraud and drug diversion. Currently, my practice is focused on firearm, drug, and fraud crimes.

- 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.

In civil practice, I frequently appeared in federal and state court as a commercial litigator. I also had labor and employment cases in front of the Equal Employment Opportunity Commission. In 2015, I transitioned my practice to public service. As an Assistant United States Attorney, 100 percent of my practice is in federal criminal proceedings, and I appear in court frequently.

i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|-----|
| 1. federal courts: | 90% |
| 2. state courts of record: | 9% |
| 3. other courts: | 0% |
| 4. administrative agencies: | 1% |

ii. Indicate the percentage of your practice in:

- | | |
|--------------------------|-----|
| 1. civil proceedings: | 50% |
| 2. criminal proceedings: | 50% |

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

I have tried six cases to verdict or final decision. I served as associate counsel in a civil patent litigation trial and as lead Assistant United States Attorney in three criminal health care fraud and drug diversion trials. I also served as supervisory counsel with another Assistant United States Attorney in an unlawful firearm possession case. In addition to these trials, I have served as co-counsel at an administrative asylum hearing.

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

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

- the date of representation;
- the name of the court and the name of the judge or judges before whom the case was litigated; and
- the individual name, addresses, and telephone numbers of co-counsel and of

principal counsel for each of the other parties.

1. *United States v. Dixon*, Case No. 2:19-cr-20305 (E.D. Mich.) (Goldsmith, J.)

From 2022 to 2023, I represented the United States in a felon in possession of a firearm prosecution before the Honorable Mark A. Goldsmith. Agents from the Bureau of Alcohol, Tobacco, Firearms, and Explosives viewed the defendant firing a gun at a shooting range and later posing with his targets on social media. I researched and argued pre-trial motions, including a suppression motion where Mr. Dixon claimed that social media evidence should be suppressed because his accounts were not public. When his motions were denied, he exercised his right to trial. I was the supervising attorney for another AUSA who was added to the trial team to conduct her first federal trial. I delivered the opening statement, directly examined several government witnesses, and cross-examined one defense witness. On the first day of trial, after the direct examination of the first government witness, Mr. Dixon fired his attorney and proceeded *pro se*. The jury ultimately convicted Mr. Dixon of two counts of being a felon in possession of a firearm and ammunition. He received a ten-year sentence.

Co-Counsel

Sarah Youngblood
Hank Moon
United States Attorney's Office
211 West Fort Street, Suite 2001
Detroit, MI 48226
(313) 226-9100

Mitra Jafary-Hariri (formerly with the United States Attorney's Office)
1 Hacker Way
Menlo Park, CA 94025
(650) 853-1300

Opposing Counsel (Stand-By Counsel)

Lillian Diallo
500 Griswold Street
Detroit, MI 48226
(313) 965-6633

2. *United States v. Sodiya-Ogundipe et al.*, Case No. 2:18-cr-20351 (E.D. Mich.) (Edmunds, J.), *aff'd sub nom. United States v. Fabode*, No. 21-1491, 2022 WL 16825408 (6th Cir. Nov. 8, 2022)

From 2018 to 2019, I represented the United States in an opioid drug diversion prosecution before the Honorable Nancy G. Edmunds. The case involved the prosecution of an opioid pill distribution conspiracy, where patient recruiters would provide patients and lists of names and dates of birth to a doctor who would issue addictive opioid

prescriptions in their names without ever examining the patients. The recruiters would take the prescriptions to cooperating pharmacies, where pharmacists would dispense the medications in exchange for large cash payments. The purpose of issuing and dispensing the controlled substances was not for the legitimate treatment of patients, but rather to obtain highly addictive opioid pills to sell illegally. I conducted bond review hearings, responded to pre-trial motions, and led the team in a three-week trial. Five of the six defendants pleaded guilty to the unlawful opioid distribution conspiracy. A jury found Pharmacist Fabode, the one remaining defendant, guilty at trial of the drug distribution conspiracy and five substantive counts of unlawful distribution of controlled substances. The defendants received sentences ranging from 8 years to 18 months. Mr. Fabode appealed his conviction to the Sixth Circuit, and I assisted the appellate attorney in responding to the appeal. The Sixth Circuit affirmed Mr. Fabode's conviction.

