

UNITED STATES SENATE  
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Sarah Netburn

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

United States District Judge for the Southern 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.

United States District Court for the Southern District of New York  
Thurgood Marshall Courthouse  
40 Foley Square, Chambers 430  
New York, New York 10007

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

1972; New York, 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.

1998 – 2001, UCLA School of Law; J.D., 2001

1990 – 1994, Brown University; B.A., 1994

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.

2012 – present

United States District Court for the Southern District of New York  
Thurgood Marshall Courthouse  
40 Foley Square, Chambers 430

New York, New York 10007  
Chief United States Magistrate Judge (2024 – present)  
United States Magistrate Judge (2012 – present)

2010 – 2012  
United States District Court for the Southern District of New York  
Daniel Patrick Moynihan Courthouse  
500 Pearl Street  
New York, New York 10007  
Chief Counsel to the Office of *Pro Se* Litigation

2002 – 2010  
Emery Celli Brinckerhoff & Abady LLP (now Emery Celli Brinckerhoff Abady Ward & Maazel LLP)  
600 Fifth Avenue, 10th Floor  
New York, New York 10020  
Partner (2009 – 2010)  
Associate (2002 – 2008)

2001 – 2002  
Hon. Harry Pregerson  
United States Court of Appeals for the Ninth Circuit  
21800 Oxnard Street, Suite 1140  
Woodland Hills, California 91367  
Law Clerk

Summer / Fall Term 2000  
Brennan Center for Justice at NYU School of Law  
120 Broadway, Suite 1750  
New York, New York 10271  
Summer Intern/Fall Semester Extern

Summer 2000  
Morgan Lewis & Bockius LLP  
101 Park Avenue  
New York, New York 10178  
Summer Associate

Summer 1999  
Center for Reproductive Law & Policy (now Center for Reproductive Rights)  
199 Wall Street  
New York, New York 10038  
Summer Intern

1998 – 1999  
Public Counsel

610 South Ardmore Avenue  
Los Angeles, California 90005  
Law Student Intern

1996 – 1998  
Lawyers Committee for Human Rights (now Human Rights First)  
75 Broad Street, 31st Floor  
New York, New York 10004  
Program Associate

1995 – 1996  
International Foundation for Education and Self-Help (now defunct)  
5040 East Shea Boulevard  
Scottsdale, Arizona 85254  
Teacher Trainer (in Benin, West Africa)

Spring 1995  
American Jewish Congress (I was in the Los Angeles, California office, which no longer exists)  
654 Madison Avenue, 9th Floor  
New York, New York 10065  
Intern

1994 – 1995  
Clairmont Camera (now defunct)  
4343 Lankershim Boulevard  
North Hollywood, California 91602  
Associate, Filter Department

Other Affiliations (Uncompensated):

2009 – 2012  
The Fortune Society  
2976 Northern Boulevard  
Long Island City, New York 11101  
Board of Directors, 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 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.

The Legal Aid Society, *Pro Bono Publico* Award (2005, 2004)

Morgan, Lewis & Bockius, Public Interest Fellowship (2000)

UCLA School of Law

Order of the Coif (2001)

Russel P. Serber Memorial Scholarship (2001)

David H. Friedland Memorial Scholarship (2001)

UCLA Affiliates Scholarship (2000)

American Jurisprudence Award (1999)

Foundation of the State Bar of California Scholarship (1999)

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.

Association of the Bar of the City of New York (now New York City Bar Association)  
(2002 – 2010)

Civil Rights Committee (2004 – 2007)

Federal Bar Council (2012 – present)

Public Service Committee (2012 – present)

Federal Magistrate Judges Association (2012 – present)

United States District Court for the Southern District of New York

*Pro Se* Committee (2012 – present)

Criminal Law & Probation Committee (2018 – present)

House & Space Committee (2023 – present)

Judicial Improvements Committee (2016 – 2018)

Clerk's Office Committee (2012 – 2016; 2018 – 2020)

Technology Committee (2012 – 2016)

*Ad Hoc* Committee on Section 1983 Litigation (2010 – 2016)

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, 2002

There have been no lapses in membership.

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

United States Court of Appeals for the Second Circuit, 2006

United States Court of Appeals for the Ninth Circuit, 2004

United States District Court for the Eastern District of New York, 2002

United States District Court for the Northern District of New York, 2005

United States District Court for the Southern District of New York, 2002

My admission to the Court of Appeals for the Second Circuit lapsed in 2012, when I became a United States Magistrate Judge. 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.

The Fortune Society, Board of Directors (2009 – 2012)

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

To my knowledge, the organization listed in response to Question 11a does not currently discriminate and did not formerly discriminate on the basis of race, sex, or 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.

*A Fully Staffed Magistrate Court and the Pretrial Program for Non-Violent Youth Offenders*, The Mother Court (Newsletter) (Spring 2024). 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.

The Association of the Bar of the City of New York, through its Committee on Civil Rights, issued the following reports while I was a member of the Committee from 2004 to 2007. I took no part in drafting, editing, writing, or approving any of these documents, and I was not a signatory.

“Website Accessibility for People with Disabilities,” The Ass’n of the Bar of the City of New York. (Oct. 2006). Copy supplied.

“Report on the Voting Rights Act Reauthorization and Amendments Act of 2006-H.R. 9/s. 2703,” The Ass’n of the Bar of the City of New York (June 2006). Copy supplied.

“Report on New York City Council Int. No. 305,” The Ass’n of the Bar of the City of New York (May 2005). 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.

Letter from Hon. Ronnie Abrams and Hon. Sarah Netburn to United States Sentencing Commission (Oct. 17, 2022). Copy supplied.

Brief for The Association of the Bar of the City of New York as *Amicus Curiae* supporting Plaintiffs-Appellees, *Doe v. Gonzales*, 449 F.3d 415 (2d Cir. 2006) (No. 05-0570). I drafted a portion of this *amicus* brief in my capacity as a member of the Civil Rights Committee. Copy supplied.

In addition, The Association of the Bar of the City of New York, through its Committee on Civil Rights, issued the following letter and amicus briefs while I was a member of the Committee from 2004 to 2007. I took no part in drafting, editing, writing, or approving any of these documents, and I was not a signatory.

Letter from Bettina B. Plevan, President, The Ass'n of the Bar of the City of New York to Gifford A. Miller, Speaker, N.Y.C. Council (Aug. 1, 2005). Copy supplied.

Brief for The Association of the Bar of the City of New York as *Amicus Curiae* supporting Petitioner, *El-Masri v. United States*, 552 U.S. 947 (2007) (No. 06-1613). Copy supplied.

Brief for The Association of the Bar of the City of New York et al. as *Amici Curiae* supporting Plaintiffs-Appellants, *Arbor Hill v. Cnty. of Albany*, 522 F.3d 182 (2d Cir. 2008) (No. 06-0086). Copy supplied.

Brief for The Association of the Bar of the City of New York et al. as *Amici Curiae* supporting Petitioners and opposing Respondent, *Bismullah v. Gates*, 501 F.3d 178 (D.C. Cir. 2007) (Nos. 06-1197, 06-1397). Copy supplied.

Brief for The Association of the Bar of the City of New York et al. as *Amici Curiae* supporting Plaintiffs-Appellees, *Hepting v. AT&T Corp.*, 538 F.3d 1157 (9th Cir. 2008) (Nos. 06-17132, 06-17137). Copy supplied.

Brief for The Association of the Bar of the City of New York et al. as *Amici Curiae* supporting Plaintiffs-Appellees/Cross-Appellants, *ACLU v. Nat'l Sec. Agency*, 493 F.3d 644 (6th Cir. 2007) (Nos. 06-2095, 06-2140). Copy supplied.

Brief for The Association of the Bar of the City of New York as *Amicus Curiae* supporting Respondents, *Parents Involved in Comty. Schs. v. Seattle Sch. Dist. No. 1*, 551 U.S. 701 (2007) (Nos. 05-908, 05-915). Copy supplied.

Brief for The Association of the Bar of the City of New York as *Amicus Curiae* supporting Plaintiffs-Appellees, *ACLU v. Dep't of Defense*, 543 F.3d 59 (2d Cir. 2008) (No. 06-3140). Copy supplied.

Brief for The Association of the Bar of the City of New York as *Amicus Curiae* supporting Plaintiffs-Appellants-Respondents, *Campaign for Fiscal Equity v. State*, 8 N.Y.3d 14 (2006) (No.111070/93). Copy supplied.

Brief for The Association of the Bar of the City of New York as *Amicus Curiae* opposing Defendants, *Center for Constitutional Rights v. Bush*, ECF No. 53 (No. 06-cv-313). Copy supplied.

Brief for The Association of the Bar of the City of New York as *Amicus Curiae* supporting Plaintiffs, *ACLU v. Nat'l Sec. Agency*, 438 F. Supp. 2d 754 (E.D. Mich. 2006) (No. 06-cv-10204). Copy supplied.

Brief for The Association of the Bar of the City of New York as *Amicus Curiae* supporting Plaintiffs, *Center for Constitutional Rights v. Bush*, ECF No. 22 (No. 06-cv-313). Copy supplied.

Brief for The Association of the Bar of the City of New York as *Amicus Curiae* supporting Plaintiffs-Appellees, *ACLU v. Dep't. of Defense* (No. 05-6286). Copy supplied.

Brief for The Association of the Bar of the City of New York et al. as *Amici Curiae* supporting Petitioner, *Hamdan v. Rumsfeld*, 548 U.S. 557 (2006) (No. 05-184). Copy supplied.

Brief for The Association of the Bar of the City of New York as *Amicus Curiae* supporting Petitioner, *Hamdan v. Rumsfeld*, 546 U.S. 1002 (2006) (No. 05-184). Copy supplied.

Brief for The Association of the Bar of the City of New York as *Amicus Curiae* supporting Plaintiff-Appellant, *Muntaqim v. Coombe*, 449 F.3d 371 (2d Cir. 2006) (No. 01-7260). Copy supplied.

Brief for The Association of the Bar of the City of New York as *Amicus Curiae* supporting Petitioner-Appellee, *Hamdan v. Rumsfeld*, 415 F.3d 33 (D.C. Cir. 2005) (No. 04-5393). Copy supplied.

Brief for The Association of the Bar of the City of New York as *Amicus Curiae* supporting Petitioners-Appellants, *Polan v. N.Y. Ins. Dep't*, 3 N.Y.3d 54 (2004) (No. 2004-0097). Copy supplied.

Brief for The Association of the Bar of the City of New York as *Amicus Curiae* supporting Respondent, *Rumsfeld v. Padilla*, 542 U.S. 426 (2004) (No. 03-1027). 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.

March 27, 2024: Guest Speaker, Prosecution Externship, NYU School of Law, New York, New York. I spoke to a law school class about the Young Adult Opportunity Program. I have no notes, transcript, or recording. The address of NYU School of Law is 40 Washington Square, New York, New York 10012.



March 13, 2024: Panelist, Current Developments in Federal Civil Practice 2024, Practising Law Institute, New York, New York. Video supplied.

October 30, 2023: Panelist, Trial Evidence 2023, Practising Law Institute, New York, New York. Video supplied.

October 12, 2023: Judicial Moderator, Law Clerk Training for Social Security Appeals, Federal Bar Council, New York, New York. Video supplied.

September 26, 2023: Guest Speaker, Federal Judicial Practice Externship, NYU School of Law, New York, New York. I spoke to a law school class about being a United States Magistrate Judge and the Young Adult Opportunity Program. I have no notes, transcript, or recording. The address of NYU School of Law is 40 Washington Square, New York, New York 10012.

May 20, 2023: Speaker, Welcome Remarks, Sonia and Celina Sotomayor Judicial Opportunity Program, New York, New York. I congratulated and welcomed the interns. I have no notes, transcript, or recording. The Sonia and Celina Sotomayor Judicial Internship Program does not have a physical address.

April 24, 2023, Guest Speaker, Civil Litigation Drafting, Fordham Law School, New York, New York. I spoke to a law school class about legal writing. I have no notes, transcript, or recording. The address of Fordham Law School is 150 West 62nd Street, New York, New York 10023.

April 13, 2023: Guest Speaker, Columbia Law School Pro Bono Scholars, New York, New York. I spoke to students in the Columbia Law School Pro Bono Scholars Program about the Young Adult Opportunity Program. I have no notes, transcript, or recording. The address of Columbia Law School is 435 West 116th Street, New York, New York 10027.

March 22, 2023: Guest Speaker, Prosecution Externship, NYU School of Law, New York, New York. I spoke to a law school class about the Young Adult Opportunity Program. I have no notes, transcript, or recording. The address of NYU School of Law is 40 Washington Square, New York, New York 10012.

