

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Kelly Harrison Rankin

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

United States District Judge for the District of Wyoming

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 District of Wyoming
J.C. O'Mahoney Federal Building
2120 Capitol Avenue, Suite 2204
Cheyenne, Wyoming 82001

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

1967; Sheridan, Wyoming

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

1992 – 1994, University of Wyoming College of Law; J.D., 1994

1991 – 1992, Western Michigan University – Cooley Law School (no degree received)

1986 – 1990, University of Wyoming; B.S., 1990

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 District of Wyoming

J.C. O'Mahoney Federal Building
2120 Capitol Avenue, Suite 2204
Cheyenne, Wyoming 82001
Chief United States Magistrate Judge

2010 – 2012; 2003 – 2010; 1999 – 2001
United States Attorney's Office for the District of Wyoming
J.C. O'Mahoney Federal Building
2120 Capitol Avenue, Suite 4000
Cheyenne, Wyoming 82003
Criminal Chief, Assistant United States Attorney (2010 – 2012)
United States Attorney (2008 – 2010)
Assistant United States Attorney (Casper Office) (2003 – 2008)
Special Assistant United States Attorney (unpaid) (1999 – 2001)

Winter 2010
Office of the Governor, Dave Freudenthal
Wyoming State Capitol
200 West 24th Street
Cheyenne, Wyoming 82001
Counsel to the Governor

1999 – 2003
Park County Attorney's Office
1002 Sheridan Avenue
Cody, Wyoming 82414
Park County Attorney

1998 – 1999
Rankin Law Office
1013 Alger Avenue
Cody, Wyoming 82414
Sole Practitioner

1998 – 1999
Park County School District Number 6
919 Cody Avenue
Cody, Wyoming 82414
Substitute Teacher

1995 – 1998
Park County Attorney's Office
1002 Sheridan Avenue
Cody, Wyoming 82414
Deputy Park County Attorney

1994 – 1995
Lincoln County Attorney's Office
520 Topaz Street, # 110
Kemmerer, Wyoming 83101
Deputy Lincoln County Attorney

1993 – 1994
Albany County Attorney's Office
525 East Grand Avenue
Laramie, Wyoming 82070
Legal Intern

1992
Town of Jackson Hole
150 East Pearl Avenue
Jackson, Wyoming 83001
Western Reenactment Narrator

1992
Beauchemin Construction
4435 Berry Drive
Jackson, Wyoming 83001
Laborer

1990 – 1991
Cadillac Grille
55 North Cache Street
Jackson, Wyoming 83001
Food Server

1990 – 1991
Jackson Hole Radio
1085 Highway 22, Unite E
Jackson, Wyoming 83001
On-Air Personality

Summer 1990
Marie Callender's Restaurant
220 South Atlantic Boulevard
Monterey Park, California 91754
Food Server

Summer 1990
Black Angus Steakhouse
235 Ikea Way
Burbank, California 91502

Food Server

Teaching Affiliations

1997 – 2002

Northwest Community College

231 West 6th Street

Powell, Wyoming 82435

Instructor, Introduction to Criminal Justice

Other Affiliations (uncompensated):

2021 – present

The Historical Society of the Tenth Judicial Circuit

1801 California Street #4200

Denver, Colorado 80202

Director

2014 – present

Federal Bar Association, Wyoming Chapter

Board of Directors

2008 – present

Ewing T. Kerr Inns of Court

Cheyenne, Wyoming

President (2018 – 2019)

Member (2008 – present)

2014 – 2020

St. Mark's Episcopal Church Centennial Foundation

1908 Central Avenue

Cheyenne, Wyoming 82001

President

2012 – 2013

St. Mark's Episcopal Church Vestry

1908 Central Avenue

Cheyenne, Wyoming 82001

Senior Warden

2008 – 2010

Wyoming Prescription Drug Abuse Stakeholders Committee (RAS)

401 Hathaway Building

Cheyenne, Wyoming 82002

President

2008 – 2010
Rocky Mountain High-Intensity Drug Trafficking Area (HIDTA)
Denver, Colorado
Executive Board

2006 – 2007
NatuRally, Rally Car Racing
1225 South Center Street
Casper, Wyoming 82601
Board of Directors

2002 – 2003
Governor's Substance Abuse Advisory Board
Wyoming State Capitol
200 West 24th Street
Cheyenne, Wyoming 82001
Board Member

2001 – 2003
Wyoming Department of Family Services
1510 East Pershing Boulevard
Cheyenne, Wyoming 82001
Advisory Board Member

2001 – 2002
Park County Drug Court Management Committee
1002 Sheridan Avenue
Cody, Wyoming 82414
Member

2000 – 2002
Wyoming Correctional Industries Advisory Board
1934 Wyatt Drive, No. 100
Cheyenne, Wyoming 82002
Chairman

1999 – 2003
Park County Boy's and Girl's Club
308 16th Street
Cody, Wyoming 82414
Board of Directors

1999 – 2003
Park County Youth Commission
1002 Sheridan Avenue
Cody, Wyoming 82414

Executive Council Member

1999 – 2003

Park County Health Coalition
1002 Sheridan Avenue
Cody, Wyoming 82414
Executive Council Member

1999 – 2003

Mountain View Manor Retirement Home
1001 11th Street
Cody, Wyoming 82414
Board of Directors, Secretary

1999 – 2003

Big Horn Basin Child Support
1002 Sheridan Avenue, No. 1
Cody, Wyoming 82414
Board of Directors

1999 – 2003

Shoshone Recreation District
1402 Heart Mountain Street
Cody, Wyoming 82414
Board of Directors

1998 – 2003

Christin Lamb Memorial Foundation
546 East Adams Street
Powell, Wyoming 82435
Board of Directors

1996 – 2003

Rotary Club of Cody
1701 Sheridan Avenue
Cody, Wyoming 82414
Board of Directors (2000 – 2002)
Member (1996 – 2003)

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 timely registered 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.

Thomas Gorman Inn of Court Award for Excellence in Professionalism (2019)

Wyoming Rx Abuse Stakeholders Leadership Award (RAS) (2019)

Service to Law Enforcement and U.S. Attorney's Office (2012)

Wyoming Bar Association Recognition (2007)

Department of Justice (DOJ) Organized Crime Drug Enforcement Task Force (OCDETF)

National Award for Outstanding Investigation (2007)

OCDETF Regional Meritorious Award (2006)

OCDETF Regional Meritorious Award (2005)

OCDETF Regional Meritorious Award (2004)

Wyoming Game and Fish Department Service Award (2003)

D.A.R.E. (Drug Abuse Resistance Education) Appreciation of Service Award (2003)

Park County Drug Court Outstanding Service Award (2003)

Park County Commissioners Service Award (2003)

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

American Bar Association (for some years between 1994 and 2000)

Attorney Admission Fund Committee, District of Wyoming (2012 – present)

Big Horn Basin Child Support
Board of Directors (1999 – 2003)

Ewing T. Kerr Inns of Court (2012 – present)
President (2018 – 2020)

FBI's Joint Terrorism Task Force (2008 – 2010)

Federal Bar Association (for some years between 2003 – present)

Federal Magistrate Judges Association (2012 – present)

Governor's Substance Abuse Advisory Board
Board Member (2002 – 2003)

Laramie County Bar Association (2012 – 2013)

National District Attorneys Association (1994 – 2003)

Park County Bar Association (1995 – 2003)

Park County Drug Court Management Committee
Board Member (2001 – 2003)

Park County Health Coalition
Executive Council Member (1999 – 2003)

Park County Youth Commission
Executive Council Member (1999 – 2003)

Rocky Mountain High-Intensity Drug Trafficking Area (HIDTA)
Executive Board (2008 – 2010)

Senator Craig Thomas Judicial Selection Committee (2000)

Tenth Circuit Historical Society
Board of Directors (2021 – present)

United States District Court, District of Wyoming, Local Rules Committee
Co-Chair (2012 – present)

United States Magistrate Judge Merit Selection Panel (2014, 2015, 2020, 2022)

Wyoming Bar Association Bench-Bar Relations Committee (2015 – 2020)

Wyoming Bar Association Legal Services
Board of Directors (1996 – 2000)

Wyoming Chapter – Federal Bar Association (2003 – present)
Board of Directors (2014 – present)

Wyoming Correctional Industries Advisory Board
Chairman (2000 – 2002)

Wyoming Department of Family Services
Advisory Board Member (2001 – 2003)

Wyoming Prescription Drug Abuse Stakeholders Committee (RAS)

President (2008 – 2010)

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.

Wyoming, 1994

There have been no lapses in membership. I have been an honorary member of the bar since my appointment to the bench in 2012.

- 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 Tenth Circuit, 2003
United States District Court for the District of Wyoming, 2003

There have been no lapses in membership.

11. **Memberships:**

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

Aircraft Owners and Pilots Association (2015 – present)

Cheyenne Country Club (2008 – present)

Christin Lamb Memorial Foundation
Board of Directors (1998 – 2003)

Cody Country Club (2000 – 2003)

Mountain View Manor Retirement Home
Board of Directors, Secretary (1999 – 2003)

NatuRally, Rally Car Racing
Board of Directors (2006 – 2007)

Park County Boy's and Girl's Club
Board of Directors (1999 – 2003)

Rotary Club of Cody (1996 – 2003)
Board of Directors (2000 – 2002)

Rotary Club of Cheyenne (2008 – 2016)

Shoshone Recreation District
Board of Directors (1999 – 2003)

St. Mark's Episcopal Church Centennial Foundation
President (2014 – 2020)

St. Mark's Episcopal Church Vestry
Senior Warden (2012 – 2013)

University of Wyoming Alumni Association (1994 – 2008, 2021 – present)

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

To the best of my knowledge, none of the organizations listed above currently discriminate on the basis of race, sex, religion, or national origin. It is my understanding that approximately 35 years ago some Rotary Clubs excluded women.

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 Life Fully Lived, Brandi Monger and Maggie Botkins, Wyoming Lawyer, December 2014. I supplied a block quote to the authors honoring the late Honorable Clarence A. Brimmer, Wyoming Lawyer. Copy supplied.

Poachers Photograph Own Crime Scene, Eastmans' Hunting Journal, December 2001 – January 2002. Vol. 14, Issue 68. Copy supplied.

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

None.

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

On February 4, 2016, I provided testimony to Chief Justice Roberts' Committee to Review the Criminal Justice Act Program in Portland, Oregon. Video available at <https://www.youtube.com/watch?v=LWdM1HyZRMg> (my remarks begin at 21:52), and the summary I provided to the Committee is supplied.

On March 4, 2010, as Counsel to Governor Dave Freudenthal, I testified before the Wyoming Senate Judiciary Committee in support of two proposed bills that would enhance criminal and civil penalties for any person convicted of killing a pregnant woman. I have no transcript or recording.

On December 7, 1998, I provided testimony to the Wyoming Legislature's Joint Judiciary Committee regarding a proposed bill to update Wyoming's state sex offender registration and notification requirements. As the newly elected Park County Attorney, I was invited to speak following the sexual assault and homicide of a young girl by an offender in Park County who had not previously been required to register. I have no transcript or recording of this testimony.

Also, from 1999 to 2003, as the Park County Attorney, I regularly (typically weekly) appeared before the County Commissioners to advise them about legal matters. I often was asked to provide legal interpretations of writings, documents, contracts, statutes, and other correspondence. I have no transcripts or recordings of these meetings.

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

from which you spoke.

The following list reflects my best efforts to identify the presentations or talks that I have given, based on a review of my records and publicly available information. There may, however, be other presentations or talks that I have been unable to recall or identify, as I may have spoken briefly at events for which I did not retain any record.