Co-Counsel

A. Brant Cook
Jessica Curry
United States Attorney's Office
211 West Fort Street, Suite 2100
Detroit, MI 48226
(313) 226-9100

Opposing Counsel

David S. Weinstein (Rafi)
Jones Walker LLP
201 South Biscayne Boulevard
Citi Center, Suite 3000
Miami, FL 33131
(305) 679-5754

Anjali Prasad (Rafi)
Prasad Legal PLLC
1668 South Telegraph Road, Suite 200
Bloomfield Township, MI 48302
(248) 733-5006

Tiffany Kay Snow (Local Counsel – formerly with Varnum LLP) (Rafi)
Rocket Central
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3. *United States v. Rankin et al.*, Case No. 2:20-cr-20233 (E.D. Mich.); *United States v. George, II, R.Ph., et al.*, Case No. 2:21-cr-20148 (E.D. Mich.) (Friedman, J.)

From 2020 to present, I have represented the United States in the investigation and prosecution of an opioid drug trafficking organization before the Honorable Bernard A. Freidman. These two companion cases relate to an opioid prescription drug diversion conspiracy. After more than ten months of Title III wire intercepts on four phones and the execution of 22 search warrants in three different states, the grand jury indicted the owner of two medical clinics, 12 medical professionals, one unlicensed doctor, one pharmacy owner, two patient recruiters, and four medical office staff members. The total number of opioids unlawfully distributed by this drug trafficking organization exceeded 1.9 million pills. I researched and litigated discovery motions, suppression motions, and bond motions. I, along with co-counsel, have to date secured the guilty pleas of 13 defendants. The judge has sentenced four of the medical office staff defendants to probation, 24, 50 and 84 months for their roles in the offense. Five defendants are scheduled to go to trial and the remaining defendants are awaiting plea or sentencing hearings.

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4. *United States v. Soliman, MD*, Case No. 12-cr-20599 (E.D. Mich.) (Steeh, J.)

From 2015 to present, I have represented the United States in this health care fraud prosecution before the Honorable George Caram Steeh. I have served as lead counsel on all proceedings in a case involving a doctor who billed federal health programs for services he never provided. Rather than treating patients, Dr. Soliman provided them with addictive opioids in exchange for federal health insurance information. He fraudulently billed federal health care programs using this insurance information. I served as lead counsel in this one-week jury trial, delivering the opening statement, examining most of the government witnesses, cross-examining several defense witnesses, and delivering the closing argument. A jury convicted Dr. Soliman on all ten counts. At the conclusion of trial, I moved to revoke Dr. Soliman's bond pending sentencing because he presented a serious risk of non-appearance due to his substantial foreign ties and the fact that he attempted to obtain a passport in violation of his bond conditions. The court set a hearing on the motion; however, Dr. Soliman fled the country before returning for the hearing and remains a fugitive.

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5. *United States v. Williams*, Case No. 15-cr-20588 (E.D. Mich.) (Friedman, J.)

From 2015 to 2017, I represented the United States in a carjacking prosecution before the Honorable Bernard A. Friedman. This case involved the prosecution of Mr. Williams for two separate carjackings, using and brandishing a firearm during the commission of the offenses, and possessing a firearm as a previously convicted felon. In the initial carjacking, Mr. Williams threatened the owner with his firearm, forced him into the vehicle and drove off, letting the victim out a short distance away from the carjacking. Days later during the second carjacking, Mr. Williams approached another vehicle and attempted to shoot the driver, but the gun misfired. He then struck the driver with the butt of the gun before the victim was able to escape. I participated in all stages of the prosecution, including securing the guilty plea of Mr. Williams for three of the five counts charged. The court sentenced Mr. Williams to 24 years in prison.

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6. *United States v. Samy, MD*, Case No. 16-cr-20610 (E.D. Mich.) (Tarnow, Berg, JJ.)

From 2016 to 2023, I represented the United States in a health care fraud and drug diversion prosecution before the Honorable Arthur J. Tarnow (deceased) and the Honorable Terrence G. Berg. This case involved prosecution of a patient recruiter and an urgent care doctor who unlawfully prescribed thousands of controlled substances and caused several individuals to become addicted to opioid pills. Some of these individuals

subsequently died of drug overdoses from other illicit substances, such as heroin. I was responsible for all aspects of this litigation. I successfully negotiated plea agreements with both defendants. I worked closely with our victim witness advocates to submit victim impact statements and present the testimony of a mother of one of Dr. Samy's overdose patients at sentencing. Dr. Samy was sentenced to a three-year custodial sentence with a term of supervision to follow. Her co-defendant received a three-year probationary sentence.