January 24, 2023: Panelist, Wage & Hour Litigation and Compliance 2023, Practising Law Institute, New York, New York. Video supplied.

November 30, 2022: Guest Speaker, Prosecution Externship, NYU School of Law, New York, New York. I spoke to a law school class about the Young Adult Opportunity Program. I have no notes, transcript, or recording. The address of NYU School of Law is 40 Washington Square, New York, New York 10012.

September 20, 2022: Guest Speaker, Federal Judicial Practice Externship, NYU

School of Law, New York, New York. I spoke to a law school class about being a United States Magistrate Judge and the Young Adult Opportunity Program. I have no notes, transcript, or recording. The address of NYU School of Law is 40 Washington Square, New York, New York 10012.

September 13, 2022: Panelist, Trial Evidence 2022, Practising Law Institute, New York, New York. Video supplied.

June 9, 2022: Speaker, Welcome Remarks, ABA Judicial Internship Opportunity Program, New York, New York. Remarks supplied.

May 24, 2022: Speaker, Young Adult Opportunity Program Celebration, U.S District Court for the Southern District of New York, New York, New York. Transcript supplied.

March 29, 2022: Guest Speaker, Sentencing Seminar, NYU School of Law, New York, New York. I spoke to a law school class about the Young Adult Opportunity Program. I have no notes, transcript, or recording. The address of NYU School of Law is 40 Washington Square, New York, New York 10012.

January 25, 2022: Panelist, Wage & Hour Litigation and Compliance 2022, Practising Law Institute, New York, New York. Video supplied.

December 1, 2021: Guest Speaker, Prosecution Externship, NYU School of Law, New York, New York. I spoke to a law school class about the Young Adult Opportunity Program. I have no notes, transcript, or recording. The address of NYU School of Law is 40 Washington Square, New York, New York 10012.

October 29, 2021: Panelist, Law Clerk Training for Social Security Appeals, Federal Bar Council, New York, New York. Video supplied.

October 5, 2021: Guest Speaker, Federal Judicial Practice Externship, NYU School of Law, New York, New York. I spoke to a law school class about being a United States Magistrate Judge and the Young Adult Opportunity Program. I have no notes, transcript, or recording. The address of NYU School of Law is 40 Washington Square, New York, New York 10012.

September 14, 2021: Panelist, Trial Evidence 2022, Practising Law Institute, New York, New York. Video supplied.

April 7, 2021: Guest Speaker, Prosecution Externship, NYU School of Law, New York, New York. I spoke to a law school class about the Young Adult Opportunity Program. I have no notes, transcript, or recording. The address of NYU School of Law is 40 Washington Square, New York, New York 10012.

March 3, 2021: Guest Speaker, Sentencing Seminar, NYU School of Law, New

York, New York. I spoke to a law school class about the Young Adult Opportunity Program. I have no notes, transcript, or recording. The address of NYU School of Law is 40 Washington Square, New York, New York 10012.

November 18, 2020: Guest Speaker, Prosecution Externship, NYU School of Law, New York, New York. I spoke to a law school class about the Young Adult Opportunity Program. I have no notes, transcript, or recording. The address of NYU School of Law is 40 Washington Square, New York, New York 10012.

October 6, 2020: Guest Speaker, Federal Judicial Practice Externship, NYU School of Law, New York, New York. I spoke to a law school class about being a United States Magistrate Judge and the Young Adult Opportunity Program. I have no notes, transcript, or recording. The address of NYU School of Law is 40 Washington Square, New York, New York 10012.

July 7, 2020: Panelist, Career Panel on Civil Rights and the Public Sector, Sonia and Celina Sotomayor Judicial Internship Program, New York, New York. I spoke to judicial interns on a virtual panel about careers in civil rights and the public sector. I have no notes, transcript, or recording. The Sonia and Celina Sotomayor Judicial Internship Program does not have a physical address.

January 30, 2020: Guest Speaker, Columbia Law School, New York, New York. I spoke to a law school class about clerking for magistrate judges and my career path. I have no notes, transcript, or recording. The address of Columbia Law School is 435 West 116th Street, New York, New York 10027.

November 19, 2019: Panelist, Law Clerk Training for Social Security Appeals, Federal Bar Council, New York, New York. Video supplied.

October 1, 2019: Guest Speaker, Federal Judicial Practice Externship, NYU School of Law, New York, New York. I spoke to a law school class about being a United States Magistrate Judge and the Young Adult Opportunity Program. I have no notes, transcript, or recording. The address of NYU School of Law is 40 Washington Square, New York, New York 10012.

April 9, 2019: Guest Speaker, Sentencing Seminar, NYU School of Law, New York, New York. I spoke to a law school class about the Young Adult Opportunity Program. I have no notes, transcript, or recording. The address of NYU School of Law is 40 Washington Square, New York, New York 10012.

April 2, 2019: Guest Speaker, Prosecution Externship, NYU School of Law, New York, New York. I spoke to a law school class about the Young Adult Opportunity Program. I have no notes, transcript, or recording. The address of NYU School of Law is 40 Washington Square, New York, New York 10012.

November 15, 2018: Panelist, "Law Clerk Training for Social Security Appeals,"

Federal Bar Council, New York, New York. I spoke on a panel about how to approach a federal court social security appeal. I have no notes, transcript, or recording. The address of the Federal Bar Council is 150 Broadway, Suite 505, New York, New York 10038.

September 28, 2018: Panelist, "Employer Liability under FLSA" and "Trial Skills I: Jury Trial Basics," U.S. Department of Labor, New York Regional Office, New York, New York. I offered my perspective as a judicial officer about federal labor law and trial skills. I have no notes, transcript, or recording. The address of the U.S. Department of Labor, New York Regional Office is 201 Varick Street, New York, New York 10014.

September 27, 2018: Speaker, The Use of Auxiliary Judicial Officers, Standing International Forum of Commercial Courts, U.S. District Court for the Southern District of New York, New York, New York. Remarks supplied.

September 25, 2018: Guest Speaker, Federal Judicial Practice Externship, NYU School of Law, New York, New York. I spoke to a law school class about being a United States Magistrate Judge and the Young Adult Opportunity Program. I have no notes, transcript, or recording. The address of NYU School of Law is 40 Washington Square, New York, New York 10012.

May 19, 2018: Speaker, Welcome Remarks, Sonia and Celina Sotomayor Judicial Opportunity Program. I congratulated and welcomed the interns. I have no notes, transcript, or recording. The Sonia and Celina Sotomayor Judicial Internship Program does not have a physical address.

April 17, 2018: Guest Speaker, Sentencing Seminar, NYU School of Law, New York, New York. I spoke to a law school class about the Young Adult Opportunity Program. I have no notes, transcript, or recording. The address of NYU School of Law is 40 Washington Square, New York, New York 10012.

February 26, 2018: Guest Speaker, Prosecution Externship, NYU School of Law, New York, New York. I spoke to a law school class about the Young Adult Opportunity Program. I have no notes, transcript, or recording. The address of NYU School of Law is 40 Washington Square, New York, New York 10012.

November 14, 2017: Panelist, "Prison Law 2017," Practising Law Institute, New York, New York. Video supplied.

October 24, 2017: Panelist, "Law Clerk Training for Social Security Appeals," Federal Bar Council, New York, New York. I spoke on a panel about how to approach a federal court social security appeal. I have no notes, transcript, or recording. The address of the Federal Bar Council is 150 Broadway, Suite 505, New York, New York 10038.

September 28, 2017: Panelist, “Employer Liability under FLSA” and “Trial Skills I: Jury Trial Basics,” U.S. Department of Labor, New York Regional Office, New York, New York. I participated on a panel about federal labor law and trial skills. I have no notes, transcript, or recording. The address of the U.S. Department of Labor, New York Regional Office is 201 Varick Street, New York, New York 10014.

May 2, 2017: Speaker, Graduation Remarks, All Stars Project, Development School for Youth, New York, New York. Remarks supplied.

March 28, 2017: Guest Speaker, Sentencing Seminar, NYU School of Law, New York, New York. I spoke to a law school class about the Young Adult Opportunity Program. I have no notes, transcript, or recording. The address of NYU School of Law is 40 Washington Square, New York, New York 10012.

February 16, 2017: Moderator, “Civil Rights Update for the Practitioner: Qualified Immunity and Plausibility Pleading 7 Years Post-*Iqbal*,” Federal Bar Association, New York, New York. I moderated a panel about updates in civil rights litigation. I have no notes, transcript, or recording. The address of the Federal Bar Association is 4075 Wilson Boulevard, 8th Floor, Arlington, Virginia 22203.

November 15, 2016: Panelist, “Prison Law 2016,” Practising Law Institute, New York, New York. Video supplied.

November 1, 2016: Guest Speaker, Federal Judicial Practice Externship, NYU School of Law, New York, New York. I spoke to a law school class about being a United States Magistrate Judge and the Young Adult Opportunity Program. I have no notes, transcript, or recording. The address of NYU School of Law is 40 Washington Square, New York, New York 10012.

October 19, 2016: Panelist, “Law Clerk Training for Social Security Appeals,” Federal Bar Council, New York, New York. I spoke on a panel about how to approach a federal court social security appeal. I have no notes, transcript, or recording. The address of the Federal Bar Council is 150 Broadway, Suite 505, New York, New York 10038.

March 30, 2016: Guest Speaker, Sentencing Seminar, NYU School of Law, New York, New York. I spoke to a law school class about the Young Adult Opportunity Program. I have no notes, transcript, or recording. The address of NYU School of Law is 40 Washington Square, New York, New York 10012.

December 9, 2015: Speaker, Graduation Remarks, All Stars Project, Development School for Youth, New York, New York. Remarks supplied.

November 6, 2015: Panelist, “9th Annual Section of Labor and Employment Law

Conference,” American Bar Association, Section of Labor and Employment Law, Philadelphia, Pennsylvania. Notes supplied.

June 22, 2015: Panelist, Employment Discrimination Law & Litigation 2015, Practising Law Institute, New York, New York. Video supplied.

May 11, 2015: Panelist, “An Evening with the Women Magistrate Judges of the Southern and Eastern Districts of New York,” New York Women’s Bar Association, New York, New York. I participated in a panel discussion about how to become a magistrate judge. I have no notes, transcript, or recording. The address of the New York Women’s Bar Association is Post Office Box 1207, New York, New York 10150.

April 27, 2015: Panelist, “Anatomy of a Trial,” New York City Bar Association, New York, New York. Notes supplied.

November 17, 2014: Panelist, “How to Litigate a Wage and Hour Case,” New York County Lawyers’ Association, New York, New York. Notes supplied.

November 13, 2014: Panelist, “Pretrial Practice in the Southern District of New York,” Federal Bar Association & the New York County Lawyers Association, New York, New York. Notes supplied.

October 6, 2014: Guest Speaker, Constitutional Torts, Fordham Law School, New York, New York. I spoke to a law school class about constitutional torts. I have no notes, transcript, or recording. The address of Fordham Law School is 150 West 62nd Street, New York, New York 10023.

September 23, 2014: Panelist, Women’s Committee, New York City Law Department, New York, New York. I spoke on a panel about professional development. I have no notes, transcript, or recording. The address of the New York City Law Department is 100 Church Street, New York, New York 10007.

November 14, 2013: Panelist, “Anatomy of a Trial,” New York City Bar Association, New York, New York. Notes supplied.

October 7, 2013: Guest Speaker, Constitutional Torts, Fordham Law School, New York, New York. I spoke to a law school class about constitutional torts. I have no notes, transcript, or recording. The address of Fordham Law School is 150 West 62nd Street, New York, New York 10023.

January 24, 2013: Speaker, Investiture of Judge Sarah Netburn, U.S. District Court for the Southern District of New York, New York, New York. Remarks supplied.

October 19, 2012: Speaker, “Section 1983 Mediation Training,” U.S. District

Court for the Southern District of New York, New York, New York. Notes supplied.

October 9, 2012: Guest Speaker, Constitutional Torts, Fordham Law School, New York, New York. I spoke to a law school class about constitutional torts. I have no notes, transcript, or recording. The address of Fordham Law School is 150 West 62nd Street, New York, New York 10023.

September 21, 2012: Speaker, "Section 1983 Mediation Training," U.S. District Court for the Southern District of New York, New York, New York. I used the same materials that were provided for the October 19, 2012 training.

January 6, 2012: Moderator, "Trial Advocacy," U.S. District Court for the Southern District of New York, New York, New York. I organized the event as Chief Counsel to the Office of *Pro Se* Litigation in order to encourage *pro bono* service. During the program, I introduced the panelists but made no substantive remarks. I have no notes, transcript, or recording. The address for the Southern District of New York is 500 Pearl Street, New York, New York 10007.