Since July 2012, I have presided over Naturalization Ceremonies at the dates and locations below. On occasion, we have also conducted the ceremonies in local schools and other locations in Cheyenne. I delivered remarks and occasionally administered the oath to new citizens. I typically use the same set of remarks at all naturalization ceremonies. Remarks supplied. Videos available at https://www.youtube.com/watch?v=Ii0a1Wh_7-I; <https://www.youtube.com/watch?v=O5RMjrJnsIY>.

Cheyenne, Wyoming: July 9, 2012; July 8, 2013; November 18, 2013; March 17, 2014; July 14, 2014; March 16, 2015; July 13, 2015; November 16, 2015 (South High School); March 7, 2016 (Central High School); July 18, 2016; November 7, 2016 (Laramie County Community College); March 6, 2017 (East High School); July 17, 2017; November 6, 2017 (Meadowlark Elementary School); March 12, 2018; November 7, 2023 (Prairie Wind Elementary School); July 15, 2018 (Cheyenne Civic Center); December 3, 2018; March 18, 2019 (East High School); May 11, 2020; July 20, 2020, November 15, 2021; March 4, 2022; July 8, 2022 (Wyoming State Capitol); November 18, 2022; and March 15, 2023 (East High School).

Casper, Wyoming: May 13, 2013, and September 12, 2016.

Grand Teton National Park, Wyoming: September 29, 2016; May 26, 2017; June 15, 2018; May 24, 2019; August 6, 2021; August 5, 2022; and August 4, 2023.

October 19, 2023: Moderator, “Experiences from the Courtroom and Practice Tips from Law Clerks,” Federal Bar Association, University of Wyoming College of Law – Law Week, Laramie, Wyoming. Notes supplied.

August 18, 2023: Mock Trial Judge, “Summer Trial Institute,” University of Wyoming College of Law, Laramie, Wyoming. I was a mock trial judge for the third-year law students participating in the program. I have no notes, transcript, or recording. The address for the College of Law is 1000 East University Avenue, Laramie, Wyoming 82070.

June 23, 2023: Panelist, “We Are Officers of the Court,” Wyoming Trial Lawyers 2023 Convention, Cheyenne, Wyoming. I provided remarks and answered

questions about what it means to be an officer of the court. I have no notes, transcript, or recording. The address for the Wyoming Trial Lawyers Association is 2111 Warren Avenue, Cheyenne, Wyoming 82001.

November 10, 2022: Panelist, “Judges Panel,” Ewing T. Kerr Inns of Court, Cheyenne, Wyoming. The panel answered questions regarding our service as state and federal judges. I have no notes, transcript, or recording. The address for the Ewing T. Kerr Inns of Court is P.O. Box 4284, Cheyenne, Wyoming 82003.

October 21, 2022: Guest Speaker, “Judge Kelly Rankin and his Path to the Bench,” University of Wyoming College of Law, Laramie, Wyoming. I spoke to law students during law week about my path to the bench. I have no notes, transcript, or recording. The address for the University of Wyoming College of Law is 1000 East University Avenue, Laramie, Wyoming 82070.

October 7, 2022: Guest Speaker, New Attorney Swearing-In Ceremony, Wyoming Supreme Court, Cheyenne, Wyoming. I have given similar remarks on September 24, 2021; September 28, 2018; September 29, 2017; September 25, 2015; September 19, 2014; and October 1, 2013. Notes supplied.

September 15, 2022: Panelist, “Tales from the Tenth – A History of Our Federal Judges,” Wyoming State Bar Annual Meeting, Casper, Wyoming. Notes supplied.

August 19, 2022: Mock Trial Judge, “Summer Trial Institute,” University of Wyoming College of Law, Laramie, Wyoming. I was a mock trial judge for the third-year law students participating in the program. I have no notes, transcript, or recording. The address for the College of Law is 1000 East University Avenue, Laramie, Wyoming 82070.

June 17, 2022: Panelist, Investiture Ceremony of Magistrate Judge Stephanie Hambrick, Casper, Wyoming. I gave congratulatory remarks at the investiture ceremony of Magistrate Judge Stephanie Hambrick. I have no notes, transcript, or recording. The Kerr Federal Courthouse Building is located at 111 South Wolcott Street, Casper, Wyoming 82601.

June 16, 2022: Guest Speaker, “Federal Courts in Wyoming,” American Legion’s Wyoming Boys’ State, Laramie, Wyoming. I gave remarks about our court and administered oaths to the Wyoming Boys’ State delegates. I have no notes, transcript, or recording. The address for the Wyoming American Legion is 1320 Hugur Avenue, Cheyenne, Wyoming 82001.

May 13, 2022: Moderator and Panelist, Wyoming Chapter of the Federal Bar Association, Cheyenne, Wyoming. As a board member, I moderated the guest speakers who spoke on federal law and participated on a judges panel about our court. I have no notes, transcript, or recording. The address for the Wyoming

Chapter of the Federal Bar Association is P.O. Box 68, Jackson, Wyoming 83001.

October 29, 2021: Panelist, Retirement Ceremony of Magistrate Judge Mark Carman, Cheyenne, Wyoming. I gave congratulatory remarks at the retirement ceremony of Magistrate Judge Mark Carman. I have no notes, transcript, or recording. The court address is Joseph C. O'Mahoney Federal Building, 2120 Capitol Avenue, Cheyenne, Wyoming 82001.

October 28, 2021: Guest Speaker, Appellate Advocacy, University of Wyoming College of Law, Laramie, Wyoming. I spoke to a group of law students about appellate advocacy. I have no notes, transcript, or recording. The address for the University of Wyoming College of Law is 1000 East University Avenue, Laramie, Wyoming 82070.

September 17, 2021: Virtual Panelist, "Mediation 101," Young Lawyers Division for the Wyoming Bar Association's Annual Meeting. PowerPoint supplied.

August 20, 2021: Mock Trial Judge, "Summer Trial Institute," University of Wyoming College of Law, Laramie, Wyoming. I was a mock trial judge for the third-year law students participating in the program. I have no notes, transcript, or recording. The address for the College of Law is 1000 East University Avenue, Laramie, Wyoming 82070.

August 19, 2021: Panelist, Defense Lawyers Association of Wyoming (DLAW) Annual Conference, Saratoga, Wyoming. I spoke about our local rules and current developments in our court. I have no notes, transcript, or recording. The address for DLAW is 1720 Carey Avenue, Suite 440, Cheyenne, Wyoming 82001.

June 24, 2021: Virtual Panelist, "Mediations," Wyoming Trial Lawyers Association. This was a panel discussion on how to conduct mediations as a practitioner. I have no notes, transcript, or recording. The address for the Wyoming Trial Lawyers Association is 2111 Warren Avenue, Cheyenne, Wyoming 82001.

April 1, 2021: Virtual Panelist, "Mediations in Wyoming," Ewing T. Kerr Inns of Court, Cheyenne, Wyoming. This was a panel discussion on how to conduct mediations as a practitioner. I have no notes, transcript, or recording. The address for the Ewing T. Kerr Inns of Court is P.O. Box 4284, Cheyenne, Wyoming 82003.

January 29, 2021: Panelist, Retirement Ceremony of Mark Klaassen, United States Attorney for the District of Wyoming, Cheyenne, Wyoming. I gave remarks congratulating Mr. Klaassen on his service. I have no notes, transcript, or recording. The address for our court is District Court, Joseph C. O'Mahoney Federal Building, 2120 Capitol Avenue, Cheyenne, Wyoming 82001.

September 15, 2020: Virtual Guest Speaker, “Social Media Search Warrants and Mediations,” Wyoming Bar Association Annual Meeting – Judges Conference. PowerPoint supplied.

August 21, 2020: Mock Trial Judge, “Summer Trial Institute,” University of Wyoming College of Law, Laramie, Wyoming. I was a mock trial judge for the third-year law students participating in the program. I have no notes, transcript, or recording. The address for the College of Law is 1000 East University Avenue, Laramie, Wyoming 82070.

May 22, 2020: Virtual Guest Speaker, “Covid-19 and the Courts: Federal Court Response and Procedures,” State of Wyoming Judges Meeting. PowerPoint supplied.

September 27, 2019: Guest Speaker, “Supreme Court Update in Environmental Law Impacting Public Lands (*Kisor v. Wilkie & Dep’t of Commerce v. New York*),” Tri-State Seminar (Wyoming, Utah, and Idaho chapters of the Federal Bar Association), Sun Valley, Idaho. Notes supplied.

August 23, 2019: Mock Trial Judge, “Summer Trial Institute,” University of Wyoming College of Law, Laramie, Wyoming. I was a mock trial judge for the third-year law students participating in the program. I have no notes, transcript, or recording. The address for the College of Law is 1000 East University Avenue, Laramie, Wyoming 82070.

August 13, 2019: Guest Speaker, Congratulatory Remarks at Investiture for Judge Jason Conder, Ninth Judicial District, State of Wyoming, Lander, Wyoming. Notes supplied.

April 11, 2019: Guest Speaker, Wyoming Law Enforcement Academy Graduation, Douglas, Wyoming. I congratulated the graduates and spoke about the importance of public service in law enforcement. I have no notes, transcript, or recording. The address for the Wyoming Law Enforcement Academy is 1556 Riverbend Drive, Douglas, Wyoming 82633.

September 21, 2018: Panelist, Federal Practice in Our Court, Tri-State Seminar (Wyoming, Utah, and Idaho chapters of the Federal Bar Association), Park City, Utah. I spoke about federal practice and current court operations in our court. I have no notes, transcript, or recording. The address for the Wyoming Chapter of the Federal Bar Association is P.O. Box 68, Jackson, Wyoming 83001.

August 21, 2018: Mock Trial Judge, “Summer Trial Institute,” University of Wyoming College of Law, Laramie, Wyoming. I was a mock trial judge for the third-year law students participating in the program. I have no notes, transcript,

or recording. The address for the College of Law is 1000 East University Avenue, Laramie, Wyoming 82070.

June 28, 2018: Panelist, "Challenges Facing the Courts and Legal Practice," Wyoming Chapter of the Federal Bar Association, Casper, Wyoming. Notes supplied.

March 27, 2018: Mock Trial Prosecutor, "Lewis and Clark Mock Trial," University of Wyoming College of Law Annual Historic Trial, Laramie, Wyoming. I was a mock trial prosecutor for the historic trial of Lewis and Clark. I have no notes, transcript, or recording. The address for the College of Law is 1000 East University Avenue, Laramie, Wyoming 82070.

January 5, 2018: Panelist, Swearing-In Ceremony of United States Attorney Mark Klaassen, Cheyenne, Wyoming. Notes supplied.

October 7, 2017: Panelist, "Judges Panel on Federal Practice," Tri-State Seminar (Wyoming, Utah, and Idaho chapters of the Federal Bar Association), Jackson, Wyoming. I spoke about the current operations of our court and federal practice. I have no notes, transcript, or recording. The address for the Wyoming Chapter of the Federal Bar Association is P.O. Box 68, Jackson, Wyoming 83001.

August 25, 2017: Mock Trial Judge, "Summer Trial Institute," University of Wyoming College of Law, Laramie, Wyoming. I was a mock trial judge for the third-year law students participating in the program. I have no notes, transcript, or recording. The address for the College of Law is 1000 East University Avenue, Laramie, Wyoming 82070.

April 21, 2017: Panelist, Retirement Ceremony of Kip Crofts, United States Attorney for the District of Wyoming, Cheyenne, Wyoming. Notes supplied.

April 12, 2017: Guest Speaker, "Tips for Writing Briefs and Preparing Clients," University of Wyoming College of Law, Defender Aid Clinic, Laramie, Wyoming. I discussed with the students tips for writing briefs and preparing their clients. I have no notes, transcript, or recording. The address for the University of Wyoming College of Law is 1000 East University Avenue, Laramie, Wyoming 82070.