Post-judgment, I engaged in substantial motion practice in this case. In 2020, after several rounds of briefing and over opposition of the government, Dr. Samy was granted compassionate release due to her age and health conditions in light of the COVID-19 pandemic. She later filed another motion seeking to end her term of supervision early, which the government opposed. The court denied the motion. She later filed another motion seeking to seal the court record of her conviction in the case. After briefing, the court also denied this motion.

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7. *United States v. Driscoll et al.*, Case No. 15-cr-20388 (E.D. Mich.) (Edmunds, J.)

From 2016 to 2017, I represented the United States in an unemployment insurance fraud and aggravated identity theft prosecution before the Honorable Nancy G. Edmunds. I joined the Driscoll litigation team in 2016 as co-counsel and became lead counsel shortly

thereafter when my co-counsel left the office. This six-defendant mail fraud conspiracy involved conspirators stealing the identities of unsuspecting individuals to file for unemployment insurance benefits in their names. I was responsible for all plea negotiations and each of the six defendants entered guilty pleas. The lead defendant received a 57-month sentence and two other co-conspirators received 65- and 68-month sentences (three of the highest sentences ever obtained by the Department of Labor for an unemployment insurance fraud case in the Eastern District of Michigan). The least culpable defendants received sentences ranging from one-day time served to 36 months' probation.

I was also responsible for responding to a collateral proceeding filed by one of the defendants. Mr. Whitaker moved pursuant to 28 U.S.C. § 2255 to vacate his sentence on jurisdictional grounds. He was convicted of conspiracy to commit mail fraud when he engaged in the unemployment insurance fraud scheme but claimed that his sentence should be vacated because the federal court did not have jurisdiction over his conduct. The main issue was whether federal courts can enforce federal law against fraud defendants who defraud state unemployment programs. After thorough briefing on the issue, the court ruled that it did have jurisdiction due to the federal nexus of funding for the unemployment insurance program. I was able to successfully argue that while the program was administered by the state, it was funded in part with federal money and that the defendant's convictions were violations of federal statutes dealing with the United States postal system. Mr. Whitaker's 68-month sentence was upheld.

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8. *Jones v. Countrywide Home Loans, Inc., et al.*, Case No. 1:09-cv-04313, 2013 WL 12403000 (N.D. Ill. Dec. 12, 2013) (Durkin, J.); *appeal dismissed*, Case No. 14-1026 (7th Cir.)

From 2009 to 2014, I represented Countrywide Home Loans and Bank of America in a civil action before the Honorable Thomas M. Durkin. Pro Se Plaintiff Ms. Jones sued Countrywide Home Loans and Bank of America for predatory lending practices in the refinance of her home. The defense team filed several dispositive motions. I was responsible for filing a motion to dismiss for lack of subject matter jurisdiction. The main issues raised in the motion were that there was no actual case or controversy that allowed the court to retain jurisdiction over the case and that Ms. Jones' claims were moot because the banks offered to rescind the loan if Ms. Jones returned the financing. The court agreed and dismissed the suit. Ms. Jones appealed.

In 2014, I, along with co-counsel, represented the banks in the appeal before the Seventh Circuit. I was responsible for drafting the appellate brief addressing the district court's grant of summary judgment and dismissal of the remaining claims. During the briefing period, we reengaged the defendant in negotiations. We were able to reach an agreement and the appeal was dismissed by stipulation of the parties.

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Plaintiff proceeded pro se

9. *iLight Technologies v. Fallon Luminous Products Corporation*, Case No. 2:06-cv-25 (M.D. Tenn.) (Haynes, Jr., J.), *rev'd*, 380 F. App'x 978 (Fed. Cir. 2010) (Mayer, Schall, Gajarsa, JJ.)

From 2008 to 2010, I represented defendant Fallon Luminous Products Corporation in a patent infringement action before the Honorable William Joseph Haynes, Jr. This case related to three patents disclosing simulated neon lights used in rod wave-guided LED signs. I participated as the junior associate in all stages of the patent litigation, including claim construction, pre-trial motions, trial briefs, trial, and post-trial motions. I also worked directly with the defense expert on testimony for trial and prepared post-trial motions. After a one-week trial, the jury determined infringement, and the court issued a permanent injunction which my client appealed to the Federal Circuit. The major issue on appeal was whether the court erred in its claim construction, thereby misinforming the jury in its deliberations. Ultimately, the appellate court reversed, vacated the judgment of infringement, and vacated the permanent injunction against my client.