April 5, 2012: Guest Speaker, Columbia Law School, New York, New York. I spoke about *pro se* litigation. I have no notes, transcript, or recording. The address of Columbia Law School is 435 West 116th Street, New York, New York 10027.

October 4, 2011: Guest Speaker, Constitutional Torts, Fordham Law School, New York, New York. I spoke about constitutional torts. I have no notes, transcript, or recording. The address of Fordham Law School is 150 West 62nd Street, New York, New York 10023.

August 31, 2011: Guest Speaker, Judicial Internship Seminar, Columbia Law School, New York, New York. I spoke to a law school class about *pro se* litigation. I have no notes, transcripts, or recording. The address of Columbia Law School is 435 West 116th Street, New York, New York 10027.

March 24, 2011: Guest Speaker, Fordham Law School, New York, New York. I spoke to a law school class about *pro se* litigation. I have no notes, transcript, or recording. The address of Fordham Law School is 150 West 62nd Street, New York, New York 10023.

January 21, 2011: Moderator, Trial Advocacy, U.S. District Court for the Southern District of New York, New York, New York. I organized the event as Chief Counsel to the Office of *Pro Se* Litigation in order to encourage *pro bono* service. During the program, I introduced the panelists but made no substantive remarks. I have no notes, transcript, or recording. The address for the Southern District of New York is 500 Pearl Street, New York, New York 10007.

September 30, 2010: Guest Speaker, Constitutional Torts, Fordham Law School,

New York, New York. I spoke to a law school class about constitutional torts. I have no notes, transcript, or recording. The address of Fordham Law School is 150 West 62nd Street, New York, New York 10023.

September 2009 (specific date unknown): Panelist, *“Use of Force” Prisoner Litigation for Damages in NYC: A Short Primer*, Prison Law 2009, Practising Law Institute, New York, New York. Notes supplied.

As part of my duties as a federal magistrate judge, I occasionally preside over naturalization ceremonies that are held in the U.S. District Court for the Southern District of New York and give congratulatory remarks to the new citizens. I most recently presided over a naturalization ceremony on January 5, 2024. To the best of my recollection, I also presided over naturalization ceremonies on: September 8, 2023; November 4, 2022; April 6, 2022; February 17, 2022; August 11, 2021; July 14, 2021; March 10, 2021; August 21, 2020; May 17, 2019; April 19, 2019; June 22, 2018; and February 9, 2018. A copy of the remarks I routinely make is supplied. As a magistrate judge, I also preside over ceremonies to admit new attorneys to the bar of the Southern District of New York. I most recently presided over a new attorney admissions ceremony on October 31, 2023. To the best of my recollection, I additionally presided over new attorney admissions ceremonies on: October 25, 2022; January 28, 2020; November 5, 2019; March 19, 2019; March 5, 2019; and August 1, 2017. Finally, I regularly speak to high school students and student interns working in the courthouse or for the District’s Federal Defenders or United States Attorney’s Offices. I speak without prepared remarks, and have no notes, transcripts, or recordings.

- 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.

Hon. Leanna Weismann, *Article: Redefining Justice for Emerging Adults: Emerging Adult Courts Promise A Cost-Effective Means To Rehabilitate Offenders Who Commit Crimes Prior To Their 25th Birthdays*, 55 IND. L. REV. 53 (2022). Copy supplied.

Christine Simmons, *Southern District Launches Program to Help Young Offenders*, N.Y.L.J. (Aug. 27, 2015). Copy supplied.

Bruce Golding, *Martha Surprise*, THE NEW YORK POST (Jan. 25, 2013). Copy supplied.

Laura Haring, *Southern District Taps Law Students for Role in Court Mediation Program*, N.Y.L.J. (Sept. 16, 2011). Copy supplied.

Joanna Schwartz, *Myths and Mechanics of Deterrence: The Role of Lawsuits in*



*Law Enforcement Decisionmaking*, 57 U.C.L.A. 1023 (April 2010). Copy supplied.

Linda Sandler and Patricia Hurtado, *Madoff Victim Can't Redo Divorce Deal*, Bloomberg (Dec. 26, 2009). Copy supplied.

Noeleen G. Walder, *Bid to Revisit Divorce Pact After Madoff Loss Is Rejected*, N.Y.L.J. (Dec. 24, 2009). Copy supplied.

Juan Gonzalez, *2M Settlement's A Cop Wakeup Call*, NEW YORK DAILY NEWS (Aug. 20, 2008). Copy supplied.

Center for Constitutional Rights, *Antiwar Activists Win \$2 Million Settlement from New York City in Major Victory for Free Speech Rights*, Press Release (Aug. 19, 2008). Copy supplied.

Jim Dwyer, *One Protest, 52 Arrests and a \$2 Million Payout*, THE NEW YORK TIMES (Aug. 20, 2008). Copy supplied.

Mark Hamblett, *City Is Denied Discovery of Data on Mental Health of Protesters*, N.Y.L.J. (May 18, 2007). Copy supplied.

Chris Goodmacher, *Law School Protestors Denounce SP-1 and 2*, THE DAILY BRUIN (Mar. 8, 2001). Copy supplied.

Eric Raabe, *Freshmen Get a "Taste of Service,"* THE BROWN HERALD (Sept. 6, 1990). 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.

Since August 16, 2012, I have served as a United States Magistrate Judge for the Southern District of New York. I was appointed to an eight-year term by the Board of Judges of the District on June 21, 2012. I was reappointed to another eight-year term on June 25, 2020. I was appointed Chief United States Magistrate Judge in January 2024. I exercise authority pursuant to 28 U.S.C. § 636, which governs duties, powers, and responsibilities of magistrate judges. The jurisdiction of federal courts is governed by 28 U.S.C. §§ 1330-1369. I manage a docket of approximately 500 civil cases and conduct all non-dispositive activity in those cases, including holding the initial scheduling conferences, conducting settlement conferences, resolving discovery disputes, and ensuring the progress of the case to dispositive motion practice or trial. District judges presiding over these cases will regularly refer dispositive motions, including motions to dismiss, for summary judgment, for class certification, and for default judgment, and I issue reports and recommendations addressing those motions. In addition, I have a docket of civil cases where the parties have consented to my jurisdiction, and in those cases, I

also rule on dispositive motions and preside over any bench or jury trial. In criminal cases, I preside over initial appearances and arraignments, and conduct bail hearings. I review and approve *ex parte* applications submitted by the government, including applications for search and arrest warrants, pen and trap applications, and motions for nondisclosure orders, among other matters. I regularly take pleas of defendants in felony criminal cases, including those taken pursuant to agreements reached between a defendant and the government. I also take pleas and sentence defendants charged with misdemeanor offenses. Finally, on occasion, I conduct grand jury selection.

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

I have presided over six trials: two jury trials and four bench trials.

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

jury trials:	33%
bench trials:	67%

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

civil proceedings:	100%
criminal proceedings:	0%

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

See attached list of citations.

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

1. *1800 Fee Owner LLC v. Metro. Transportation Auth.*, No. 21-cv-09354.

This case concerned the acquisition of interests by the Metropolitan Transportation Authority in three properties in upper Manhattan that were purchased by the plaintiffs after the MTA announced plans to locate a new station for the Second Avenue subway in the area. The plaintiffs asserted that the MTA's actions constituted an unconstitutional taking. The district court referred the matter to me for general pretrial supervision and to report and recommend on the MTA's motion to dismiss. I granted the MTA's motion to stay discovery pending a decision on the motion to dismiss but encouraged the parties to appear before me for a settlement conference. I held a full-day settlement conference and

numerous subsequent *ex parte* and joint telephone conferences, which ultimately resulted in a settlement of the matter.

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2. *Global Gaming Philippines LLC v. Razon, Jr.*, No. 21-cv-02655, 2021 WL 4243395 (S.D.N.Y. Sept. 17, 2021); 2021 WL 4219690 (S.D.N.Y. Sept. 16, 2021).

The plaintiff filed this action to enforce a \$296 million foreign arbitration award against the debtor defendants, against their shareholder, Mr. Razon, through a veil piercing theory, and against several other corporate entities (the “energy entity defendants”) as alter egos of Mr. Razon. The district court referred the matter to me for pretrial supervision. I issued discovery rulings focused primarily on the scope of permissible discovery in actions to enforce a foreign arbitration award. The case settled before trial.

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3. *Sec. & Exch. Comm'n v. Ripple Labs, Inc.*, No. 20-cv-10832, 2022 WL 2705396 (S.D.N.Y. July 12, 2022), *objections overruled*, 2022 WL 4584111 (S.D.N.Y. Sept. 29, 2022); 2022 WL 123590 (S.D.N.Y. Jan. 13, 2022), *clarified on denial of reconsideration*, 2022 WL 1078533 (S.D.N.Y. Apr. 11, 2022); 2021 WL 4296650 (S.D.N.Y. Sept. 21, 2021); 2021 WL 2323089 (S.D.N.Y. May 30, 2021); 540 F. Supp. 3d 409 (S.D.N.Y. 2021); 2021 WL 1335918 (S.D.N.Y. Apr. 9, 2021).

The Securities and Exchange Commission brought this enforcement action against Ripple Labs, Inc., and its executive officers alleging a violation of the Securities Act of 1933 by engaging in the unlawful offer and sale of unregistered securities. As part of my pretrial supervision, I issued several rulings on discovery motions, including opinions addressing foreign Requests for Assistance, deliberative process privilege, attorney-client privilege, requests for personal financial records, and the SEC's trading policies governing digital assets. The case is ongoing.

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4. *The Phillies v. Harrison/Erickson, Inc.*, No. 19-cv-07239, 2021 WL 5936523 (S.D.N.Y. Aug. 10, 2021).

The Phillies, Philadelphia's Major League Baseball team, sued the designers of the team's "Phillie Phanatic" mascot costume after the designers terminated their copyright assignment to the team. The Phillies sought declaratory judgment related to the authorship and validity of the Phillie Phanatic's copyright and other claims stemming from the termination of the copyright assignment. The designers countersued alleging, among other things, copyright infringement for a redesigned Phanatic costume. I supervised pretrial discovery and issued a report and recommendation concerning the parties' cross-motions for summary judgment. After I issued my report, I conducted a settlement conference that led to a resolution of the case.

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5. *Au New Haven, LLC v. YKK Corporation*, No. 15-cv-03411, 2019 WL 1254763 (S.D.N.Y. Mar. 19, 2019), *objections overruled*, 2019 WL 2992016 (S.D.N.Y. July 8, 2019); 2018 WL 2128373 (S.D.N.Y. May 8, 2018); 2017 WL 4838793 (S.D.N.Y. Oct. 24, 2017), *granting reconsideration in part*, 2018 WL 333828 (S.D.N.Y. Jan. 5, 2018); 2016 WL 6820383 (S.D.N.Y. Nov. 18, 2016).

The plaintiffs sued the defendants for patent infringement and breach of a patent licensing agreement related to the multi-billion-dollar zipper industry. The district court referred the matter to me for general pretrial supervision. As part of my pretrial supervision, I issued rulings on discovery motions and motions to exclude expert testimony, as well as a motion for a preliminary anti-suit injunction. The case settled before trial.

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6. *Blackrock v. Wells Fargo Bank, N.A.*, No. 14-cv-09371, 2017 WL 9400671 (S.D.N.Y. Apr. 27, 2017), *all objections overruled*, 2017 WL 3610511 (S.D.N.Y. Aug. 21, 2017); 2017 WL 953550 (S.D.N.Y. Mar. 10, 2017); 2017 WL 953514 (S.D.N.Y. Mar. 9, 2017).  
*Royal Park Investments SA/NV v. Wells Fargo Bank, N.A.*, No. 14-cv-09764, 2018 WL 739580 (S.D.N.Y. Jan. 10, 2018), *R. & R. adopted*, 2018 WL 1831850 (S.D.N.Y. Apr. 17, 2018), *leave to appeal denied*, 2018 WL 5733601 (2d Cir. Aug. 7, 2018).  
*Nat'l Credit Union Admin. Bd. v. Wells Fargo Bank, N.A.*, No. 14-cv-10067.  
*Phoenix Light SF Ltd., v. Wells Fargo Bank, N.A.*, No. 14-cv-10102, 2021 WL 7082193 (S.D.N.Y. Dec. 6, 2021), *R. & R. adopted in part, rejected in part*, 2022 WL 2702616 (S.D.N.Y. July 12, 2022), 574 F. Supp. 3d 197 (S.D.N.Y. 2021).  
*Commerzbank AG v. Wells Fargo Bank, N.A.*, No. 15-cv-10033.