April 12, 2017: Virtual Presenter, "Local and Federal Rules Update," Defense Lawyers Association of Wyoming (DLAW), Cheyenne, Wyoming. I spoke to a group of lawyers about federal and local civil rule changes. I have no notes, transcript, or recording. The address for DLAW is 1720 Carey Avenue, Suite 440, Cheyenne, Wyoming 82001.

April 2017 (specific date unknown): Presenter, "Liberty Day," Wyoming State Bar, Cheyenne, Wyoming. I was a presenter to a class of fifth graders to teach

them about the United States Constitution and Bill of Rights. I have no notes, transcript, or recording. The address for the Wyoming State Bar is P.O. Box 109, Cheyenne, Wyoming 82003.

October 13, 2016: Panelist, "Judges Panel on Federal Practice," Tri-State Seminar (Wyoming, Utah, and Idaho chapters of the Federal Bar Association), Sun Valley, Idaho. I spoke about the current operations of our court and federal practice. I have no notes, transcript, or recording. The address for the Wyoming Chapter of the Federal Bar Association is P.O. Box 68, Jackson, Wyoming 83001.

August 26, 2016: Mock Trial Judge, "Summer Trial Institute," University of Wyoming College of Law, Laramie, Wyoming. I was a mock trial judge for the third-year law students participating in the program. I have no notes, transcript, or recording. The address for the College of Law is 1000 East University Avenue, Laramie, Wyoming 82070.

April 2016 (specific date unknown): Presenter, "Liberty Day," Wyoming State Bar, Cheyenne, Wyoming. I was a presenter to a class of fifth graders to teach them about the United States Constitution and Bill of Rights. I have no notes, transcript, or recording. The address for the Wyoming State Bar is P.O. Box 109, Cheyenne, Wyoming 82003.

September 23, 2015: Virtual Presenter, "Rules and Trial Practice Tips," Defense Lawyers Association of Wyoming (DLAW), Cheyenne, Wyoming. Notes supplied.

August 28, 2015: Mock Trial Judge, "Summer Trial Institute," University of Wyoming College of Law, Laramie, Wyoming. I was a mock trial judge for the third-year law students participating in the program. I have no notes, transcript, or recording. The address for the College of Law is 1000 East University Avenue, Laramie, Wyoming 82070.

June 24, 2015: Panelist, "Discovery, Mediations, and Other Updates from the Court," Wyoming Trial Lawyers Association, Cody, Wyoming. I spoke on discovery and mediation trends and updated the audience on the latest court news. I have no notes, transcript, or recording. The address for the Wyoming Trial Lawyers Association is 2111 Warren Avenue, Cheyenne, Wyoming 82001.

April 2015 (specific date unknown): Presenter, "Liberty Day," Wyoming State Bar, Cheyenne, Wyoming. I was a presenter to a class of fifth graders to teach them about the United States Constitution and Bill of Rights. I have no notes, transcript, or recording. The address for the Wyoming State Bar is P.O. Box 109, Cheyenne, Wyoming 82003.

November 14, 2014: Guest Speaker, "Update on Attorney Appointment Process," Annual Meeting of Federal Public Defender's Office and Criminal Justice Panel

Attorneys, Estes Park, Colorado. I provided updates related to the court's process of appointing criminal defense attorneys for indigent persons. I have no notes, transcript, or recording. The address for the Office of the Federal Public Defender is 214 West Lincolnway, Suite 31-A, Cheyenne, Wyoming 82001.

October 11, 2014: Panelist, "Judges Panel on Federal Practice," Tri-State Seminar (Wyoming, Utah, and Idaho chapters of the Federal Bar Association), Jackson, Wyoming. I spoke about the current operations of our court and federal practice. I have no notes, transcript, or recording. The address for the Wyoming Chapter of the Federal Bar Association is P.O. Box 68, Jackson, Wyoming 83001.

August 29, 2014: Mock Trial Judge, "Summer Trial Institute," University of Wyoming College of Law, Laramie, Wyoming. I was a mock trial judge for the third-year law students participating in the program. I have no notes, transcript, or recording. The address for the College of Law is 1000 East University Avenue, Laramie, Wyoming 82070.

April 16, 2014: Guest Speaker, "Update on Local and Federal Rules," Wyoming Chapter of the Federal Bar Association, Cheyenne, Wyoming. I provided an update on the latest changes to our local and federal rules. I have no notes, transcript, or recording. The address for the Wyoming Chapter of the Federal Bar Association is P.O. Box 68, Jackson, Wyoming 83001.

April 2014 (specific date unknown): Presenter, "Liberty Day," Wyoming State Bar, Cheyenne, Wyoming. I was a presenter to a class of fifth graders to teach them about the United States Constitution and Bill of Rights. I have no notes, transcript, or recording. The address for the Wyoming State Bar is P.O. Box 109, Cheyenne, Wyoming 82003.

November 8, 2013: Virtual Presenter, "The Good, The Bad, The Ugly of Discovery," Wyoming Trial Lawyers Association, Cheyenne, Wyoming. Notes supplied.

October 24, 2013: Guest Speaker, "Court Update," Federal Public Defender's Office and Criminal Justice Panel Attorneys, Annual Meeting, Black Hawk, Colorado. Notes supplied.

October 16, 2013: Panelist, "Rankin – The Options; What All Can You Do with a Law Degree?" Laramie, Wyoming. My brother, sister, and I spoke to law students at the University of Wyoming about our varied career paths. I have no notes, transcript, or recording. The address for the College of Law is 1000 East University Avenue, Laramie, Wyoming 82070.

October 11, 2013: Guest Speaker, Congratulatory Remarks at the Investiture of Judge Greg Phillips, Circuit Judge for the Tenth Circuit Court of Appeals, Cheyenne, Wyoming. Notes supplied.

September 20, 2013: Panelist, "Judges Panel on Federal Practice," Tri-State Seminar (Wyoming, Utah, and Idaho chapters of the Federal Bar Association), Park City, Utah. I spoke about the current operations of our court and federal practice. I have no notes, transcript, or recording. The address for the Wyoming Chapter of the Federal Bar Association is P.O. Box 68, Jackson, Wyoming 83001.

August 13, 2013: Mock Trial Judge, "Summer Trial Institute," University of Wyoming College of Law, Laramie, Wyoming. I was a mock trial judge for the third-year law students participating in the program. I have no notes, transcript, or recording. The address for the College of Law is 1000 East University Avenue, Laramie, Wyoming 82070.

April 15, 2013: Panelist, Congratulatory Remarks at Investiture of Magistrate Judge Mark Carman, Casper, Wyoming. I congratulated Judge Carman and welcomed him to the bench. I have no notes, transcript, or recording. The address for the court is District Court, Kerr Federal Courthouse Building, 111 South Wolcott Street, Casper, Wyoming 82601.

April 7, 2013: Guest Speaker, "Civility in the Law; Public Service," Governor Dave Freudenthal's Energy Law Class at the University of Wyoming College of Law, Laramie, Wyoming. Notes supplied.

April 2013 (specific date unknown): Presenter, "Liberty Day," Wyoming State Bar, Cheyenne, Wyoming. I was a presenter to a class of fifth graders to teach them about the United States Constitution and Bill of Rights. I have no notes, transcript, or recording. The address for the Wyoming State Bar is P.O. Box 109, Cheyenne, Wyoming 82003.

November 1, 2012: Virtual Presenter, "Updates from the Court," Wyoming Trial Lawyers Association, Cheyenne, Wyoming. Notes supplied.

October 12, 2012: Panelist, "Judges Panel on Federal Practice," Tri-State Seminar (Wyoming, Utah, and Idaho chapters of the Federal Bar Association), Sun Valley, Idaho. I spoke about the current operations of our court and federal practice. I have no notes, transcript, or recording. The address for the Wyoming Chapter of the Federal Bar Association is P.O. Box 68, Jackson, Wyoming 83001.

August 14, 2012: Mock Trial Judge, "Summer Trial Institute," University of Wyoming College of Law, Laramie, Wyoming. I was a mock trial judge for the third-year law students participating in the program. I have no notes, transcript, or recording. The address for the College of Law is 1000 East University Avenue, Laramie, Wyoming 82070.

July 12, 2012: Presenter, Remarks at my Investiture Ceremony as United States Magistrate Judge for the District of Wyoming, Cheyenne, Wyoming. Notes

supplied.

April 2012 (specific date unknown): Presenter, "Liberty Day," Wyoming State Bar, Cheyenne, Wyoming. I was a presenter to a class of fifth graders to teach them about the United States Constitution and Bill of Rights. I have no notes, transcript, or recording. The address for the Wyoming State Bar is P.O. Box 109, Cheyenne, Wyoming 82003.

September 23, 2011: Guest Speaker, "Update on Criminal Prosecutions in the District of Wyoming," Tri-State Seminar (Wyoming, Utah, and Idaho chapters of the Federal Bar Association), Teton Village, Wyoming. I provided an update on the type and nature of criminal prosecutions in the District of Wyoming. I have no notes, transcript, or recording. The address for the Wyoming Chapter of the Federal Bar Association is P.O. Box 68, Jackson, Wyoming 83001.

June 8, 2011: Presenter, "Prescription Drug Abuse," Law Enforcement Coordinating Committee Conference, Jackson, Wyoming. The presentation was on prescription drug abuse and its challenges to health care providers and law enforcement. I have no notes, transcript, or recording. The address for the United States Attorney's Office is 2120 Capitol Avenue, Cheyenne, Wyoming 82001.

April 2011 (specific date unknown): Presenter, "Liberty Day," Wyoming State Bar, Cheyenne, Wyoming. I was a presenter to a class of fifth graders to teach them about the United States Constitution and Bill of Rights. I have no notes, transcript, or recording. The address for the Wyoming State Bar is P.O. Box 109, Cheyenne, Wyoming 82003.

April 2010 (specific date unknown): Presenter, "Liberty Day," Wyoming State Bar, Cheyenne, Wyoming. I was a presenter to a class of fifth graders to teach them about the United States Constitution and Bill of Rights. I have no notes, transcript, or recording. The address for the Wyoming State Bar is P.O. Box 109, Cheyenne, Wyoming 82003.

October 2009 (specific date unknown): Virtual Presenter, Moderator for Virtual Wyoming Prescription Drug Abuse Conference, Buffalo, Wyoming. I moderated the virtual conference in my capacity as chairman of the Wyoming Rx Abuse Stakeholders (RAS). I have no notes, transcript, or recording. The address for Wyoming RAS is United States Attorney's Office, 2120 Capitol Avenue, Cheyenne, Wyoming 82001.

August 4, 2009: Guest Speaker, Wind River Native American Conference on Health and Safety, Lander, Wyoming. As the United States Attorney, I gave the opening and closing remarks and introduced some of the speakers. I have no notes, transcript, or recording. The address for the United States Attorney's Office is 2120 Capitol Avenue, Cheyenne, Wyoming 82001.

June 9, 2009: Guest Speaker, Law Enforcement Coordinating Committee Conference, Jackson, Wyoming. As the United States Attorney, I gave opening and closing remarks and introduced some of the speakers. I have no notes, transcript, or recording. The address for the United States Attorney's Office is 2120 Capitol Avenue, Cheyenne, Wyoming 82001.

April 28, 2009: Guest Speaker, "The Quilt Project," Laramie County Victim Services, Cheyenne, Wyoming. In my capacity as the United States Attorney, I gave remarks about the rights of crime victims. I have no notes, transcript, or recording, but press coverage is supplied. The address for the Laramie County Victim Services is 2120 Capitol Avenue, Room 4002, Cheyenne, Wyoming 82001.