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10. *Wilson Sporting Goods Co. v. Easton Sports, Inc.*, Case No. 07-cv-02150 (N.D. Ill.)
(Nordberg, J.) (2007)

From 2007 to 2008, I represented Easton Sports, Inc., in a patent infringement action before the Honorable John A. Nordberg. Wilson Sporting Goods sued Easton-Bell Sports for infringement of its patent for a baseball bat with a flexible handle. My co-counsel filed a counterclaim seeking declaratory judgment of non-infringement, invalidity of Wilson's patent, and damages for Wilson infringing Easton's own bat patent. I worked on the opening claim construction briefing for the client and participated in all settlement negotiations. The case ultimately settled.

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

I worked on a number of non-litigation matters while in private practice. I served as outside bankruptcy and collections counsel for a large wholesale food distributor, where I was responsible for managing their nationwide collections portfolio and providing commercial credit counseling to their vendors; I spent significant time working on internal investigations for private companies and quasi-governmental agencies; and I assisted small minority- and women-owned businesses in securing federal, state, and local certifications that allowed them to gain placement in major airports across the country.

Since 2021, in my capacity as an Assistant United States Attorney, I have represented the United States Attorney's Office for the Eastern District of Michigan on the Court's RESTART Committee, which is an alternative to incarceration program that focuses on rehabilitation with cognitive behavioral therapy and positive decision making.

I have also been active in community-based organizations. In 2008, I was appointed by the Cook County Circuit Court to serve as a Court Appointed Special Advocate for children in foster care, which allowed me to represent the interests of the often-voiceless children in matters affecting their physical, mental, and social well-being. I have also supported efforts of other public service organizations addressing issues facing children who have lost a parent to gun violence (Identify Your Dream) and women and children living in poverty (Warrior Women Against Poverty).

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

19. **Teaching:** What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe

briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide four (4) copies to the committee.

None.

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

None.

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

None.

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

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

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

See attached Net Worth Statement.

24. **Potential Conflicts of Interest**:

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

The only cases that might be likely to present potential conflicts of interest would be those involving defendants or witnesses with whom I have interacted in my capacity as an Assistant United States Attorney, or those involving defendants in cases for which I have had supervisory responsibility. I would recuse myself from cases involving any defendant that I have personally prosecuted or any cases

where I personally participated in an investigation that involved that defendant.

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

If confirmed, I would resolve any potential conflicts of interest by adhering to the Code of Conduct for United States Judges. I would consult relevant judicial decisions and opinions by the Judicial Conference of the United States and fully comply with 28 U.S.C. § 455 by disqualifying myself in specific circumstances commanded by the statute and in any case where my impartiality might be reasonably questioned. If I determine that recusal is necessary, I would return the case to the Clerk's Office for reassignment.

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.

From very early in my career I have been committed to pro bono work and public service. I graduated from The George Washington University Law School with a Pro Bono Distinction, which is awarded to law students who devote more than 50 hours to pro bono work while enrolled as a student.

Once I began my legal career in private practice, I continued to provide pro bono services. At each law firm, I devoted at least 100 hours annually to pro bono matters. Some examples include appointment by the United States District Court for the Eastern District of Michigan to serve as pro bono counsel for a prisoner civil rights complaint and providing legal advice and assistance with asylum applications for immigrants facing deportation. In 2009, I handled an immigration proceeding referred to me by the National Immigrant Justice Center, where I was able to successfully advocate for an asylum grant for a Nigerian refugee. From 2007 to 2015, I regularly volunteered with the Cabrini Green Legal Aid Clinic in Chicago, where I represented residents in landlord/tenant matters and assisted individuals with petitions for clemency/record expungement. During that time, I also served as a Court Appointed Special Advocate, representing the interests of children living in foster care.

After entering government service, my ability to provide pro bono legal services became somewhat limited; however, I was approved to serve as a legal advisor to Delta Sigma Theta Sorority, Inc. Detroit Alumnae Chapter, providing pro bono legal services from 2015 to 2019 and 2021 to present. I also routinely contribute my time to mentoring and participation in educational activities for youth, college students, and law students.

26. **Selection Process**:

- a. Please describe your experience in the entire judicial selection process, from

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

On February 4, 2021, I submitted an application to Senator Debbie Stabenow's office for an opening on the United States District Court in the Eastern District of Michigan. On March 11, 2021, I interviewed with the Eastern District of Michigan Judicial Advisory Committee. On August 20, 2021, I submitted an update to my application to Senator Debbie Stabenow's office and again interviewed with the Judicial Advisory Committee on April 14, 2022. I first received email communication from the White House Counsel's Office on April 21, 2023, and interviewed with attorneys from that office on that same day. Since April 22, 2023, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On June 28, 2023, the President announced his intent to nominate me.

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

No.