Certificate holders of residential mortgage-backed securities trusts brought actions against a common trustee, Wells Fargo, alleging that Wells Fargo had breached its duty as a fiduciary. These cases were coordinated for discovery. As part of my pretrial supervision, I issued a number of rulings on discovery motions and motions to exclude expert discovery and issued reports and recommendations on motions for class certification and the parties' cross-motions for summary judgment. All cases have been resolved through settlement or judgment.

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7. *Dershowitz v. United States*, 12-cv-08634, 2015 WL 1573321 (S.D.N.Y. Apr. 8, 2015).

Ms. Dershowitz died when she was struck by a U.S. Postal truck while riding her bike in Manhattan. Her estate filed a claim under the Federal Tort Claims Act for the alleged wrongful death. The parties consented to my jurisdiction pursuant to 28 U.S.C. § 636(c). I presided over a seven-day bench trial and issued an opinion finding the government 100 percent liable and awarding damages. No party appealed from my decision.

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8. *Scott v. Chipotle*, No. 12-cv-08333, 315 F.R.D. 33 (S.D.N.Y. 2016); 94 F. Supp. 3d 585 (S.D.N.Y. 2015); 67 F. Supp. 3d 607 (S.D.N.Y. 2014).

Former and current Chipotle employees brought a nationwide collective and class action, alleging violations of the Fair Labor Standards Act and state labor laws. As part of my pretrial supervision, I issued several rulings on discovery motions and motions to exclude expert testimony. The case settled for \$8 million after the Court of Appeals affirmed the district court's denial of class certification.

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9. *Washington v. Kellwood Co.*, No. 05-cv-10034, 2016 WL 5680374 (S.D.N.Y. Sept. 30, 2016), *aff'd*, 714 F. App'x 35 (2d Cir. 2017), *cert. denied*, 138 S. Ct. 2029 (2018); 2016 WL 3920348 (S.D.N.Y. Sept. 6, 2016); 2016 WL 3920348 (S.D.N.Y. July 15, 2016).

In this breach of contract case, the parties consented to the jurisdiction of a magistrate judge for all purposes, pursuant to 28 U.S.C. § 636(c). This case was

reassigned to me after the prior magistrate judge issued decisions on motions for summary judgment and to exclude expert testimony. I presided over a nearly two-week jury trial. The jury returned a verdict in favor of the plaintiffs, and the defendant moved for judgment as a matter of law. I granted the motion and set aside the verdict after finding that while the plaintiffs proved the breach, they failed to present non-speculative damages. Following further motion practice, I granted the defendant's motion *in limine* to preclude the testimony of the plaintiffs' expert witness and entered judgment in favor of the plaintiff for \$1. The Court of Appeals affirmed these trial rulings.

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10. *In re Terrorist Attacks on Sept. 11, 2001*, No. 03-md-01570, 2023 WL 3116763 (S.D.N.Y. Apr. 27, 2023); 2021 WL 5449825 (S.D.N.Y. Nov. 22, 2021); 523 F. Supp. 3d 478 (S.D.N.Y. 2021); 337 F.R.D. 575 (S.D.N.Y. 2020); 2020 WL 8610952 (S.D.N.Y. May 27, 2020); 2020 WL 762164 (S.D.N.Y. Feb. 7, 2020), *R. & R. adopted*, 2020 WL 762377 (S.D.N.Y. Feb. 14, 2020); 2016 WL 8711419 (S.D.N.Y. Oct. 14, 2016), *R. & R. adopted*, 2016 WL 6465922 (S.D.N.Y. Oct. 31, 2016).

This multidistrict litigation arose from the terrorist attacks of September 11, 2001. The plaintiffs—who include 9/11 victims, their immediate family members, survivors, and corporations—sued al Qaeda, the Taliban, Iran, Sudan, Saudi Arabia, Afghanistan, and numerous foreign entities and individuals alleged to have aided in the attacks. Litigation is ongoing in more than 360 member cases

against defendants in different postures. The MDL is referred to me for general pretrial purposes and to report and recommend on dispositive motions.

The Taliban, Iran, and certain other defendants have failed to appear in this case, so the plaintiffs have moved for default judgments against those defendants. I evaluate those motions and, where appropriate, recommend damages awards to the district court. These recommendations have included damages for people injured in the 9/11 attacks and relations of 9/11 victims who were “functionally equivalent” to immediate family members.

Other defendants have appeared and are defending against the claims. I have issued numerous pretrial rulings, including on issues related to discovery and expert testimony. These opinions addressed, among other things, requests for documents from the Federal Bureau of Investigation, Saudi Arabia, and Al Rajhi Bank; deposition protocols during the COVID-19 pandemic; and *Daubert* challenges to proposed experts. The case is still pending.

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

1. *Aquino v. Comm'r of Soc. Sec.*, No. 21-cv-10125, 2023 WL 2159490 (S.D.N.Y. Feb. 22, 2023).

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2. *Pang v. Cushman & Wakefield*, No. 20-cv-10019, 2022 WL 19410316 (S.D.N.Y. Aug. 23, 2022), *R. & R. adopted*, 2023 WL 2644267 (S.D.N.Y. Mar. 27, 2023), *aff'd*, 2024 WL 1298553 (2d Cir. Mar. 27, 2024).

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3. *In re Terrorist Attacks on Sept. 11, 2001*, No. 03-md-01570, 2022 WL 4643442 (S.D.N.Y. Aug. 22, 2022), *R. & R. adopted in part, rejected in part*, 657 F. Supp. 3d 311 (2023).

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4. *Doe v. McAdam Fin.*, No. 22-cv-00113, 2022 WL 3579700 (S.D.N.Y. Aug. 3, 2022), *R. & R. adopted*, 2022 WL 3578569 (S.D.N.Y. Aug. 19, 2022).

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5. *Stansell v. Revolutionary Armed Forces of Colombia (FARC)*, No. 16-cv-00405, 2022 WL 2530359 (S.D.N.Y. Mar. 29, 2022), *R. & R. adopted*, 2022 WL 17830551 (S.D.N.Y. Dec. 21, 2022).

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6. *Royal Park Investments SA/NV v. Wells Fargo Bank, N.A.*, No. 14-cv-9764, 2018 WL 739580 (S.D.N.Y. Jan. 10, 2018), *R. & R. adopted*, 2018 WL 1831850 (S.D.N.Y. Apr. 17, 2018), *leave to appeal denied*, 2018 WL 5733601 (2d Cir. Aug. 7, 2018).

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7. *ECD Investor Group v. Credit Suisse*, No. 14-cv-8486, 2017 WL 3841872 (S.D.N.Y. Sept. 1, 2017).

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8. *Montefiore Med. Ctr v. Loc. 272 Welfare Fund*, No. 14-cv-10229, 2016 WL 8677161 (S.D.N.Y. Dec. 2, 2016), *R. & R. adopted*, 2017 WL 1194704 (S.D.N.Y. Mar. 31, 2017), *aff'd*, 712 F. App'x 104 (2d Cir. 2018).

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9. *Washington v. Kellwood Co.*, No. 05-cv-10034, 2016 WL 3920348 (S.D.N.Y. July 15, 2016), 2016 WL 3920348 (S.D.N.Y. Sept. 6, 2016), *and* 2016 WL 5680374 (S.D.N.Y. Sept. 30, 2016), *aff'd*, 714 F. App'x 35 (2d Cir. 2017), *cert. denied*, 138 S. Ct. 2029 (2018).

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10. *Levy v. Young Adult Inst., Inc.*, No. 13-cv-2861, 2015 WL 13745763 (S.D.N.Y. Oct. 9, 2015), *R. & R. adopted*, 2015 WL 7820497 (S.D.N.Y. Dec. 2, 2015), *aff'd*, 744 F. App'x 12 (2d Cir. 2018), *cert. denied*, 139 S. Ct. 1282 (2019).

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

*In re Terrorist Attacks of Sept. 11, 2001*, No. 03-md-01570, 2023 U.S. Dist. LEXIS 44038 (S.D.N.Y. Mar. 15, 2023), *R. & R. adopted*, 2023 U.S. Dist. LEXIS 55720 (S.D.N.Y. Mar. 30, 2023), *aff'd sub nom. In re O'Brien*, 2023 U.S. App. LEXIS 35459 (2d Cir. Aug. 30, 2023), *cert. denied sub nom. O'Brien v. U.S. Dist. Ct. for the S. Dist. of N.Y.*, \_\_\_ S. Ct. \_\_\_, 2024 U.S. LEXIS 738 (2024).

*Oparaji v. Mun. Credit Union*, No. 19-cv-4034, 2020 WL 9815188, (S.D.N.Y. Dec. 21, 2020), *R. & R. adopted in part, denied in part*, 2021 WL 2414859 (S.D.N.Y. June 14, 2021), *aff'd*, 2022 WL 1122681 (2d Cir. Apr. 15, 2022), *cert. denied*, 143 S. Ct. 605 (2023).

*Levy v. Young Adult Inst., Inc.*, No. 13-cv-2861, 2015 WL 13745763, (S.D.N.Y. Oct. 9, 2015), *R. & R. adopted*, 2015 WL 7820497, (S.D.N.Y. Dec. 2, 2015), *aff'd*, 744 F. App'x 12 (2d Cir. 2018), *cert. denied sub nom. Young Adult Inst., Inc. v. Levy*, 139 S. Ct. 1282 (2019).

*Mitchell v. Macy's Inc.*, No. 17-cv-01845, ECF Nos. 123, 138, 153, 156, 166 (S.D.N.Y. Jan. 26, Mar. 23, May 8, 14, June 20, 2018), *appeal dismissed*, 2019 WL 11766211 (2d Cir. Feb. 22, 2019), *cert. denied*, 140 S. Ct. 459 (2019).

*Brady v. Goldman*, No. 16-cv-2287, 2016 WL 8201788, (S.D.N.Y. Dec. 5, 2016), *R. & R. adopted*, 2017 WL 111749, (S.D.N.Y. Jan. 11, 2017), *aff'd*, 714 F. App'x 63 (2d Cir. 2018), *cert. denied*, 139 S. Ct. 329 (2018).

*Washington v. Kellwood Co.*, No. 05-cv-10034, 2016 WL 3920348 (S.D.N.Y. July 15, 2016), 2016 WL 3920348 (S.D.N.Y. Sept. 6, 2016), *and* 2016 WL 5680374 (S.D.N.Y. Sept. 30, 2016), *aff'd*, 714 F. App'x 35 (2d Cir. 2017), *cert. denied*, 584 U.S. 993 (2018).

*Bowman v. Racette*, No. 12-cv-04153, 2014 U.S. Dist. LEXIS 183581 (S.D.N.Y. Apr. 24, 2014), *R. & R. adopted in part, rejected in part*, 2015 U.S. Dist. LEXIS 51674 (S.D.N.Y. Apr. 20, 2015), *aff'd*, 661 F. App'x 56 (2d Cir. 2016), *cert. denied sub nom. Bowman v. Miller*, 581 U.S. 1021 (2017).

- 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.

The following orders were reversed, in whole or in part, by a district judge or the Second Circuit Court of Appeals:

*Roche Freedman LLP v. Cyrulnik*, No. 21-cv-01746, ECF No. 262 (S.D.N.Y. Sept. 28, 2022), *objections sustained in part, overruled in part*, 2022 WL 17157670 (S.D.N.Y. Nov. 22, 2022). Order supplied. A law firm brought contract

claims against its former partner. During discovery, the plaintiff subpoenaed non-parties for depositions, which the non-parties jointly moved to quash. I granted the motions to quash, reasoning that the depositions would be burdensome, unlikely to be relevant, and that the subpoenas appeared to have been issued for an improper purpose. The district judge disagreed and sustained the defendant's objections. The parties are currently preparing for trial.

*Emergency Physician Servs. of N.Y. v. UnitedHealth Grp.*, No. 20-cv-09183, 2022 WL 15153628 (S.D.N.Y. July 1, 2022), *objections sustained in part, overruled in part*, 2022 WL 15153770 (S.D.N.Y. Aug. 11, 2022). Emergency room doctors sued health insurance companies, alleging that the insurance companies were fraudulently underpaying them. I granted the defendants' motion to compel production of documents related to (1) payment rates from certain market participants and (2) the costs of rendering emergency medical services. The district judge overruled objections to my order on the first category of documents and sustained objections as to the second. The case is ongoing, with a motion for summary judgment pending before the district judge.