April 2009 (specific date unknown): Guest Speaker, University of Wyoming Prescription Drug Abuse Conference, Laramie, Wyoming. In my capacity as chairman of the Wyoming RAS, I gave opening and closing remarks. I have no notes, transcript, or recording. The address for the University of Wyoming is 1000 East University Avenue, Laramie, Wyoming 82071.

April 2009 (specific date unknown): Presenter, "Liberty Day," Wyoming State Bar, Cheyenne, Wyoming. I was a presenter to a class of fifth graders to teach them about the United States Constitution and Bill of Rights. I have no notes, transcript, or recording. The address for the Wyoming State Bar is P.O. Box 109, Cheyenne, Wyoming 82003.

March 31, 2009: Guest Speaker, Human Trafficking Conference Sponsored by the United States Attorney's Office, Cheyenne, Wyoming. Notes supplied.

September 3, 2008: Presenter, Formal Investiture Ceremony to become United States Attorney, Cheyenne, Wyoming. The speech was to thank my family, friends, and colleagues for their support. I have no notes, transcript, or recording. The address for the United States Attorney's Office is 2120 Capitol Avenue, Cheyenne, Wyoming 82001.

August 21, 2008: Guest Speaker, Wind River Native American Conference on Health and Safety, Lander, Wyoming. As the United States Attorney, I gave opening and closing remarks and introduced some of the speakers. I have no notes, transcript, or recording. The address for the United States Attorney's Office is 2120 Capitol Avenue, Cheyenne, Wyoming 82001.

June 3, 2008: Guest Speaker, Law Enforcement Coordinating Committee Conference, Jackson, Wyoming. As the United States Attorney, I gave opening and closing remarks and introduced some of the speakers. I have no notes, transcript, or recording. The address for the United States Attorney's Office is 2120 Capitol Avenue, Cheyenne, Wyoming 82001.

May 3, 2008: Presenter, Informal Investiture Ceremony to become United States Attorney, Casper, Wyoming. The speech was to thank my family, friends, and colleagues for their support. I have no notes, transcript, or recording. The address for the United States Attorney's Office is 2120 Capitol Avenue, Cheyenne, Wyoming 82001.

February 2008 (specific date unknown): Presenter, "The People's Law School," Wyoming Trial Lawyers Association, Casper, Wyoming. My presentation provided an overview of criminal law and criminal procedure to the students. I have no notes, transcript, or recording. The address for the Wyoming Trial Lawyers Association is 2111 Warren Avenue, Cheyenne, Wyoming 82001.

January 31, 2007: Presenter, "The People's Law School," Wyoming Trial Lawyers Association, Casper, Wyoming. My presentation provided an overview of criminal law and criminal procedure to the students. I have no notes, transcript, or recording. The address for the Wyoming Trial Lawyers Association is 2111 Warren Avenue, Cheyenne, Wyoming 82001.

September 2006 (specific date unknown): Presenter, "Criminal Law Update," Wyoming State Bar Annual Meeting, Laramie, Wyoming. My presentation provided the latest criminal law update for state and federal practitioners. I have no notes, transcript, or recording. The address for the Wyoming State Bar Association is P.O. Box 109, Cheyenne, Wyoming 82003.

September 2006 (specific date unknown): Presenter, Tri-State Seminar (Wyoming, Utah, and Idaho chapters of the Federal Bar Association), Sun Valley, Idaho. I presented on the topics of federal criminal law and sentencing. I have no notes, transcript, or recording. The address for the Wyoming Chapter of the Federal Bar Association is P.O. Box 68, Jackson, Wyoming 83001.

August 10, 2006: Presenter, "Methamphetamine Prosecutions in Wyoming and the Wind River Indian Reservation," Wind River Native American Conference sponsored by the United States Attorney's Office, Lander, Wyoming. PowerPoint supplied.

September 8, 2005: Presenter, "Bridging the Gap – Criminal Law," Wyoming State Bar Annual Meeting, Casper, Wyoming. PowerPoint supplied.

September 28, 2005: Presenter, "The People's Law School," Wyoming Trial Lawyers Association, Casper, Wyoming. My presentation provided an overview of criminal law and criminal procedure to the students. I have no notes, transcript, or recording. The address for the Wyoming Trial Lawyers Association is 2111 Warren Avenue, Cheyenne, Wyoming 82001.

January 26, 2005: Presenter, "The People's Law School," Wyoming Trial Lawyers Association, Casper, Wyoming. Notes supplied.

May 2002 (specific date unknown): Presenter, "Law Day," Fifth Judicial District Court. I was a presenter on legally related topics and participated in mock trials for students and members of the public. I have no notes, transcript, or recording. The address for the court is 1002 Sheridan Avenue, Cody, Wyoming 82414.

May 2001 (specific date unknown): Presenter, "Law Day," Fifth Judicial District Court. I was a presenter on legally related topics and participated in mock trials for students and members of the public. I have no notes, transcript, or recording. The address for the court is 1002 Sheridan Avenue, Cody, Wyoming 82414.

June 2000 (specific date unknown): Presenter, "Girls State," American Legion Auxiliary, Powell, Wyoming. I was a presenter on legally related topics and participated in mock trials for the Girls State participants. I have no notes, transcript, or recording. The address for the American Legion Auxiliary is P.O. Box 186, Buffalo, Wyoming 82834.

May 2000 (specific date unknown): Presenter, "Law Day," Fifth Judicial District Court. I was a presenter on legally related topics and participated in mock trials for students and members of the public. I have no notes, transcript, or recording. The address for the court is 1002 Sheridan Avenue, Cody, Wyoming 82414.

June 1999 (specific date unknown): Presenter, "Girls State," American Legion Auxiliary, Powell, Wyoming. I was a presenter on legally related topics and participated in mock trials for the Girls State participants. I have no notes, transcript, or recording. The address for the American Legion Auxiliary is P.O. Box 186, Buffalo, Wyoming 82834.

May 1999 (specific date unknown): Presenter, "Law Day," Fifth Judicial District Court. I was a presenter on legally related topics and participated in mock trials for students and members of the public. I have no notes, transcript, or recording. The address for the court is 1002 Sheridan Avenue, Cody, Wyoming 82414.

June 1998 (specific date unknown): Presenter, "Girls State," American Legion Auxiliary, Powell, Wyoming. I was a presenter on legally related topics and participated in mock trials for the Girls State participants. I have no notes, transcript, or recording. The address for the American Legion Auxiliary is P.O. Box 186, Buffalo, Wyoming 82834.

May 1998 (specific date unknown): Presenter, "Law Day," Fifth Judicial District Court. I was a presenter on legally related topics and participated in mock trials for students and members of the public. I have no notes, transcript, or recording. The address for the court is 1002 Sheridan Avenue, Cody, Wyoming 82414.

June 1997 (specific date unknown): Presenter, "Girls State," American Legion Auxiliary, Powell, Wyoming. I was a presenter on legally related topics and

participated in mock trials for the Girls State participants. I have no notes, transcript, or recording. The address for the American Legion Auxiliary is P.O. Box 186, Buffalo, Wyoming 82834.

May 1997 (specific date unknown): Presenter, "Law Day," Fifth Judicial District Court. I was a presenter on legally related topics and participated in mock trials for students and members of the public. I have no notes, transcript, or recording. The address for the court is 1002 Sheridan Avenue, Cody, Wyoming 82414.

June 1996 (specific date unknown): Presenter, "Girls State," American Legion Auxiliary, Powell, Wyoming. I was a presenter on legally related topics and participated in mock trials for the Girls State participants. I have no notes, transcript, or recording. The address for the American Legion Auxiliary is P.O. Box 186, Buffalo, Wyoming 82834.

May 1996 (specific date unknown): Presenter, "Law Day," Fifth Judicial District Court. I was a presenter on legally related topics and participated in mock trials for students and members of the public. I have no notes, transcript, or recording. The address for the court is 1002 Sheridan Avenue, Cody, Wyoming 82414.

In addition to the above, during my time in the United States Attorney's Office between 2003 and 2012, in Casper and Cheyenne, I was occasionally invited to make brief remarks and move for the admission of the new citizens at Naturalization Ceremonies held in the courthouse. I do not have specific dates for these ceremonies. I have no notes, transcript, or recordings. The address for the federal courthouse in Casper is District Court, 111 South Wolcott Street, Casper, Wyoming 82601. The address for the federal courthouse in Cheyenne is District Court, 2120 Capitol Avenue, Cheyenne, Wyoming 82001.

I also participated at candidate forums in my two county attorney races, where I provided brief comments and took questions. I believe that the League of Women Voters sponsored each of these forums, which took place soon before the primary and general elections in August and November of 1998 and 2002. The forums included candidates for state and local offices. As I recall, each candidate got a brief time for introductory comments and then answered any questions from the audience. I have no notes, transcript, or recording. The address for The League of Women Voters is 1233 20th Street, Northwest, Suite 500, Washington, DC 20036.

In addition, in 1998 and 2002, in the weeks and months leading up to my candidacy for county attorney, I gave various political speeches regarding my candidacy. I was invited to speak either individually or as part of a panel discussion during these speeches and talks. I do not know any dates of these speeches, and I have no notes, transcripts, or recordings.

During my tenure as the elected Park County Attorney, I occasionally met with

groups of constituents, government officials, school officials, service clubs, and other community organizations to discuss matters impacting the community and the county attorney's office. This also occasionally included speaking with students about risky behaviors, for example through the D.A.R.E. program. I have no record of the dates of these meetings or talks, and I have no notes, transcripts, or recordings.

Some of these speeches and talks were reported by the media. However, I have been unable to locate printed or recorded accounts of these additional media stories.

Finally, from 1998 to 2000, I was elected by the Park County Republican Party to serve as a state precinct committeeman. In this capacity I attended county and state party meetings at which we openly discussed the election of candidates, rules and procedure, and party issues and platforms. I did not lead the meetings, nor do I recall making any speeches or formal remarks. However, I did participate along with the other members. The state precinct meetings occurred quarterly in Casper, Wyoming, during those two years, but I have been unable to obtain exact dates or meeting minutes. The county meetings occurred approximately four times per year in Cody, Wyoming. I have been unable to confirm exact dates or obtain meeting minutes for those county meetings.

- 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.

The following list reflects my best effort to identify the interviews in which I have participated, based on a review of my records and publicly available information.

Ashli Tomisich, *Judicial Clerkships and the UW College of Law*, University of Wyoming College of Law website (June 27, 2019). Copy supplied.

Joan Barron, *Former Wyoming Attorney General Greg Phillips Born to be a Judge, Boss Says*, Casper Star-Trib. (July 21, 2013). Copy supplied.

Bill McCarthy, *Concealed Weapons Reciprocity Bill Advances*, Wyoming Tribune Eagle (February 23, 2010). Copy supplied.

Ben Neary, *Wyo. Committee Advances Homicide Pregnancy Bill*, Associated Press (February 18, 2010). Copy supplied.

Joan Barron, *Dentist Gets Prison in Drug Case*, Casper Star-Trib. (October 1, 2009). Copy supplied.

Staff, *Used Motor Vehicle Dealers Indicted by Federal Grand Jury in Casper*,

Wyoming For Odometer Tampering, Government Press Releases (July 24, 2009). Copy supplied.

Staff, *Wyoming Coroners Concerned About Rx Drug Abuse*, Associated Press (July 12, 2009). Copy supplied.

Staff, *Officials Don't Know Rx Drug Death Toll in Wyoming*, Associated Press (July 12, 2009). Copy supplied.

Ruffin Prevost, *Utility to Pay for Bird Deaths*, Billings Gazette (July 11, 2009). Copy supplied.

Staff, *Authorities Target Drug Ring*, Casper Star-Trib. (May 30, 2009). Copy supplied.

Staff, *Fremont County Dentists Face Federal Drug Charges*, Associated Press (May 21, 2009). Copy supplied.