*Reeves v. United States*, No. 19-cv-08629, 2020 WL 6431628 (S.D.N.Y. Nov. 2, 2020), *aff'd in part, vacated in part, remanded*, 2022 WL 2812881 (2d Cir. July 19, 2022). The plaintiff sued under the Federal Tort Claims Act ("FTCA") for false arrest and excessive force in connection with an Immigration and Customs Enforcement arrest. I dismissed the action for lack of subject matter jurisdiction under the 8 U.S.C. § 1252(g) jurisdiction-stripping provision. The plaintiff appealed *pro se* but secured counsel after filing his opening brief. Shortly before oral argument, appellate counsel raised a new argument that had not been presented to the district court—that § 1252(g) does not strip jurisdiction over FTCA claims for excessive force. The defendant acknowledged that jurisdiction could turn on the nature of the force alleged and agreed to a remand. The Court of Appeals, while affirming the judgment in all other respects, vacated it as to subject-matter jurisdiction and remanded the case to me to permit development of the factual record and analyze the parties' new jurisdictional arguments in the first instance. The case is ongoing.

*Set Capital LLC v. Credit Suisse Grp. AG*, Nos. 18-cv-02268, 18-cv-02319, 18-cv-04045, 2019 WL 3940641 (S.D.N.Y. Aug. 16, 2019), *R. & R. adopted*, 2019 WL 4673433 (S.D.N.Y. Sept. 25, 2019), *aff'd in part, vacated in part, remanded*, 996 F.3d 64 (2d Cir. 2021). Set Capital sued Credit Suisse for violating securities statutes and regulations in connection with VelocityShares Daily Inverse VIX Short Term Exchange Traded Notes. I recommended dismissing the case because the plaintiffs did not adequately plead a misstatement or omission and scienter. The district judge adopted the report in its entirety and dismissed the case. The Court of Appeals vacated the district court's judgment as to three claims, holding that they were adequately pleaded, and affirmed the judgment as to the other claims. The case is ongoing.

*GE Healthcare Bio-Scis. AB v. Bio-Rad Lab 'ys, Inc.*, No. 14-cv-07080, ECF No. 135 (S.D.N.Y. Aug. 14, 2015), *objections sustained*, 2015 WL 7582967 (S.D.N.Y. Nov. 25, 2015). Order supplied. In this patent infringement suit, I issued an order providing that the defendant need not produce foreign sales information of its protein purification device. The plaintiff objected to my order. The district judge sustained the plaintiff's objection and ordered the defendant to produce sales information sought by the plaintiff. The case was later transferred to the District of Delaware.

*Bernstein v. City of New York*, No. 13-cv-04610, 2015 U.S. Dist. LEXIS 18810 (S.D.N.Y. Jan. 7, 2015), *R. & R. adopted*, 2015 U.S. Dist. LEXIS 19023 (S.D.N.Y. Feb. 18, 2015), *vacated and remanded*, 621 F. App'x 56 (2d Cir. 2015). In this Americans with Disabilities Act case, the plaintiff alleged that Central Park is not readily accessible to those with disabilities. I recommended granting the City's motion to dismiss because the plaintiff failed to plead facts supporting standing. The district judge adopted the report in its entirety and dismissed the case. The Court of Appeals vacated that judgment and remanded for additional fact-finding on one of the issues relevant to standing—the plaintiff's intent to return to Central Park. On remand to the district court, the case settled.

The following are reports and recommendations where the district judge declined to adopt my findings, conclusions, and/or recommendations:

*DiGiovanni v. Ergoteles LLC*, No. 22-cv-09118, 2023 WL 8716893 (S.D.N.Y. Oct. 23, 2023), *declining to adopt R. & R.*, 2024 WL 1364727 (S.D.N.Y. Mar. 31, 2024). In this Fair Labor Standards Act action, I recommended that the court deny the defendants' motion to dismiss, in part, because the defendants did not meet their burden to establish that an affirmative defense was alleged in the complaint. To establish their affirmative defense, the defendants asked the court to take judicial notice of a prior complaint filed in a different case, which I declined to do. The district court disagreed, accepted the facts in the prior case's complaint as true for purposes of the motion to dismiss, and dismissed the case.

*Edelman Arts, Inc. v. Spoelstra*, No. 17-cv-4789, 2020 U.S. Dist. LEXIS 7206 (S.D.N.Y. Jan. 14, 2020), *R. & R. recommitted*, 2020 U.S. Dist. LEXIS 78746 (S.D.N.Y. May 5, 2020), *amended R. & R.*, 2021 U.S. Dist. LEXIS 6693 (S.D.N.Y. Jan. 11, 2021), *adopted as modified*, 2021 U.S. Dist. LEXIS 42823 (S.D.N.Y. Mar. 7, 2021). The plaintiff filed a breach of contract action, and the defendants failed to appear. Following the default by the defendants, I recommended awarding no damages because the plaintiff failed to establish its damages to a reasonable degree of certainty. Upon review, the district judge recommitted the matter to me, and following the plaintiff's submission of additional evidence, I issued an amended report and recommendation. The district judge adopted the amended recommendation but modified the date through which prejudgment interest accrued.

*Vargas v. Berryhill*, No. 16-cv-03385, 2017 U.S. Dist. LEXIS 81370 (S.D.N.Y. May 25, 2017), *R. & R. adopted in part, rejected in part*, 2019 U.S. Dist. LEXIS 46212 (S.D.N.Y. Mar. 20, 2019). In a case addressing the plaintiff's entitlement to Supplemental Security Income, I recommended granting the defendant's motion for judgment on the pleadings. The district judge disagreed with my findings concerning a psychiatric report that supported the plaintiff's claims and remanded the case.

*Hafford v. Aetna Life Ins. Co.*, No. 16-cv-04425, 2017 WL 1774434 (S.D.N.Y. June 13, 2017), *R. & R. adopted in part, rejected in part*, 2017 WL 4083580 (S.D.N.Y. Sept. 13, 2017). The plaintiff sued Aetna under the Employment Retirement Income Security Act ("ERISA"). Considering his claims *de novo*, I concluded that the plaintiff had demonstrated his entitlement to disability benefits and recommended awarding past due benefits. The district judge adopted the factual findings in the report but, applying arbitrary and capricious review, determined that the defendant did not abuse its discretion in denying the plaintiff benefits and entered judgment in the defendant's favor.

*Renaissance Partners v. Renaissance Search Partners*, No. 12-cv-5638, 2014 U.S. Dist. LEXIS 91359 (S.D.N.Y. July 3, 2014), *R. & R. adopted in part, rejected in part*, 2014 U.S. Dist. LEXIS 140932 (S.D.N.Y. Oct. 1, 2014). In this breach of contract case, the district judge entered default against the defendants and referred the matter to me to assess damages. I recommended that no damages be awarded because, in relevant part, the plaintiff failed to establish damages to a reasonable degree of certainty. The district judge disagreed and awarded the plaintiff lost profits and punitive damages.

The following reports and recommendation were adopted only in part:

*Holley v. City of New York*, No. 23-cv-1838, 2024 U.S. Dist. LEXIS 17343 (S.D.N.Y. Jan. 29, 2024), *R. & R. adopted as modified*, 2024 U.S. Dist. LEXIS 45341 (S.D.N.Y. Mar. 14, 2024). The plaintiff sued New York City Police Department officers for malicious prosecution, fabrication of evidence, and state and federal constitutional violations. I recommended granting in part and denying in part the City's motion to dismiss. The district court adopted my recommendation with two modifications: I recommended denying the motion to dismiss the plaintiffs' intentional infliction of emotional distress claim against both the individual defendants and the City and dismissing the plaintiffs' *Monell* claim against the City with prejudice. The district court adopted my report except it granted the motion to dismiss the intentional infliction of emotional distress claim against the City and dismissed the *Monell* claim without prejudice. The case is ongoing.

*Banga v. Lustig*, No. 22-cv-09825, 2023 WL 9099985 (S.D.N.Y. Oct. 30, 2023), *R. & R. adopted in part, rejected in part*, 2023 WL 8805690 (S.D.N.Y. Dec. 20, 2023). The *pro se* plaintiff sued her physician, alleging various tort and California

statutory claims. I recommended that the case be dismissed because the claims were barred by *res judicata* or the applicable statute of limitations. The district judge adopted the recommendation as to all but one claim, which he found was not time-barred. The district judge declined to exercise supplemental jurisdiction over that claim and dismissed the case. Plaintiff has appealed the dismissal, and that appeal is pending.

*Astra Veda Corp. v. Apollo Capital Corp.*, No. 22-cv-07308, 2023 WL 5020347 (S.D.N.Y. June 7, 2023), *R. & R. adopted in part, rejected in part*, 2023 WL 4702094 (S.D.N.Y. July 24, 2023). In a dispute over an allegedly usurious promissory note, I recommended granting the defendants' motion to dismiss on jurisdictional and other grounds. The district judge adopted my jurisdictional analysis and therefore declined to reach the remaining grounds. The case is closed.

*Norris v. Goldner*, No. 19-cv-05491, 2023 WL 5016472 (S.D.N.Y. May 22, 2023), *R. & R. adopted in part, rejected in part*, 2023 WL 5477229 (S.D.N.Y. Aug. 24, 2023). The plaintiff, a comics illustrator, sued the defendants for copyright infringement and three other claims. I recommended granting summary judgment for the plaintiff on two claims and denying summary judgment for either side on the other two, including a false designation of origin claim. The district judge adopted the recommendation as to three of the claims but granted the defendants summary judgment as to false designation of origin. The plaintiff voluntarily dismissed the remaining claims, and a motion for attorneys' fees is currently pending.

*In re Terrorist Attacks on Sept. 11, 2001*, No. 03-md-01570, 2022 WL 4643442 (S.D.N.Y. Aug. 26, 2022), *R. & R. adopted in part, rejected in part*, 657 F. Supp. 3d 311 (S.D.N.Y. 2023). After the Taliban's August 2021 takeover of Afghanistan, the plaintiffs in the 9/11 multidistrict litigation sought to collect on default judgments against the Taliban by attaching funds held at the Federal Reserve Bank of New York in the name of Da Afghanistan Bank ("DAB"), Afghanistan's Central Bank. I recommended denying the plaintiffs' turnover motions for three independent reasons, including an absence of subject matter jurisdiction, separation of powers issues, and the relationship between the Taliban and the DAB. The district judge adopted my recommendation and denied the turnover motions, relying on the first two grounds. In a footnote, the district judge declined to adopt the third ground. The plaintiffs have appealed the district judge's ruling, and that appeal is pending.

*Enchante Accessories, Inc. v. Turko Textiles, LLC*, No. 19-cv-00581, 2022 WL 5177808 (S.D.N.Y. July 15, 2022), *R. & R. adopted in part, rejected in part*, 2022 WL 4181791 (S.D.N.Y. Sept. 12, 2022). In this trademark case, the parties filed cross-motions for summary judgment. I recommended that summary judgment be granted in favor of the defendants on the plaintiff's unfair competition, use of name with intent to deceive, and injury to business reputation claims. I

recommended that all other claims proceed to trial. The district judge adopted the report except with respect to the injury to business reputation claim, on which summary judgment was denied. The case settled before trial.

*M.R. v. N.Y.C. Dep't of Educ.*, No. 21-cv-05503, 2022 WL 6242896 (S.D.N.Y. June 15, 2022), *R. & R. adopted in part, rejected in part*, 2022 WL 4396835 (S.D.N.Y. Sept. 23, 2022). I recommended fees for the plaintiffs' counsel in this Individuals with Disabilities Education Act case. The district judge adopted a portion of the fee and cost calculations and reduced the remaining fees. In tandem with several other attorneys' fees cases, the plaintiff has appealed the district judge's decision, and that appeal is pending.

*In re Terrorist Attacks on Sept. 11, 2001*, No. 03-md-01570, 2022 WL 4227151 (S.D.N.Y. May 3, 2022), 2022 WL 4591496 (S.D.N.Y. Sept. 23, 2022), *Rs. & Rs. adopted in part, rejected in part*, 2023 WL 5132138 (S.D.N.Y. Aug. 10, 2023). Sudan moved to dismiss claims against it in the 9/11 multidistrict litigation. I issued a report and recommendation concluding that there is subject-matter jurisdiction over the plaintiffs' claims. I concluded that many of the plaintiffs' claims should survive Sudan's motion to dismiss, including those based on 28 U.S.C. § 1605, the Anti-Terrorism Act ("ATA"), the Racketeer Influenced and Corrupt Organizations Act, the Alien Tort Statute ("ATS"), and certain state tort principles. I recommended granting Sudan's motion to dismiss other state tort claims and the plaintiffs' international law claims. The district judge adopted the report except as to the ATS and ATA secondary liability (but not primary liability) claims, which he dismissed. The parties have appealed the district court opinion, and that appeal is pending.