Staff, *PacifiCorp Settles in Bird Electrocutions*, Associated Press (April 11, 2009). Copy supplied.

Tom Morton, *States May Not Know of Older Federal Child Porn Cases*, Casper Star-Trib. (January 19, 2009). Copy supplied.

Staff, *Federal Prosecutor John Barksdale Dies at Age 62*, Associated Press (December 31, 2008). Copy supplied.

Staff, *Judge Sentences Man to Life in Meth Case*, Associated Press (July 25, 2008). Copy supplied.

Joan Barron, *Senate Confirms Wyo U.S. Attorney*, Casper Star-Trib. (June 28, 2008). Copy supplied.

In May 2008, I recall giving an interview to a local television station in Casper, Wyoming after I was sworn in as United States Attorney. That television station no longer exists in Casper. I have no transcript or recording.

Staff, *Rankin Picked for U.S. Attorney*, Gazette Services (April 17, 2008). Copy supplied.

Staff, *Bush Nominates Kelly Rankin as U.S. Attorney for Wyoming*, Associated Press (April 17, 2008). Copy supplied.

Joan Barron, *Bush Taps U.S. Attorney for Wyo*, Casper Star-Trib. (April 18, 2008). Copy supplied.

Leslie Stratmoen, *Riverton Man Busted for Meth Dealing*, Wind River News (January 24, 2008). Copy supplied.

Walter Cook, *Federal Judge Blasts Tribal Gaming at Meth Sentencing*, Wind River News (July 5, 2007). Copy supplied.

Joan Barron, *Enzi Offers Three for Attorney Post*, Casper Star-Trib. (June 30, 2007). Copy supplied.

Staff, *U.S. Attorney Candidates Line Up*, Billings Gazette (June 29, 2007). Copy supplied.

Brodie Farquhar, *Crystal Meth Pushers Get Life*, Casper Star-Trib. (June 6, 2007). Copy supplied.

Staff, *How Meth Came to an Indian Reservation and Took Hold*, Associated Press (April 29, 2007). Copy supplied.

Staff, *Inside a Wyoming Jury*, Wyoming Public Television (2007 specific date unknown). I am unable to locate a recording.

Staff, *Drug Conspirators Sentenced*, Associated Press (April 12, 2006). Copy supplied.

Staff, *Nephew of Tribal Judge Sentenced*, Billings Gazette (March 10, 2006). Copy supplied.

Walter Cook, *Man Sentenced for Role in Drug Trafficking Organization*, Wind River News (March 9, 2006). Copy supplied.

Staff, *Tribal Judge Expected to Enter Plea*, Gazette News Services (January 31, 2006). Copy supplied.

Staff, *Woman Gets 11 Years in Casper Drug Case*, Associated Press (January 18, 2006). Copy supplied.

Staff, *Accused Drug Ring Head Pleads Guilty*, Wind River News (January 5, 2006). Copy supplied.

Anthony Lane, *Drug Leader Gets 25-year Sentence*, Casper Star-Trib. (May 7, 2005). Copy supplied.

Hector Gutierrez, *Fugitive Ran for Four Years – Massive Federal Effort Brings Down Alleged Meth Trafficker*, Rocky Mountain News (April 15, 2005). Copy supplied.

Anthony Lane, *Woman Pleads Guilty in Drug Conspiracy*, Casper Star-Trib. (March 30, 2005). Copy supplied.

Tom Morton, *No. 2 Drug Ring Leader Pleads Guilty*, Casper Star-Trib. (January 27, 2005). Copy supplied.

Tom Morton, *More Drug Ring Defendants Plead Guilty*, Casper Star-Trib. (January 13, 2005). Copy supplied.

Tom Morton, *Two Enter Pleas in Drug-Trafficking Case*, Casper Star-Trib. (May 7, 2004). Copy supplied.

Staff, *Meth Investigation Nets 70 Prosecutions*, Associated Press (December 2, 2003). Copy supplied.

Staff, *Wyoming Meth Ring Cracked*, Billings Gazette (December 1, 2003). Copy supplied.

Staff, *Prosecutors Held to Higher Standard, Lawyers Agree*, Associated Press (August 17, 2003). Copy supplied.

Staff, *Park County Attorney to Resign*, Associated Press (December 10, 2002). Copy supplied.

Mike Stark, *Park County Attorney Gets New Job*, Billings Gazette (December 9, 2002). Copy supplied.

Mike Stark, *Jail Jam*, Rapid City Journal (October 20, 2002). Copy supplied.

Staff, *Gonzales Convicted in Double Slaying*, Associated Press (May 31, 2002). Copy supplied.

Staff, *Commissioners OK Lawsuit to Recoup Tax Interest from Amoco*, Associated Press (May 11, 2002). Copy supplied.

Staff, *Kenyon Convicted of Murder*, Associated Press (May 1, 2002). Copy supplied.

Staff, *Man Convicted in Poaching Case Plans Appeal*, Associated Press (December 4, 2001). Copy supplied.

Staff, *Chiapuzio Pleads Guilty to Promoting Obscenity*, Associated Press (November 28, 2001). Copy supplied.

Staff, *Former Deputy County Attorney Charged with Promoting Obscenity*, Associated Press (November 20, 2001). Copy supplied.

Staff, *Men Sentenced for Poaching Big Horns*, Associated Press (October 16, 2001). Copy supplied.

Staff, *Meeteetse Museums Dispute Nears Conclusion*, Billings Gazette (September 21, 2001). Copy supplied.

Jeff Tollefson, *Powell Man Charged with Possession of Child Porn*, Billings Gazette (August 17, 2001). Copy supplied.

Staff, *Suspect in Powell Double Homicide Remains in Colorado Prison*, Associated Press (April 12, 2001). Copy supplied.

Staff, *Suspect in 1996 Double Murder Found in Colorado Prison*, Associated Press (March 16, 2001). Copy supplied.

Staff, *LDS Officials Glad About Church-Crash Plea*, Associated Press (February 27, 2001). Copy supplied.

Staff, *2 Deny Guilt in Slaying of Rams*, Billings Gazette (January 19, 2001). Copy supplied.

Staff, *Pickup Truck Seized for Alleged Sheep Poaching*, Associated Press (January 9, 2001). Copy supplied.

Staff, *Prosecutor Abandons KTVQ Contempt Charges*, Associated Press (January 5, 2001). Copy supplied.

Staff, *Park County Considers Internet Use Policy for Workers*, Associated Press (November 11, 2000). Copy supplied.

Staff, *Poacher Law Wins Legal Test*, Associated Press (September 25, 2000). Copy supplied.

Staff, *Wife Buys Helicopter Forfeited by Cody Man*, Associated Press (September 19, 2000). Copy supplied.

Staff, *Woman Pleads Guilty in Death of Man Who Fell From Car*, Associated Press (September 12, 2000). Copy supplied.

Staff, *County Attorney Flooded with E-mail About Animal Abuse*, Associated Press (August 16, 2000). Copy supplied.

Staff, *Park Commissioners Want Access to Mountaintop*, Associated Press (August 7, 2000). Copy supplied.

Staff, *Landowner Bars Maintenance on Radio Towers*, Billings Gazette (August 1, 2000). Copy supplied.

Staff, *Poacher Agrees to Forfeit Chopper*, Associated Press (July 8, 2000). Copy supplied.

Jana Jacobs, *Rankin Heads Prison Work Board*, Cody Enter. (July 5, 2000). Copy supplied.

Joan Barron, *Kelly Rankin Will Lead Prison Advisory Board*, Casper Star-Trib. (June 29, 2000). Copy supplied.

Staff, *Sex Offender Web Site Needs More Funding, Officials Say*, Associated Press (June 21, 2000). Copy supplied.

Staff, *Man Enters No Contest Plea to Hunting From Helicopter*, Associated Press (April 24, 2000). Copy supplied.

Michael Milstein, *Destruction Tied to Rage with Church*, Billings Gazette (April 14, 2000). Copy supplied.

Staff, *Involuntary Commitments Put County Attorney Over Budget*, Associated Press (March 31, 2000). Copy supplied.

Staff, *Wyoming State Penitentiary Inmate and Montana Native Killed*, Associated Press (March 24, 2000). Copy supplied.

Staff, *State Penitentiary Inmate Killed*, Associated Press (March 23, 2000). Copy supplied.

Staff, *Woman Charged with Causing Death of Man*, Associated Press (March 17, 2000). Copy supplied.

Staff, *Cody Man Opts for Trial in Poaching Case*, Associated Press (March 4, 2000). Copy supplied.

Staff, *Residents Demand Stiff Punishment in Poaching Case*, Associated Press (February 12, 2000). Copy supplied.

Staff, *Park Commissioners Cancel Agreement for Jail Site*, Associated Press (February 2, 2000). Copy supplied.

Staff, *State's Right to Seize Helicopter Won't Be Contested*, Associated Press (November 11, 1999). Copy supplied.

Staff, *Powell Man Enters Plea on Selling Beer to Underaged Teens Killed in*

Wreck, Associated Press (October 6, 1999). Copy supplied.

Staff, *Hairdresser Questioned by Wyoming Authorities on License Complaint*, Associated Press (September 30, 1999). Copy supplied.

Staff, *Cody Man Accused of Bank Fraud*, Associated Press (September 26, 1999). Copy supplied.

Staff, *Trial Delayed in Six-Person Fatal*, Associated Press (August 26, 1999). Copy supplied.

Staff, *Request to Expand Ranch Airstrip Raises Debate*, Associated Press (July 18, 1999). Copy supplied.

Staff, *Trial Set for Man Who Sold Beer to Drivers in Fatal Crash*, Associated Press (May 26, 1999). Copy supplied.

Staff, *Park County Court Having Tape Problems*, Associated Press (May 14, 1999). Copy supplied.

Michael Milstein, *Winner in County Attorney Contest Shocked at Outcome*, Billings Gazette (August 20, 1998). Copy supplied.

Staff, *Rankin Hopes for Peaceful Transition*, Cody Ent. (August 19, 1998). Copy supplied.

I gave additional statements to media as a candidate for Park County Attorney, and as a state and federal prosecutor on civil and criminal matters that I handled. I have been unable to locate printed or recorded accounts of these additional media stories.

Press Releases:

Press Release, *Activity in the United States Attorney's Office-Sentence of Ricardo Louise Trosper*, United States Attorney for the District of Wyoming (December 21, 2009). Copy supplied.

Press Release, *Activity in the United States Attorney's Office-Sentences, United States Attorney for the District of Wyoming* (December 17, 2009). Copy supplied.

Press Release, *Activity in the United States Attorney's Office-Sentences*, United States Attorney for the District of Wyoming (December 10, 2009). Copy supplied.

Press Release, *Activity in the United States Attorney's Office-Sentences*, United States Attorney for the District of Wyoming (November 19, 2009). Copy

supplied.

Press Release, *Activity in the United States Attorney's Office-Sentences*, United States Attorney for the District of Wyoming (November 5, 2009). Copy supplied.

Press Release, *Activity in the United States Attorney's Office-Sentences*, United States Attorney for the District of Wyoming (October 30, 2009). Copy supplied.

Press Release, *Activity in the United States Attorney's Office-Sentences*, United States Attorney for the District of Wyoming (October 22, 2009). Copy supplied.

Press Release, *Activity in the United States Attorney's Office-Sentences*, United States Attorney for the District of Wyoming (October 15, 2009). Copy supplied.

Press Release, *Activity in the United States Attorney's Office-Sentences*, United States Attorney for the District of Wyoming (October 8, 2009). Copy supplied.

Press Release, *Activity in the United States Attorney's Office-Sentences*, United States Attorney for the District of Wyoming (October 1, 2009). Copy supplied.

Press Release, *Activity in the United States Attorney's Office-Sentences*, United States Attorney for the District of Wyoming (September 17, 2009). Copy supplied.

Press Release, *Activity in the United States Attorney's Office-Steven Padilla Sentence*, United States Attorney for the District of Wyoming (September 3, 2009). Copy supplied.

Press Release, *Activity in the United States Attorney's Office-Sentences*, United States Attorney for the District of Wyoming (August 27, 2009). Copy supplied.

Press Release, *Activity in the United States Attorney's Office-Sentences*, United States Attorney for the District of Wyoming (August 20, 2009). Copy supplied.

Press Release, *Activity in the United States Attorney's Office-Sentences*, United States Attorney for the District of Wyoming (August 6, 2009). Copy supplied.

Press Release, *Activity in the United States Attorney's Office-Annual Wind River Native American Conference*, United States Attorney for the District of Wyoming (July 27, 2009). Copy supplied.

Press Release, *Activity in the United States Attorney's Office-Sentences*, United States Attorney for the District of Wyoming (July 23, 2009). Copy supplied.

Press Release, *Activity in the United States Attorney's Office-Daniel Eugene Hack Sentence*, United States Attorney for the District of Wyoming (July 21, 2009).

Copy supplied.

Press Release, *Activity in the United States Attorney's Office-Sentences*, United States Attorney for the District of Wyoming (July 16, 2009). Copy supplied.

Press Release, *Activity in the United States Attorney's Office- Brent Glen Bills, DMD, Enters into Pretrial Diversion Agreement for Unlawfully Distributing and Dispensing Hydrocodone*, United States Attorney for the District of Wyoming (July 15, 2009). Copy supplied.

Press Release, *Activity in the United States Attorney's Office-PacifiCorp Sentence*, United States Attorney for the District of Wyoming (July 10, 2009). Copy supplied.

Press Release, *Activity in the United States Attorney's Office-Sentences*, United States Attorney for the District of Wyoming (July 9, 2009). Copy supplied.

Press Release, *Activity in the United States Attorney's Office-Sentences*, United States Attorney for the District of Wyoming (July 2, 2009). Copy supplied.

Press Release, *Activity in the United States Attorney's Office-Felipe Joseph Helms Sentence*, United States Attorney for the District of Wyoming (June 18, 2009). Copy supplied.

Press Release, *Activity in the United States Attorney's Office-Sentences*, United States Attorney for the District of Wyoming (June 11, 2009). Copy supplied.

Press Release, *Activity in the United States Attorney's Office-Sentences*, United States Attorney for the District of Wyoming (June 4, 2009). Copy supplied.

Press Release, *Activity in the United States Attorney's Office-Sentences*, United States Attorney for the District of Wyoming (May 28, 2009). Copy supplied.

Press Release, *Activity in the United States Attorney's Office-Daniel Eugene Hack and Brent Glen Bills Arrest*, United States Attorney for the District of Wyoming (May 18, 2009). Copy supplied.

Press Release, *Activity in the United States Attorney's Office-Sentences*, United States Attorney for the District of Wyoming (May 14, 2009). Copy supplied.

Press Release, *Activity in the United States Attorney's Office-Sentences*, United States Attorney for the District of Wyoming (May 7, 2009). Copy supplied.

Press Release, *Activity in the United States Attorney's Office-Sentences*, United States Attorney for the District of Wyoming (April 30, 2009). Copy supplied.

Press Release, *Activity in the United States Attorney's Office-Dallas T. Bennett and Matthew C. Lee Sentencing*, United States Attorney for the District of Wyoming (April 28, 2009). Copy supplied.

Press Release, *Activity in the United States Attorney's Office-Sentences*, United States Attorney for the District of Wyoming (April 10, 2009). Copy supplied.

Press Release, *Activity in the United States Attorney's Office-Sentences*, United States Attorney for the District of Wyoming (March 6, 2009). Copy supplied.

Press Release, *Activity in the United States Attorney's Office-Sentences*, United States Attorney for the District of Wyoming (February 26, 2009). Copy supplied.

Press Release, *Activity in the United States Attorney's Office-Sentences*, United States Attorney for the District of Wyoming (February 19, 2009). Copy supplied.

Press Release, *Activity in the United States Attorney's Office-Sentences*, United States Attorney for the District of Wyoming (February 12, 2009). Copy supplied.

Press Release, *Activity in the United States Attorney's Office-Sentences*, United States Attorney for the District of Wyoming (February 5, 2009). Copy supplied.

Press Release, *Activity in the United States Attorney's Office-Sentences*, United States Attorney for the District of Wyoming (January 22, 2009). Copy supplied.

Press Release, *Activity in the United States Attorney's Office-Sentences*, United States Attorney for the District of Wyoming (January 15, 2009). Copy supplied.

Press Release, *Activity in the United States Attorney's Office-Wyoming Couple Sentenced on Tax Fraud Charges*, United States Attorney for the District of Wyoming (December 19, 2008). Copy supplied.

Press Release, *Activity in the United States Attorney's Office-Sentences*, United States Attorney for the District of Wyoming (December 18, 2008). Copy supplied.

Press Release, *Activity in the United States Attorney's Office-Sentences*, United States Attorney for the District of Wyoming (December 11, 2008). Copy supplied.

Press Release, *Activity in the United States Attorney's Office-Sentences*, United States Attorney for the District of Wyoming (December 4, 2008). Copy supplied.

Press Release, *Activity in the United States Attorney's Office-Casey Ballieu Sentence*, United States Attorney for the District of Wyoming (November 20, 2008). Copy supplied.

Press Release, *Activity in the United States Attorney's Office-Verdict in Nathaniel Solon Trial and Jesus Navarro-Ramirez Sentence*, United States Attorney for the District of Wyoming (November 13, 2008). Copy supplied.

Press Release, *Activity in the United States Attorney's Office-Rene Rodriguez-Ruelas Sentence*, United States Attorney for the District of Wyoming (October 30, 2008). Copy supplied.

Press Release, *Activity in the United States Attorney's Office-Jorge Arturo Fernandez-Guzman Sentence*, United States Attorney for the District of Wyoming (October 23, 2008). Copy supplied.

Press Release, *Activity in the United States Attorney's Office-Joseph Baumstarck Jr. Guilty Plea*, United States Attorney for the District of Wyoming (October 22, 2008). Copy supplied.

Press Release, *Activity in the United States Attorney's Office-Press Release by United States Attorney Relating to November 2008 Elections*, United States Attorney for the District of Wyoming (October 16, 2008). Copy supplied.

Press Release, *Activity in the United States Attorney's Office-Travis J. McGill Sentence*, United States Attorney for the District of Wyoming (October 16, 2008). Copy supplied.

Press Release, *Activity in the United States Attorney's Office-Sentences*, United States Attorney for the District of Wyoming (October 9, 2008). Copy supplied.

Press Release, *Activity in the United States Attorney's Office-Harlan J. Hale Sentence*, United States Attorney for the District of Wyoming (October 2, 2008). Copy supplied.

Press Release, *Activity in the United States Attorney's Office-Sentences*, United States Attorney for the District of Wyoming (September 25, 2008). Copy supplied.

Press Release, *Activity in the United States Attorney's Office-James Michael Sentence*, United States Attorney for the District of Wyoming (August 7, 2008). Copy supplied.

Press Release, *Activity in the United States Attorney's Office-Clarence Rex Burnell Sentence*, United States Attorney for the District of Wyoming (July 25, 2008). Copy supplied.

Press Release, *Activity in the United States Attorney's Office-Sentences*, United States Attorney for the District of Wyoming (July 24, 2008). Copy supplied.

Press Release, *Activity in the United States Attorney's Office-Cody J. Robinson Sentence*, United States Attorney for the District of Wyoming (June 26, 2008). Copy supplied.

Press Release, *Activity in the United States Attorney's Office-Sentences*, United States Attorney for the District of Wyoming (June 20, 2008). Copy supplied.

Press Release, *Activity in the United States Attorney's Office- Sentences*, United States Attorney for the District of Wyoming (June 5, 2008). Copy supplied.

Press Release, *Activity in the United States Attorney's Office-XTO Energy Sentence*, United States Attorney for the District of Wyoming (May 22, 2008). Copy supplied.

Press Release, *Activity in the United States Attorney's Office-Arrest of Dr. Joseph Baumstrack, Jr.*, United States Attorney for the District of Wyoming (May 22, 2008). Copy supplied.

Press Release, *Activity in the United States Attorney's Office- Sentences*, United States Attorney for the District of Wyoming (May 15, 2008). Copy supplied.

Press Release, *Activity in the United States Attorney's Office-Kelly H. Rankin Appointed United States Attorney for the District of Wyoming*, United States Attorney for the District of Wyoming (May 6, 2008). Copy supplied.

Press Release, *Newly Formed Correctional Industries Advisory Board Set Plans in Motion*, Wyo. Dep't of Corrections (June 28, 2000). 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 June 7, 2012, I have served as the Chief United States Magistrate Judge appointed by the United States District Court for the District of Wyoming. My authority is defined by 28 U.S.C. § 636. As a magistrate judge, I preside over a wide variety of federal civil and criminal matters. Regarding civil matters, the District of Wyoming randomly assigns cases to either a district judge or a magistrate judge. If a case is assigned to the magistrate judge, the parties then have the option to consent to my jurisdiction in which case I am authorized to preside over the trial, issue opinions on dispositive motions, issue orders on all pre-trial matters, and enter final judgment. The parties may also consent to a magistrate judge anytime 60 days before trial. In non-consent cases, I am referred matters by the designated district court judge to resolve non-dispositive motions and conduct mediations. Regarding felony criminal cases, I review and issue search and seizure warrants, conduct initial appearance, detention and preliminary hearings, arraignments, and conduct change of plea hearings upon consent of the parties. I handle

all aspects of the proceedings of misdemeanor cases, including guilty pleas and sentencings. I am also authorized to conduct a trial in a misdemeanor case. Finally, I assist with grand jury proceedings to include returns and jury selection, and participate in the governance of the court with the district judges.

During my tenure I have also been asked to periodically assist with cases in the Districts of Colorado and New Mexico. This is pursuant to 28 U.S.C. § 636(f) as agreed upon by the chief judges for each district. In both districts I have served as a referral judge and on civil matters in which the parties have consented to my authority. My duties have included mediations, civil trials, discovery disputes, and criminal matters, among others.

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

As a magistrate judge, I have presided over 30 trials: 9 civil jury trials, 3 civil bench trials, and 18 criminal bench trials.

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

jury trials:	30%
bench trials:	70%

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

civil proceedings:	40%
criminal proceedings:	60%

- 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. *Applehunt v. Walgreen Co. Inc.*, No. 22-cv-138-KHR (D. Wyo.).

Plaintiff's three-month old daughter was prescribed Zantac for acid reflux. Defendant admitted its pharmacy mistakenly filled the prescription ten times higher than the pediatrician's prescribed dosage. The infant ingested the medication for three weeks, twice a day, before the mistake was discovered. Plaintiff sued defendant alleging permanent injuries to include chronic constipation. After a trial over which I presided, the jury found plaintiff failed to

prove the overdose caused damages to the child. No appeal was taken by either party.

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2. *Schultz v. Town of Jackson et al.*, No. 21-cv-158-KHR (D. Wyo.).

Plaintiff, a former lieutenant with the local police department, sued defendants for wrongful termination. Prior to his departure plaintiff wrote a blog, attempting to be humorous, informing the public about a closed investigation involving a minor. The blog received substantial criticism from some town officials and members of the public. This scrutiny resulted in his departure from the police department. Plaintiff claimed that defendants failed to properly follow procedures afforded to him by the Town of Jackson prior to forcing him to leave his position. Specifically, he accused defendants of violating his procedural and substantive due process rights under the Wyoming and United States Constitutions. After a jury trial over which I presided, defendants were held liable for constructive discharge and plaintiff was awarded \$235,000 in damages. No appeal was taken by any party.