*Phoenix Light SF Ltd. v. Wells Fargo Bank, N.A.*, No. 14-cv-10102, 2021 WL 7082193 (S.D.N.Y. Dec. 6, 2021), *R. & R. adopted in part, rejected in part*, 2022 WL 2702616 (S.D.N.Y. July 12, 2022). The plaintiffs in this case alleged that Wells Fargo breached its duties with respect to residential mortgage-backed securities ("RMBS") trusts. On cross-motions for summary judgment, I recommended that summary judgment be granted for Wells Fargo on claims related to seven types of RMBS trusts based on the plaintiffs' lack of standing, timeliness, and other issues. In the event the district court did not adopt my standing recommendations, I also addressed contractual issues and timeliness. The district judge adopted much of the report, including the recommendation as to the plaintiffs' standing, which obviated the need to analyze their claims further. The district judge departed from my recommendation as to select RMBS trusts, explaining that it was unclear whether the claims were time-barred, and therefore denied Wells Fargo summary judgment as to those claims. The plaintiffs appealed the district judge's decision but later withdrew the appeal. The case is now closed.

*Oparaji v. Mun. Credit Union*, No. 19-cv-4034, 2020 WL 2217209 (S.D.N.Y. Jan. 6, 2020), *R. & R. adopted as modified*, 2020 WL 1155898 (S.D.N.Y. Mar. 10, 2020), *as remitted* 2020 WL 9815188 (S.D.N.Y. Dec. 21, 2020), *R. & R.*



*adopted in part*, 2021 WL 2414859 (S.D.N.Y. June 14, 2021), *aff'd*, 2022 WL 1122681 (2d Cir. Apr. 15, 2022), *cert. denied*, 143 S. Ct. 605 (2023). The *pro se* plaintiff sued Municipal Credit Union for charging him overdraft fees without his affirmative consent. I recommended dismissing the plaintiff's claims as precluded by a prior state court decision. While the objections were pending, the state appellate court reversed a portion of the state court decision and remanded it for trial. Accordingly, the district court did not adopt my claim preclusion recommendation because there was no longer a final judgment for purposes of claim preclusion. The district court remitted the matter to me for further consideration of defendant's motion to dismiss. I issued a second report and recommendation, recommending that the plaintiff's federal claims be dismissed for failure to state a claim and noting that the court likely lacked jurisdiction over the state law claims. The district judge adopted my recommendation as to the federal claims and declined jurisdiction over the remaining state law claims.

*Held & Hines LLP v. Hussain*, No. 16-cv-05273, 2019 WL 5722128 (S.D.N.Y. Aug. 7, 2019), *R. & R. adopted as modified*, 2019 WL 4727465 (S.D.N.Y. Sept. 27, 2019). A law firm sued their former client, alleging that she refused to pay the firm's contingency fee. After the district judge adopted my recommendations on summary judgment, he referred to me the assessment of attorneys' fees. I recommended a 50% across-the-board reduction in the fees requested. The district judge adopted the report but modified the across-the-board reduction to 40% and awarded prejudgment interest. The case is closed.

*Sanchez v. City of New York*, No. 18-cv-01259, 2019 WL 2527343 (S.D.N.Y. Feb. 6, 2019), *R. & R. adopted in part, rejected in part*, 2019 WL 1417221 (S.D.N.Y. Mar. 28, 2019). The *pro se* plaintiff filed a 42 U.S.C. § 1983 suit for deliberate indifference to the assaults he experienced while detained by New York City. I recommended dismissing all claims except those against one individual defendant. The district judge adopted the report except to the claims against that individual defendant, which it also dismissed as inadequately pleaded. The plaintiff appealed, and the appeal was dismissed as untimely. The case is closed.

*In re Terrorist Attacks on Sept. 11, 2001*, No. 03-md-01570, 2017 WL 10398956 (S.D.N.Y. Nov. 27, 2017), *R. & R. adopted in part, rejected in part*, 2018 WL 3323159 (S.D.N.Y. June 25, 2018). In the 9/11 multidistrict litigation, the district judge entered default judgments in favor of various insurance companies against Iran. The district judge then referred the matter to me to assess damages. I recommended that the companies be awarded more than \$220,000,000 as well as prejudgment interest. I recommended against awarding damages stemming from their reinsurance contracts, claims adjustment costs, attorneys' fees, and participation in the Associated Aviation Underwriters program. The district judge concluded that the plaintiffs could recover on reinsurance contracts and adjusted the date from which prejudgment interest would be calculated, but otherwise adopted the report.

*Elliott v. Nestle Waters N. Am., Inc.*, No. 13-cv-06331, 2015 WL 1611316 (S.D.N.Y. Mar. 3, 2015), *R. & R. adopted in part, rejected in part*, 2015 WL 1611333 (S.D.N.Y. Apr. 10, 2015). In a suit for wrongful termination brought by a *pro se* plaintiff, I recommended that the defendant's motion to dismiss be granted because the plaintiff did not plead sufficient facts to support a claim based on breach of an implied employment contract under New Jersey law. The district judge, applying New Jersey law, adopted the report but clarified the choice-of-law analysis.

*Bowman v. Racette*, No. 12-cv-04153, 2014 U.S. Dist. LEXIS 183581 (S.D.N.Y. Apr. 24, 2014), *R. & R. adopted in part, rejected in part*, 2015 U.S. Dist. LEXIS 51681 (S.D.N.Y. April 20, 2015), *aff'd*, 661 F. App'x 56 (2d Cir. 2016), *cert. denied sub nom. Bowman v. Miller*, 581 U.S. 1021 (2017). I recommended that the petitioner's *habeas corpus* petition be denied in part and granted in part because he was denied a constitutionally fair trial in the state court. The district judge adopted my recommendation as to all other claims but declined to adopt that portion of my recommendation related to the fair trial claim. The petitioner appealed, and the Court of Appeals affirmed.

*Berman v. Neo@Ogilvy LLC*, No. 14-cv-00523, 2014 WL 6865718 (S.D.N.Y. Aug. 15, 2014), *R. & R. adopted in part, rejected in part*, 72 F. Supp. 3d 404 (S.D.N.Y. 2014), *rev'd and remanded*, 801 F.3d 145 (2d Cir. 2015). A finance director sued his former employer for retaliating against him in violation of his contract and the Dodd-Frank Wall Street Reform and Consumer Protection Act's ("Dodd-Frank") whistleblower protections. The defendants moved to dismiss (i) the contract claims, arguing that at-will provisions precluded it, and (ii) the Dodd-Frank claim, on the grounds that the plaintiff did not qualify for whistleblower protection and did not adequately allege his reasonable belief that he had observed securities violations. Agreeing with the former, I recommended dismissing the contract claims. As to the latter, I determined that the plaintiff was not excluded from whistleblower protection under the Securities and Exchange Commission's ("SEC") interpretation of the law, but recommended dismissal because he failed to plead his belief that he observed violations. The district judge adopted my analysis of the contract claims but declined to defer to the SEC's interpretation of "whistleblower" and concluded that the plaintiff did not qualify for protection. The Court of Appeals reversed and remanded the case, holding that the SEC's interpretation of "whistleblower" was entitled to deference, thereby agreeing with my recommendation. The case ultimately settled.

*Pullman v. Alpha Media Publ'g, Inc.*, No. 12-cv-01924, 2014 WL 5043319 (S.D.N.Y. Mar. 14, 2014), *R. & R. adopted as modified*, 2014 WL 5042250 (S.D.N.Y. Sept. 10, 2014), *aff'd*, 624 F. App'x 774 (2d Cir. 2015). A *pro se* plaintiff alleged that Maxim magazine was engaging in real estate fraud. After the parties reached an oral settlement agreement and recorded the terms on the record, negotiations broke down over the formal written terms. Both sides filed motions to enforce their versions of the settlement agreement. I issued a report and

recommendation concluding that the agreement was enforceable and addressing specific terms of the settlement. The district judge adopted the report but removed a term that the plaintiff later objected to that had originally been added in response to the plaintiff's concerns. The case is closed.

*Levy v. Young Adult Inst., Inc.*, No. 13-cv-02861, 2014 U.S. Dist. LEXIS 45628 (S.D.N.Y. Jan. 27, 2014), *R. & R. adopted in part, rejected in part*, 2014 U.S. Dist. LEXIS 44987 (S.D.N.Y. Mar. 31, 2014). In a dispute over a retirement plan, I recommended granting in part and denying in part the defendants' motion to dismiss. The district judge adopted the report on the first 14 counts but declined to dismiss the final count as preempted under ERISA. The district judge conducted a bench trial and ruled for the plaintiff. The defendants appealed, and the Court of Appeals affirmed the district judge's ruling. The case is closed.

In the following cases my reports and recommendations were largely adopted but the district judge disagreed with me on a discretionary issue or on a relatively minor or nonmaterial point.

*Montalvo v. Paul Bar & Restaurant Corp.*, No. 22-cv-01423, 2023 WL 6519717 (S.D.N.Y. Aug. 11, 2023), *R. & R. adopted as modified*, 2023 WL 5928361 (S.D.N.Y. Sept. 13, 2023). After the defendants defaulted in this Fair Labor Standards Act case, the plaintiff moved for default judgment and attorneys' fees. I recommended awarding back pay, unlawfully deducted tips, prejudgment interest, liquidated damages, attorneys' fees, and costs totaling over \$36,000. The district judge adopted the report with a slight modification to the attorneys' fees of less than \$300, and without prejudgment interest. The case is closed.

*Miculax v. La Fonda Boricua Lounge, Inc.*, No. 20-cv-04477, 2023 WL 6318625 (S.D.N.Y. May 4, 2023), *R. & R. adopted in part, rejected in part*, 2023 WL 6318770 (S.D.N.Y. Sept. 28, 2023). The district judge entered a default judgment in this Fair Labor Standards Act case and referred the matter to me to assess damages. I recommended awarding more than \$400,000 in back pay, spread-of-hours damages, liquidated damages, attorneys' fees, and costs. The district judge adopted the report with minor corrections to three calculations. The case is closed.

*N.L. v. N.Y.C. Dep't of Educ.*, No. 21-cv-11215, 2023 WL 2872624 (S.D.N.Y. Jan. 20, 2023), *R. & R. adopted as modified*, 2023 WL 2523636 (S.D.N.Y. Mar. 15, 2023). In an Individuals with Disabilities Education Act case, I recommended awarding attorneys' fees and costs of more than \$45,000. The district judge modified the hourly rate of one attorney to \$250 per hour, after I had recommended \$300 per hour. The district judge otherwise adopted the report, awarding more than \$41,000. In tandem with several other attorneys' fees cases, the plaintiff has appealed the district judge's decision, and that appeal is pending.

*Santana v. Gravagna*, No. 21-cv-08724, 2022 WL 20403410 (S.D.N.Y. June 7, 2022), *R. & R. adopted in part, rejected in part*, 2023 WL 4707264 (S.D.N.Y.

Feb. 23, 2023). Three *pro se* plaintiffs brought claims under 42 U.S.C. §§ 1983 and 1985 in connection with alleged constitutional violations in New York City Housing Court. One set of defendants never appeared. I informed the plaintiffs that they could seek default judgments, but they did not. Two other sets of defendants moved to dismiss and for summary judgment. I recommended granting both motions and dismissing the case. The district judge adopted the report in its entirety, to the extent that he dismissed the case against both sets of defendants, but interpreted the motion for summary judgment as a motion to dismiss. The district judge also ordered the plaintiffs to show cause why their claims against the non-moving defendants should not be dismissed, and the court dismissed those claims. The case is closed.

*Cruz v. Coveny*, No. 18-cv-10713, 2022 WL 18587664 (S.D.N.Y. June 1, 2022), *R. & R. adopted in part, rejected in part*, 2023 WL 1779860 (S.D.N.Y. Feb. 6, 2023). A *pro se* prisoner brought a petition for *habeas corpus*, arguing that the trial court had erred by improperly admitting various types of evidence. I recommended denying the petition. The district judge adopted my recommendation and denied the petition but declined to make a finding under 28 U.S.C. § 1915(a)(3). The plaintiff appealed, and that appeal was dismissed. The case is closed.

*Ramgoolie v. Ramgoolie*, No. 16-cv-03345, 2018 WL 5619959 (S.D.N.Y. Aug. 3, 2018), *R. & R. adopted as modified*, 2018 WL 4266015 (S.D.N.Y. Sept. 6, 2018). The plaintiff sued her brother for breach of contract related to the dialysis center they operated together. During discovery, the plaintiff filed a motion to compel the defendant to produce certain documents. Alongside the parties' cross-motions for summary judgment, the plaintiff filed a motion for sanctions and attorneys' fees associated with the discovery litigation. I recommended denying both motions for summary judgment, giving the jury a permissive adverse inference instruction, and awarding attorneys' fees. The district judge adopted the report, including with respect to the sanction, but deferred ruling on the precise language of the adverse inference instruction until trial. Before trial, the district judge entered default against the defendant and adopted my recommendation to award the plaintiff part of the damages she requested. The plaintiff has appealed, and that appeal is pending.