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Counsel for Defendants:

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3. *Standish v. Jackson Hole Mountain Resort Corp.*, No. 19-cv-4-KHR, ECF No. 45 (D. Wyo. 2020), *aff'd*, 997 F.3d 1095 (10th Cir. 2021).

Mr. Standish and his fiancée were avid skiers. He was injured after striking an unmarked tree stump on a ski trail owned/operated by defendant Jackson Hole Mountain Resort. Plaintiffs' claims were for negligence and loss of consortium. On a motion for summary judgment, after the parties consented to my jurisdiction, I ruled in a diversity action that the Wyoming Recreational Safety Act precluded recovery. I held the Act, as a matter of law, dictates that the ski corporation owes no duty of care when involved with the inherent risks of skiing as applied to these facts. Opinion supplied. Plaintiffs appealed and the Tenth Circuit affirmed.

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Counsel for Defendant:

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4. *Vidal v. AHC of Aurora*, No. 17-cv-746-KHR, 2018 WL 10948348 (D. Col. June 25, 2018).

This was a consent jurisdiction case from the District of Colorado. Plaintiff sued her former employer for past overtime compensation and retaliation under the Fair Labor Standards Act. She also sued under Colorado law for retaliation and

violation of a state minimum wage order. A jury ruled in favor of defendant on each claim. The parties filed post-trial motions to include plaintiff's motion for a new trial based in part on an inconsistent jury verdict. Defendant sought attorney's fees, asserting plaintiff's claims were substantially groundless. I denied each of their motions and held that neither party had met its burden for the relief sought. Neither party appealed.

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5. *Bank of Jackson Hole v. Cook GS Inv. Partners, LP*, No. 14-CV-234-KHR, 2016 WL 9450458 (D. Wyo. May 11, 2016), 2017 WL 3449603 (D. Wyo. Jan. 30, 2017).

The parties consented to my jurisdiction. The initial dispute was whether related actions should be consolidated. I ruled in favor of consolidating the two cases, both of which related to an alleged breach of a guaranty agreement by the defendant and malfeasance on the part of the plaintiff. I later granted a motion for summary judgment in favor of the bank, holding the guarantor violated the statute of limitations by failing to diligently pursue their claims. The case ultimately settled without an appeal.

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6. *Hedquist v. Patterson*, No. 14-CV-45-ABJ, 2016 WL 8453415 (D. Wyo. July 1, 2016), 215 F. Supp. 3d 1237 (D. Wyo. 2016).

In an action under 42 U.S.C. § 1983, a city councilman sued the city manager and city for retaliation after plaintiff criticized the city manager and was later denied construction contracts. The city manager also opened an investigation against plaintiff for alleged workplace violence. Several outside attorneys participated in the investigation. The primary issue before me was whether some of the statements from the investigation were privileged, as argued by defendants. I ruled that the statements were protected by the attorney-client privilege and that no waiver of the privilege had occurred under the common-interest doctrine. Plaintiff appealed and the district judge upheld my ruling. Ultimately, the case was appealed to the Tenth Circuit Court of Appeals where the court upheld the district judge's affirmation of my privilege and lack of waiver rulings. The court also affirmed the district judge's dismissal of the case because plaintiffs failed to present sufficient evidence to demonstrate a violation of a constitutional right.

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7. *Cleary v. Wind Quarry LLC et al.*, No. 15-cv-189-KHR (D. Wyo.).

In a breach of contract dispute plaintiff sued for a profits interest after helping defendants develop a wind farm business. The parties consented to my jurisdiction. Prior to trial, I ruled that communications addressing plaintiff's compensation were not protected by the attorney-client privilege. An advisory jury determined that a contract was agreed upon by the parties and ruled in favor of plaintiff. Following the trial, I ordered the parties to mediate on the issue of damages. They resolved the case in its entirety at the mediation. No party appealed.

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8. *Black Card LLC v. Visa USA Inc.*, No. 15-cv-27-SWS, 2015 WL 11090695 (D. Wyo. Aug. 3, 2015), 2015 WL 11108642 (D. Wyo. Aug. 7, 2015), 2020 WL 9812009 (D. Wyo. Dec. 2, 2020).

As the referral judge, I was tasked early in the case with deciding a motion to recuse defense counsel over a purported conflict of interest. The litigation was over the legitimacy and scope of a promotional and marketing agreement between the parties and whether defendant was unjustly enriched. Plaintiff claimed defendant owed millions of dollars from the breach of contract. Plaintiff asserted that counsel for defendant should be recused because of a prior attorney-client relationship with plaintiff. Following an evidentiary hearing, I ruled in favor of plaintiff and ordered defense counsel disqualified. My decision was appealed to the district judge and affirmed. Because the evidentiary hearing included privileged communications the orders were placed under seal. In addition to the motion to recuse, I ruled on numerous discovery and pre-trial disputes. The parties ultimately settled the case.

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9. *Davenport v. Menard Inc. et al.*, No. 14-cv-222-KHR (D. Wyo.).

The parties consented to my jurisdiction in this negligence action, which stemmed from plaintiff falling in a rock-filled island in the store's parking lot. Prior to trial, I granted in part and denied in part challenges to each side's experts. I also denied a motion for summary judgment by defendant landscaper. After a five-day trial, the jury found in favor of both defendants. I denied plaintiff's motion for a new trial. Opinion supplied. No appeal was filed.

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10. *Willoughby v. Hanson et al.*, No. 12-cv-210-SWS (D. Wyo.).

Plaintiff claimed his civil rights were violated when he was wrongfully convicted of murder in state court after law enforcement officials withheld exculpatory evidence during his criminal trial. The parties requested that I mediate the dispute. The case settled after mediation. There was no appeal.

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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. *Peter D. Holdings LLC v. Wold Oil Properties, LLC*, No. 17-CV-212-KHR, 2020 WL 5406238 (D. Wyo. Aug. 12, 2020), *aff'd*, 2022 WL 351164 (10th Cir. Feb. 7, 2022).

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2. *Standish v. Jackson Hole Mountain Resort Corp.*, No. 19-cv-4-KHR, ECF No. 45 (D. Wyo. 2020), *aff'd*, 997 F.3d 1095 (10th Cir. 2021). Opinion previously supplied in response to Question 13c.

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3. *Buckham v. Rife*, No. 18-cv-139-KHR, ECF No. 169 (D. Wyo. Feb. 9, 2021).
Opinion supplied.

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4. *Nautica Ent., LLC v. Allied Debt Collection of Virginia, LLC*, No. 19-CV-174-KHR, ECF No. 115 (D. Wyo. July 30, 2021). Opinion supplied.

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5. *Roberts v. Jackson Hole Mountain Resort Corp.*, No. 16-CV-24-KHR, 2017 WL 5247912 (D. Wyo. Jan. 19, 2017), *aff'd*, 884 F.3d 967 (10th Cir. 2018).

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6. *Tonjes v. Park Cty. Sheriff's Off.*, No. 17-cv-487-KHR, 300 F. Supp. 3d 1308 (D. Colo. 2018).

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7. *Benson v. Berryhill*, No. 1:17-CV-00726-KHR, 2018 WL 1470192 (D. Colo. Mar. 26, 2018).

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8. *Bendinelli v. Metro. Prop. & Cas. Ins. Co.*, No. 1:17-CV-00978-KHR, 2018 WL 11025412 (D. Colo. July 23, 2018).

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9. *Starrett v. City of Lander*, No. 15-CV-200-KHR, 2016 WL 9649876 (D. Wyo. Oct. 24, 2016), *aff'd*, 699 F. App'x 805 (10th Cir. 2017).

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10. *Schneider v. United States*, No. 15-cv-204-KHR, ECF No. 27. (D. Wyo. Dec. 1, 2016). Opinion supplied.

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

Safeway Stores 46 Inc. v. WY Plaza LC, No. 19-CV-143-R, 2020 WL 6688606 (D. Wyo. Oct. 20, 2020), *vacated and remanded*, 65 F.4th 474 (10th Cir. 2023),

cert. denied, No. 23-204, 2023 WL 7287147 (U.S. Nov. 6, 2023).

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

- f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.

Safeway Stores 46 Inc. v. WY Plaza LC, No. 19-CV-143-R, 2020 WL 6688606 (D. Wyo. Oct. 20, 2020), *vacated and remanded*, 65 F.4th 474 (10th Cir. 2023), *cert. denied*, No. 23-204, 2023 WL 7287147 (U.S. Nov. 6, 2023). Plaintiff sued for restitution and declaratory judgment after making commercial lease overpayments to defendant for 12 years. The lease permitted plaintiff to deduct construction costs from the payments, but plaintiff failed to make these deductions and defendant refused plaintiff's later demand for repayment. On cross motions for summary judgment, I denied plaintiff's restitution claim because the parties' obligations had been set out in a written contract. I also found plaintiff's delay in filing suit prevented recovery under the doctrine of laches and ruled in favor of defendant. The Tenth Circuit reversed and remanded for further proceedings. On the restitution claim the court held, after predicting how the Wyoming Supreme Court would rule, plaintiff could rely on the contract under these facts and granted restitution in favor of plaintiff. On the declaratory judgment claim, the court held plaintiff was not given adequate notice and opportunity to respond when I largely granted summary judgment on laches. The court also found defendant lacked sufficient evidence on their assertion of prejudice, which entitled plaintiff to summary judgment. The case is currently before me on remand.

Blackburn v. United States, No. 20-8005, 2021 WL 3027979 (10th Cir. July 19, 2021). This was a Federal Tort Claim Act (FTCA) case involving a sexual assault by a gynecologist upon his patient. His nurse was also sued for not being attentive. At summary judgment, I dismissed with prejudice all eight claims on the ground that the government retained its sovereign immunity arising out of an intentional assault or battery. Opinion supplied. The appellate court found the claim against the nurse may fall within the FTCA's exception to the exception by covering an assault or battery arising from her inattention. On that claim, the court reversed and remanded for further proceedings. On remand, I dismissed the remaining claim on the government's motion. No appeal was taken.

Miller v. Johnson, No. 14-CV-231-R, 2015 WL 12916333 (D. Wyo. July 22, 2015), *rev'd*, 639 F. App'x 558 (10th Cir. 2016). I dismissed plaintiff's complaint for insufficient service of defendant under Wyoming's nonresident motorist statute. I determined that because defendant was a resident of Wyoming, this

statute did not apply. The appellate court reversed, finding I construed the statute too narrowly and that it applies to any person who cannot personally be served within the state.

United States of America v. One Cessna Airplane et al., No. 14-cv-151-ABJ (D. Wyo. Dec. 23, 2015). Copy supplied. In this asset forfeiture action, I found under the supplemental rules for asset forfeiture the government's request for interrogatories to claimant was proper to determine his relationship with the subject property. This was done without first determining whether the claimant had standing; a potentially dispositive determination. The district judge reversed and determined that standing was a prerequisite to issue the interrogatories. In its order, the court affirmatively determined the claimant had standing and thus concluded the interrogatories should not have issued. The parties later settled the case without a further appeal.

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

As a magistrate judge, the majority of my decisions are unpublished opinions although some may be reported by Westlaw/Lexis. All my opinions and orders are filed with our court's electronic case filing system.