*Murphy v. Lajaunie*, No. 13-cv-06503, 2018 WL 7968908 (S.D.N.Y. Feb. 2, 2018), *R. & R. adopted*, 2019 WL 642695 (S.D.N.Y. Feb. 15, 2019), *corrected on reconsideration*, 2019 WL 12536881 (S.D.N.Y. July 23, 2019), *vacated and remanded sub. nom. Ayinola v. Lajaunie*, 855 F. App'x 30 (2d Cir. 2021). The defendants in this Fair Labor Standards Act case failed to comply with their discovery obligations. The district judge held them in contempt and granted the plaintiffs' motion for default judgment as to liability. The district judge then referred the matter to me for a damages inquest. I recommended damages, fees, and costs, which the district judge adopted in significant part. The Court of Appeals vacated the district judge's entry of default judgment, holding that the

district court had abused its discretion in entering a default judgment as a discovery sanction. On remand, I held a settlement conference and settled the matter.

*Midwood Junction v. Puerto del Sol Int'l Inv., S.A.*, No. 15-cv-05181, 2016 WL 8905357 (S.D.N.Y. Dec. 5, 2016), *R. & R. adopted as modified*, 2017 WL 1857248 (S.D.N.Y. May 4, 2017). The defendant defaulted in a breach of contract case and the district judge referred the matter to me to assess damages. I recommended awarding more than \$500,000 in damages, prejudgment interest, attorneys' fees, and costs. The district judge adopted the report with one correction to a payment date.

*Danielson v. Lee*, No. 09-cv-03839, 2014 WL 10247256 (S.D.N.Y. Apr. 4, 2014), *R. & R. adopted in part, rejected in part*, 2015 WL 4879140 (S.D.N.Y. Aug. 13, 2015). The petitioner challenged his New York State conviction under 28 U.S.C. § 2254. I recommended denying his ineffective assistance of counsel, legal sufficiency, and other claims on the merits or for lack of exhaustion. I also recommended that the district judge issue a certificate of appealability on an unsettled question of law. The district judge adopted the report, certified the recommended question, and added a second question for the certificate of appealability.

*Jiang v. Larkin*, No. 12-cv-03869, 2013 WL 11305557 (S.D.N.Y. May 21, 2013), *R. & R. adopted in part, rejected in part*, 2016 WL 1718260 (S.D.N.Y. Apr. 28, 2016). A *habeas corpus* petitioner challenged his New York state conviction under 28 U.S.C. § 2254, alleging errors by trial counsel, appellate counsel, and the state courts. I recommended denying his claims as unexhausted or on the merits. The petitioner objected, in part, on the ground that cumulative errors established ineffective assistance of counsel even if individual errors did not. The district judge adopted the report and denied the petition. The district court addressed the petitioner's cumulative error argument, which he dismissed without prejudice as unexhausted.

- 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.

According to statistical reports from the Southern District of New York's Electronic Case Filing (ECF) system, during my tenure as a magistrate judge, I have issued 688 opinions & orders, 574 reports & recommendations, and 10,787 orders. Documents captioned as orders range from non-substantive orders, such as rulings on motions for extension of time, to substantive orders, such as rulings on discovery motions. All of these judicial rulings are filed on the Southern District of New York's ECF system. Eighty-five opinions & orders, 407 reports & recommendations, and 280 orders are available on Westlaw; 259 opinions & orders, 476 reports & recommendations, and 387 orders are available on Lexis;

and 10 opinions & orders, two reports & recommendations (with the subsequent orders adopting them), and seven orders have been selected for publication in official reporters.

- 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.

*In re Terrorist Attacks on Sept. 11, 2001*, No. 03-md-01570, 2022 WL 4643442 (S.D.N.Y. Aug. 22, 2022), *R. & R. adopted in part, rejected in part*, 657 F. Supp. 3d 311 (S.D.N.Y. 2023).

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

I have not sat by designation on any federal court of appeals.

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

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

I maintain a conflicts list with the Southern District of New York's Clerk of Court, which I use to screen cases involving parties on the list. The list is composed of entities, former employers, and current law clerk conflicts and was prepared consistent with current Judiciary Policy and the Code of Conduct for United States Judges. In addition, when a matter is assigned to me, I review the pleadings and filings to determine whether any aspect of the matter requires my recusal. Based on that review, I recuse myself in cases involving my husband's law firm or matters involving parties or lawyers with whom I have a personal relationship, consistent with the standards in the Code of Conduct. As

required beginning in 2022 by the Judicial Conference and the Second Circuit, I have submitted biannual conflict certification statements.

I recused myself *sua sponte* in the following matters:

*Est. of Mejia Martinez v. City of New York*, No. 23-cv-04882 (S.D.N.Y.). My former law firm represented a party.

*First Look Inst., Inc. v. U.S. Immigr. & Customs Enf't*, No. 21-cv-7052 (S.D.N.Y.). My former law firm represented a party.

*Gross v. City of New York*, No. 20-cv-04340 (S.D.N.Y.). A defendant was a friend.

*Aboutaam v. El Assaad*, No. 18-cv-08995 (S.D.N.Y.). My former law firm represented a party.

*Dunbar v. Jonilu, LLC*, No. 18-cv-10285 (S.D.N.Y.). My husband's law firm represented a party.

*Millien v. Madison Square Garden Co.*, No. 17-cv-04000 (S.D.N.Y.). My former law clerk represented a party.

*Lopez v. N.Y.C. Dep't Homeless Servs.*, 17-cv-03014 (S.D.N.Y.). A close family member was an executive at the defendant agency.

*Charles v. Orange Cty, New York*, No. 16-cv-05527 (S.D.N.Y.). My former law firm represented a party.

*Chevrestt v. Hearst Commc'ns*, No. 16-cv-05520 (S.D.N.Y.). A close family member was an executive at the defendant company.

*Barnes v. City of New York*, No. 15-cv-09305 (S.D.N.Y.). My former law firm represented a party.

*Catapano-Fox v. City of New York*, No. 14-cv-08036 (S.D.N.Y.). My former law partner was a defendant.

*Gaynor v. City of New York*, No. 13-cv-8931 (S.D.N.Y.). The plaintiff in this case was represented by a law school clinic in which my then-current law clerk had been a student. Although he did not work on the case, and we could create a conflict screen within chambers, I believed his exposure to the case created the risk of an appearance of impropriety.

*Simon v. Pace Univ. ABM Janitorial Services-Northeast, Inc.*, No. 13-cv-4848 (S.D.N.Y.). As a litigator, I had previously brought an action against the defendant company.

*Greater N.Y. Taxi Ass'n v. City of New York*, No. 13-cv-3089 (S.D.N.Y.). As a litigator, I previously represented taxi medallion owners and believed that presented the risk of creating the appearance of impropriety.

*Grant v. The Gap, Inc.*, No. 13-cv-880 (S.D.N.Y.). My husband's law firm represented a party.

My recusal was sought in the following matters:

While not directly responsive, in *Washington v. Kellwood Co.*, No. 05-cv-10034, the defendant sought to vacate the reassignment of the case to me after the parties consented to the jurisdiction of the magistrate judge, pursuant to 28 U.S.C. § 636(c), and then the assigned magistrate judge retired. I issued an opinion and order denying the motion.

In *Pullman v. Alpha Media Publ'g, Inc.*, No. 12-cv-1924 (S.D.N.Y.), a *pro se* litigant sought my recusal after I issued a ruling unfavorable to her. I denied her motion to recuse.

**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.

Other than my current judicial office, I have never held a public office. I have never been a candidate for elected public office or been an unsuccessful nominee for appointed office.

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

None.

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

- a. Describe chronologically your law practice and legal experience after graduation from law school including:
  - i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;



From 2001 to 2002, I served as a law clerk to the Honorable Harry Pregerson in the U.S. Court of Appeals for the Ninth Circuit.

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

I have never 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;

2002 – 2010

Emery Celli Brinckerhoff & Abady LLP  
(now Emery Celli Brinckerhoff Abady Ward & Maazel LLP)  
600 Fifth Avenue, 10th Floor  
New York, New York 10020  
Associate (2002 – 2008)  
Partner (2009 – 2010)

2010 – 2012

U.S. District Court for the Southern District of New York  
Office of *Pro Se* Litigation  
500 Pearl Street  
New York, New York 10007  
Chief Counsel

- 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.

Other than my work as a magistrate judge, I have never 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.

Following my clerkship, in 2002, I joined the law firm of Emery Celli Brinckerhoff & Abady LLP as an associate. I became a partner in January 2009. When I joined the firm, there were eight lawyers; by the time I left, it had grown to approximately 20 lawyers. My practice balanced roughly equally between civil rights and commercial litigation. I appeared primarily in federal court, although I also practiced in state court and represented individuals and companies in regulatory matters (*e.g.*, investigations by the New York State Office of the Attorney General, or disciplinary matters before the Financial Industry Regulatory Authority).

In July 2010, I left the law firm and joined the United States District Court for the Southern District of New York as its first Chief Counsel to the Office of *Pro Se* Litigation. In that capacity, I supervised eight law clerks and provided legal and case management support to the court's judges to assist them in managing their *pro se* dockets (which accounts for nearly a quarter of the court's civil filings). In addition, I reinvigorated the court's *pro bono* program, inspiring dozens of lawyers to represent indigent litigants in meritorious cases.

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

I litigated cases on behalf of individuals, publicly traded corporations, small companies, and non-profit organizations. I specialized in First Amendment and Fourth Amendment litigation, including claims involving ballot access and challenges to the unconstitutional use of force in the New York City jail system.

- 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.

My practice as a lawyer was entirely in litigation, and I frequently appeared in court throughout my career.

- i. Indicate the percentage of your practice in:

- 1. federal courts: 78%
- 2. state courts of record: 20%
- 3. other courts: 0%
- 4. administrative agencies: 2%

- ii. Indicate the percentage of your practice in:

- 1. civil proceedings: 99%
- 2. criminal proceedings: 1%

- 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.

As a lawyer, I tried to verdict two cases. I was a junior associate on the trial team in the first case. In the second case, I was co-counsel in a state court jury trial.

- i. What percentage of these trials were:
  - 1. jury: 50%
  - 2. non-jury: 50%

- 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 never practiced before the Supreme Court of the United States.

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

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

- 1. *Simkin v. Blank*, No. 101501/09 (Sup. Ct., N.Y. Cnty.), 80 A.D.3d 401 (1st Dep't 2011), 19 N.Y.3d 46 (2012).

I represented defendant Ms. Blank, the ex-wife of plaintiff Mr. Simkin, in her defense of an action seeking reformation of the parties' divorce settlement agreement. I represented the defendant in 2009 and 2010. The plaintiff's claims were predicated on mutual mistake and unjust enrichment theories following disclosure of the Madoff fraud and the plaintiff's loss of substantial assets formerly held by the marital estate. As counsel for the defendant, I successfully moved to dismiss the complaint pursuant to CPLR 3211. The New York Supreme Court, Appellate Division reversed the dismissal in a 3-2 decision. The New York Court of Appeals reversed that decision and reinstated the judgment of dismissal. In addition to drafting the brief at the trial court level, I drafted the brief to the Appellate Division, but had left the firm at the time of argument.

Judge

Hon. Sarah Lee Evans

Counsel for Plaintiff

Mark H. Alcott (formerly at Paul, Weiss, Rifkind, Wharton & Garrison LLP)  
Alcott ADR Services  
1285 Avenue of the Americas  
New York, NY 10019  
(212) 373-3179

2. *Pearce v. Manhattan Ensemble Theater*, No. 06-cv-1535, 2009 WL 3152127 (S.D.N.Y. Sept. 30, 2009).

I represented Ms. Pearce, aka Patty Duke, in a breach of contract and right of publicity case from approximately 2007 to 2010. Ms. Pearce sued after the defendants terminated her role in a one-woman show after rehearsals had begun and a marketing campaign using her likeness had commenced. After full discovery, the district court denied defendants' motion for summary judgment on plaintiff's breach of contract and promissory estoppel claims, and it granted defendants' motion for summary judgment on plaintiff's invasion of privacy claims. Before trial, I represented Ms. Pearce at a day-long mediation, which resulted in a confidential resolution of the matter.

Judges

Hon. Kimba M. Wood  
Hon. Andrew J. Peck (ret.)

Counsel for Defendants

Bruce Kaplan  
Friedman Kaplan Seiler Adelman & Robbins LLP  
7 Times Square  
New York, NY 10036  
(212) 833-1100

3. *Marijuana Policy Project v. Miller*, No. 08-cv-0199, 578 F. Supp. 2d 1290 (D. Nev. 2008).

I represented a non-profit organization in an Equal Protection Clause and First Amendment challenge to Nevada's ballot access law. I drafted the plaintiff's motion for summary judgment and argued the motion before the district court. The court granted the plaintiff summary judgment, striking down the Nevada ballot access law as unconstitutional. I represented this client on this matter and other election law matters from approximately 2006 to 2009.

Judge

Hon. Philip M. Pro (ret.)

Counsel for Defendant

Nhu Q. Nguyen  
(current employment unknown)

4. *People v. Nedd*, 2008NY038307 (N.Y.C. Crim. Ct.).

I served as co-counsel for the defendant in a criminal trial arising out of an altercation between two women when they were leaving a Broadway performance. I gave the opening statement and conducted the direct examination of the defendant. The jury convicted the defendant of misdemeanor assault in the third degree and acquitted her of harassment. She was sentenced to three years of probation.

Judge

Hon. Richard Weinberg

Opposing Counsel

Assistant District Attorney Nikic  
(current employment unknown)

5. *Dela Raba v. Suozzi*, No. 06-cv-1109 (E.D.N.Y.).

I represented the Executive Committee of the Nassau County Patrolman's Benevolent Association in a First Amendment retaliation case against Nassau County and its County Executive following the County's decision to withhold hundreds of thousands of dollars in supplemental salary payments after the PBA endorsed the County Executive's election-year challenger. After I conducted several depositions, the parties reached a settlement that reinstated the supplemental salary payments. My work was performed primarily in 2006.

Judges

Hon. Denis R. Hurley (ret.)  
Hon. A. Kathleen Tomlinson (ret.)

Counsel for Defendants

Esther D. Miller (formerly at the Nassau County Attorney's Office)  
Miller Meisel Law  
84 Kensett Road  
Manhasset, NY 11030  
(516) 510-9928

6. *In re Hudson*, No. 00-11683, 420 B.R. 73 (Bankr. N.D.N.Y. 2009), *aff'd sub nom. Hudson v. Harris*, 2011 WL 867024 (N.D.N.Y. Mar. 10, 2011); *Hudson v. Corvetti*, No. 05-cv-472, 2007 WL 2026826 (N.D.N.Y. July 9, 2007), *aff'd sub nom. In re Hudson*, 295 F. App'x 391 (2d Cir. 2008).

I represented Chapter 7 debtor Mr. Hudson on an appeal from the bankruptcy court of a decision that had permitted his creditor to oppose his discharge from bankruptcy notwithstanding a non-opposition provision in the parties' settlement agreement. The district court reversed the bankruptcy court and ordered that the creditor could not oppose Mr. Hudson's discharge. The court of appeals affirmed that decision. Thereafter, I represented Mr. Hudson on a motion to vacate the bankruptcy court's decision denying his discharge from bankruptcy. That motion was denied, and the bankruptcy court's decision was affirmed on appeal to the district court. My representation of Mr. Hudson was from approximately 2005 to 2009.

Judges

Hon. Frederick J. Scullin, Jr.

Hon. Robert E. Littlefield, Jr.

Counsel for Creditor

Kenneth G. Varley (deceased)

7. *Kunstler v. City of New York*, No. 04-cv-1145 (S.D.N.Y.); *Kunstler*, 242 F.R.D. 261 (S.D.N.Y. 2007); *Kunstler*, 439 F. Supp. 2d 327 (S.D.N.Y. 2006); *Kunstler*, 2006 WL 1084375 (S.D.N.Y. Apr. 24, 2006); *Kunstler*, 2005 WL 2656117 (S.D.N.Y. Oct. 18, 2005)

I represented 52 individuals in First and Fourth Amendment challenges to arrests arising out of a political demonstration. My representation occurred from 2003 to 2008. I was lead counsel in the case, appeared before the court multiple times on discovery disputes and at settlement conferences, took and defended dozens of depositions, and drafted the plaintiffs' opposition to the defendants' summary judgment motion. This case resulted in several notable discovery decisions, including, rejecting a waiver of the patient-psychotherapist privilege; finding that independent medical exams of demonstrators were not warranted; rejecting a law enforcement privilege as to whether undercover police officers were present at the demonstration; and the ordering of production and disclosure of police memoranda over the City's privilege assertion. After briefing was submitted on the City's motion for summary judgment, the case settled for more than \$2 million.

Judges

Hon. Robert W. Sweet (deceased)

Hon. Michael H. Dolinger (ret.)

Co-Counsel for the Plaintiffs

Rachel Meeropol (formerly at the Center for Constitutional Rights)

ACLU

125 Broad Street, 18th Floor

New York, NY 10004

(212) 549-2500

Counsel for Defendants

Elizabeth Dollin (formerly at the Office of the Corporation Counsel) (ret.)  
2 Stoneleigh Plaza, Apartment 3H  
Bronxville, NY 10708  
(908) 347-3497

8. *Rice v. City of New York*, No. 03-cv-582 (S.D.N.Y.).

I represented three individuals who were abused by New York City correction officers for their refusal to participate in organized fights arranged by correction officers. I represented these individuals from 2002 to 2004. As lead counsel, I argued discovery motions, took several depositions, and represented the plaintiffs at the settlement conference and at a subsequent disciplinary hearing against the defendant officers where the plaintiffs testified. After significant discovery, the case settled for \$1.2 million following a conference with the magistrate judge.

Judges

Hon. Denise Cote  
Hon. Ronald L. Ellis (ret.)

Counsel for Defendants

Kanika Juneja (formerly at the Office of the Corporation Counsel)  
Dallas Independent School District  
9400 North Central Expressway  
Dallas, TX 75231  
(972) 925-3700

9. *In re: Terrorist Attack on Pan Am Flight 103*, MDL No. 799 (E.D.N.Y.); *Hurst v. The Socialist People's Libyan Arab Jamahiriya*, No. 02-cv-2147, 474 F. Supp. 2d 19 (D.D.C. 2007).

I represented six families who lost loved ones in the bombing of Pan Am Flight 103 over Lockerbie, Scotland. These cases were originally consolidated as part of a Multi-District Litigation in the Eastern District of New York. The MDL eventually settled for \$2.7 billion, or \$10 million per victim, when the United States and Libya entered into a settlement agreement that normalized the government's relations with Libya. Many of our clients, however, were excluded from the settlement because they were immediate family members but not wrongful death beneficiaries under the applicable state law. In 2005, we successfully severed our cases from the MDL and pursued our claims in the U.S. District Court for the District of Columbia. There, I filed a motion for summary judgment against the terrorist agent Al-Megrahi, who had been convicted in the Scottish courts in 2001 of 270 counts of murder. Based on a theory of collateral estoppel, I obtained a liability finding against Al-Megrahi. I also successfully defended, in substantial part, against the motions to dismiss filed by the defendants. In 2008, Congress passed the Libyan Claims Settlement Act, which granted Libya legal protection from liability for terrorism-related claims by retroactively removing Libya from the list of state sponsors of terrorism, thereby restoring Libya's sovereign immunity. As a result of that

Act, the remaining claims against Libya and its agents were dismissed.

Judge

Hon. Henry H. Kennedy, Jr. (inactive)

Counsel for Defendants

Arman Dabiri Abkenari

Law Offices of Arman Dabiri & Associates, P.L.L.C.

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10. *Ingles v. Toro*, No. 01-cv-8279 (S.D.N.Y.).

I represented a class of thousands of individuals detained in New York City jails in a case alleging a municipal practice of excessive force by New York City Department of Correction officers in violation of the Fourteenth Amendment and the laws and Constitution of the State of New York. I obtained a settlement that resulted in significant changes in the training of DOC staff, improved investigations processes, and increased discipline of officers for misconduct. On April 3, 2006, the settlement agreement was adjudicated as fair and reasonable by U.S. District Judge Chin. I also obtained \$2.2 million in damages for 22 class representatives. I argued discovery motions, conducted and defended several depositions, and was responsible for portions of the plaintiffs' opposition to summary judgment and motions *in limine* (which were not decided before the parties settled). My representation of the class occurred from 2004 to 2008.

Judges

Hon. Denny Chin

Hon. Debra Freeman (ret.)

Co-Counsel for Plaintiffs

Penny Shane

Sullivan & Cromwell LLP

125 Broad Street

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(212) 558-4000

Mary Lynne Werlwas

Jonathan Chasan (ret.)

The Legal Aid Society, Prisoners' Rights Project

199 Water Street

New York, NY 10038

(212) 577-3300

Counsel for Defendants

Arthur Larkin (formerly at the Office of the Corporation Counsel)



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250 Park Avenue, 7th Floor  
New York, NY 10177  
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18. **Legal Activities:** Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

In 2015, along with District Judge Ronnie Abrams, I launched the Southern District of New York's only pretrial diversion program. The Young Adult Opportunity Program provides intensive judicial supervision for defendants, aged 18 to 25, who are charged in our court with non-violent felonies. The Program participants are selected by me and Judge Abrams based on a demonstrated commitment to reengaging in their communities in a productive and positive manner. We meet as a group on a monthly basis and provide support, resources, and accountability to assist our Program participants in achieving their goals. Those goals often include attaining a high school or college degree, verifiable employment, addressing financial debt, and securing quality housing or childcare. To date, we have graduated nearly 70 participants. Almost all have had their charges dismissed by the U.S. Attorney's Office as a reflection of their tremendous growth. The success of this Program relies, in part, on the strong working relationship that I have developed with the U.S. Attorney's Office, the Office of the Federal Defender and criminal defense bar, and our pretrial officers.

Since 2018, I have served as an instructor for newly appointed magistrate judges. At the annual orientation program run by the Federal Judicial Center, I teach a course on Section 1983 civil rights litigation and qualified immunity. As of 2023, I also teach a course on *pro se* case management.

Finally, I play a significant role in the administration of the court as Chief Magistrate Judge and through my work on various court committees. For example, as Chief Magistrate Judge, I work with the United States Attorney's Office and the Office of the Federal Defender on issues related to public access to the courts, mental health treatment for defendants, and conditions at the federal detention center. As a member of the *Pro Se* Committee, I have taken a leadership role in oversight and funding of the court's free legal clinic and protocols to streamline service of process for *pro se* litigants who are proceeding *in forma pauperis*.

I have not engaged in lobbying activity, and I have never 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.

As I currently do as a magistrate judge, I would, on a case-by-case basis, review each case to determine whether any financial arrangement or party presented a conflict of interest, and apply the generally applicable rules of ethical conduct for judges and Code of Conduct for United States Judges to determine whether recusal is appropriate. I would recuse myself from any case where I had a

sufficiently close personal or professional relationship with the litigants or lawyers such that my ability to be impartial could reasonably be called into doubt, including any case that I previously worked on while in private practice. I am not aware of any category of litigation that would present a potential conflict of interest.

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

In resolving any real or potential conflict of interest, I will continue to apply 28 U.S.C. § 455, the Code of Conduct for United States Judges, interpretative guidance for the Code, and other applicable ethical rules.

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

As a magistrate judge, I am unable to provide *pro bono* legal services to clients. However, I regularly emphasize to lawyers the importance of providing such services, including during bar admission ceremonies. Separately, I am a judicial member of *Justice For All: Courts and the Community*, a civic education project of the federal courts of the Second Circuit. In that capacity, I regularly participate in civic education exercises held at our courthouse.

In addition, as a member of the Southern District's *Pro Se* Committee, I play a significant role in the development and oversight of the legal clinic based in the courthouse that provides free legal advice and *pro bono* representation to indigent *pro se* litigants.

Immediately before being appointed as a magistrate judge, I served as the Southern District's Chief Counsel to the Office of *Pro Se* Litigation. Among other responsibilities, I was tasked with reinvigorating the court's *pro bono* program. Under my tenure, our *pro bono* program grew from an average annual placement of eight *pro bono* cases to 95 cases my first full year (2011).

Finally, my civil rights practice as a lawyer included representing indigent people with meritorious cases without charge. I twice received an award from The Legal Aid Society in recognition of this work.

26. **Selection Process:**

- a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so,

please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

In approximately January 2021, I submitted an application to Senator Charles Schumer's Judicial Screening Committee. On March 23, 2021, I interviewed with the Committee. On April 22, 2023, I interviewed with Senator Schumer and members of his staff. On March 22, 2024, I was informed by Senator Schumer's staff that he would be recommending me to the White House for nomination for a position on the Southern District of New York. On March 22, 2024, I interviewed with attorneys from the White House Counsel's Office. Since March 26, 2024, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On April 24, 2024, the President announced his intent to nominate me.

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

No.