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

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

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

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

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

- a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;

- b. a brief description of the asserted conflict of interest or other ground for recusal;
- c. the procedure you followed in determining whether or not to recuse yourself;
- d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

As a United States Magistrate Judge, I follow the federal recusal statutes and Code of Conduct for United States Judges. I assess recusal concerns in accordance with 28 U.S.C. § 455. Whether specifically addressed by the Code of Conduct for United States Judges, the recusal statutes, or solely based on my interest in maintaining impartiality or the appearance of impartiality, I would disclose any potential conflicts and recuse myself as appropriate. I automatically recuse myself in cases in which my sister and brother-in-law's law firm has an appearance or in matters in which I was a government lawyer or supervisor. Our court also has an automatic recusal system through CM/ECF for this particular law firm, government cases, and any other conflicts that may arise. I personally, along with our entire chambers staff, closely watch to ensure the automatic recusal system through CM/ECF catches all conflicts.

No litigant or party has ever requested that I recuse myself due to an asserted conflict of interest.

15. Public Office, Political Activities and Affiliations:

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

In 1998, I was elected to the position of Park County and Prosecuting Attorney in Park County, Wyoming.

From 1998 to 2003, I was elected to a county precinct committeeman position in Park County, Wyoming, on behalf of the Republican Party. In this capacity I attended county and state party meetings at which we discussed the election of candidates, rules and procedure, and party issues and platforms.

In 2002, I was re-elected as Park County and Prosecuting Attorney in Park County, Wyoming. I served in that position until 2003 when I was appointed to the position of Assistant United States Attorney in the United States Attorney's Office for the District of Wyoming.

In 2007, I was nominated by President George W. Bush to serve as the United

States Attorney for the District of Wyoming. In 2008, I was confirmed by the United States Senate. I remained in that position until 2010.

In 2010, I served as Counsel to the Governor for the Governor of Wyoming. I was appointed by Governor Dave Freudenthal. I served in that position until later in 2010 when I returned to the United States Attorney's Office as Criminal Chief.

I have not had any unsuccessful candidacies for elected office or unsuccessful nominations for appointed office.

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

From 1998 to 2000, I was elected by the Park County Republican Party to serve as a state precinct committeeman. In this capacity I attended county and state party meetings at which we discussed the election of candidates, rules and procedure, and party issues and platforms. I was not compensated for this position.

In 1999, I was appointed to serve as treasurer for U.S. Senator Craig Thomas' 2000 Senate Campaign. In this capacity I was responsible for reviewing and signing all documents to comply with federal election laws. This position was largely honorary. I was not compensated.

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

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

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

I did not serve as a clerk to a judge.

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

From May 1998 to January 1999, I had a part-time solo law practice. This occurred after I resigned from my position as Deputy Park County Attorney to run against the incumbent County Attorney. Most of this time period was devoted to the campaign. However, after winning the election and prior to taking office, I accepted some cases that were accomplished in short order prior to beginning my new position. My office was located at 1013 Alger Avenue, Cody, Wyoming 82414.

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

1994 – 1995
Lincoln County Attorney's Office
925 Sage Avenue
Kemmerer, Wyoming 83101
Deputy County Attorney

1995 – 1998
Park County Attorney's Office
1002 Sheridan Avenue
Cody, Wyoming 82414
Deputy County Attorney

1999 – 2003
Park County Attorney's Office
1002 Sheridan Avenue
Cody, Wyoming 82414
County Attorney

2003 – 2010; 2010 – 2012
United States Attorney's Office for the District of Wyoming
100 East "B" Street, Suite 2211
Casper, Wyoming 82601
Assistant United States Attorney (2003 – 2008)
United States Attorney (2008 – 2010)
Criminal Chief, Assistant United States Attorney (2010 – 2012)

2010
Office of the Governor, State of Wyoming
200 West 24th Street
Cheyenne, Wyoming 82002
Counsel to the Governor

- 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 as a magistrate judge, I have not served as a mediator or arbitrator.

- b. Describe:

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

Since law school, almost exclusively, I have been in the courtroom. I began as a state prosecutor in 1994 in the Lincoln County Attorney's Office and then transferred to the Park County Attorney's Office where I served as a deputy county attorney until 1998. In both locations I handled misdemeanor and felony criminal matters and gained extensive experience in the courtroom. I also was assigned to handle some civil matters on behalf of the county.

In 1998, I was elected to the position of Park County Attorney. I continued to work on misdemeanor and felony criminal matters along with all civil matters on behalf of the county. Prior to my election, and during my election campaign, I was a sole practitioner working on various civil cases.

In 2003, I was appointed to serve as an Assistant United States Attorney for the District of Wyoming. I was appointed as the lead attorney for the Organized Drug Enforcement Task Force (OCDETF) program. The cases I prosecuted were typically multi-defendant, complex, drug, and gun related cases. I also served as a Special Assistant United States Attorney in 2000 and again in 2002 to work on bank fraud cases that arose in Park County.

In 2008, I was appointed to serve as the United States Attorney for the District of Wyoming. I served in this capacity until 2010. During my tenure I oversaw the civil and criminal divisions within the office. I took an active role in the cases in both divisions and continued to appear in court.

Next, in 2010, I served as Counsel to Governor Dave Freudenthal. In this capacity I was the Governor's principal advisor by providing advice on agency rule making, legislation, tribal affairs, pardons, judicial appointments, and natural resource matters, among others.

Following my tenure in the Governor's Office, in 2010, I returned to the United States Attorney's Office to serve as the newly appointed United States Attorney's criminal chief. For more than two years, I oversaw the federal prosecution of all matters for the district.

In 2012, I was appointed to my current role as Chief Magistrate Judge for the District of Wyoming. In this capacity, I fully adjudicate civil matters with the consent of the parties to include conducting jury and bench trials. I also provide support to the district judges by handling their pretrial case management and conduct mediations. For criminal matters, I preside over

felony change of plea hearings, review and sign arrest and search and seizure warrants, conduct pretrial hearings such as preliminary exams, arraignments, and detention hearings, among others. I also conduct naturalization ceremonies, assist with grand jury proceedings, and assist in other districts to include New Mexico and Colorado.

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

As a state prosecutor, I handled all criminal matters from basic traffic violations to first degree homicides. I represented the people of each respective county. I also handled civil matters on behalf of Park County to include road disputes, personnel matters, and taxation. As a federal prosecutor, my area of specialty was in large complex drug investigations (OCDETF). I also handled other criminal matters to include white collar, firearm, immigration, and other offenses. In that role, I represented the people of the United States.

- c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

I regularly appeared in court throughout my legal career. The only exception was from mid-1998 to early 1999 when I was in private practice part-time while running for Park County Attorney and in 2010 when serving as Counsel to the Governor. From 2003 until 2012 as a federal prosecutor, I appeared in federal court 100 percent of the time. From 1994 until early 2003, I practiced almost exclusively in state court.

- i. Indicate the percentage of your practice in:

1. federal courts:	70%
2. state courts of record:	30%
3. other courts:	0%
4. administrative agencies:	0%

- ii. Indicate the percentage of your practice in:

1. civil proceedings:	35%
2. criminal proceedings:	65%

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

I tried approximately 35 jury trials in state and federal court. I was sole counsel in all but approximately five. I was chief trial counsel in all matters except one in

which I was associate counsel.

I tried approximately 120 bench trials in state courts in Wyoming. I was sole counsel in all these cases.

- i. What percentage of these trials were:
 - 1. jury: 23%
 - 2. non-jury: 77%

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

I did not practice before the United States Supreme Court.

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

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

1. *United States v. Poteet*, No. 11-cr-164-F (D. Wyo.).

This was a federal prosecution of a woman who sought to hire someone to kill her ex-husband. The couple has four children together and the husband was a deputy county sheriff at the time. Defendant was angry at her husband over a child support dispute. In 2011, defendant discussed her plans with her boyfriend by telephone. Unbeknownst to her, the calls were being recorded as were subsequent meetings between them. During these encounters defendant revealed she had reached out to a motorcycle gang to see if they would murder her ex-husband. Later, an undercover agent, disguised as a member of this motorcycle gang, met with defendant in person. Defendant told the undercover agent she would be willing to pay him \$5,000 for the murder. She also provided the agent photographs, maps, and details about the best time and manner for the killing to occur. She was later arrested and prosecuted. She pled guilty to use of interstate commerce facilities in the commission of a murder-for-hire plot, for which she was sentenced to ten years in prison. As the Criminal Chief in the United States Attorney's

Office, I prosecuted this matter in 2011. My role entailed investigating and presenting the case to the grand jury and making argument to the court at the plea and sentencing hearings.

Judge:

Honorable Nancy Freudenthal
United States District Court, District of Wyoming

Opposing Counsel:

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2. *United States v. Cortez, Sr.*, No. 01-cr-16-B (D. Wyo.), *aff'd*, 252 F. App'x 887 (10th Cir. 2007), *cert. denied*, *Cortez v. United States*, 552 U.S. 1274 (2008).

This was a federal prosecution of a methamphetamine drug trafficker who left the country for four years and then returned using a false identity. He and his family were responsible for distributing multiple pounds of methamphetamine in central Wyoming over a two-year period. Defendant was an organizer and leader of the organization often conducting his drug business by telephone from the Republic of Mexico. Defendant was found guilty at trial of all four counts and was sentenced to 195 months in federal prison. The case was later appealed and affirmed by the Tenth Circuit Court of Appeals. I handled this matter from 2005 to 2007 as an Assistant United States Attorney. As the prosecutor, I investigated the case, presented it to the grand jury, tried it before a jury, and argued on behalf of the government at the sentencing hearing. I also prepared the brief and argued the case on appeal.

Judge:

Honorable Clarence A. Brimmer (Deceased)
United States District Court, District of Wyoming

Opposing Counsel:

Daniel G. Blythe (retired)
[Former Federal Public Defender, District of Wyoming]

3. *United States v. Hermosillo et al.*, No. 06-cr-139-D (D. Wyo.); *United States vs. Legarda et al.*, No. 05-cr-104-D (D. Wyo.); *United States v. Duran et al.*, No. 06-cr-140-D (D. Wyo.); *United States v. Hermosillo et al.*, No. 06-cr-161-D (D. Wyo.); *United States v. Gonzalez-Gutierrez*, 252 F. App'x 207 (10th Cir. 2007); *United States v. Holguin*, 258 F. App'x 177 (10th Cir. 2007); *United States v. Duran-Nevarez*, 287 F. App'x 688 (10th Cir. 2008); *United States v. Pappan*, 315 F. App'x 677 (10th Cir. 2009).

This was a federal prosecution of several related drug trafficking organizations operating predominantly in central Wyoming to include the Wind River Reservation. Foreign national drug traffickers transported multiple-pound quantities of methamphetamine to the area approximately every two weeks. In turn, they laundered money back to their home country. The investigating agents and I prepared and obtained several court-authorized intercept orders, which revealed the details of these organizations and how they operated together. One trafficker used his status as a significant source of supply to sexually abuse at least one minor female in exchange for methamphetamine. He was aided and abetted by several tribal members who also received methamphetamine from this source. Members of these related drug organizations were indicted on various federal violations to include drug, firearm, money laundering, and immigration offenses. More than 50 defendants were convicted and sentenced to various terms of imprisonment ranging from 33 months to 30 years. I prosecuted these matters from approximately 2006 until 2008 in my capacity as an Assistant United States Attorney. My role was as the chief prosecutor. I assisted with the investigation, presented each case to the grand jury, negotiated the plea agreements, and appeared in court for the plea and sentencing hearings.

Judge:

Honorable William F. Downes, Chief Judge (Retired)
United States District Court, District of Wyoming

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United States v. Hermosillo, et al., No. 06-cr-139-D (D. Wyo.):

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United States v. Hermosillo, et al., No. 06-cr-161-D (D. Wyo.):

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Richard Bruce Lipka (Deceased)

4. *United States v. Goodman et al.*, No. 05-cr-132-D (D. Wyo.); *United States v. Goodman et al.*, No. 05-cr-133-D (D. Wyo.); *United States v. Goodman*, 145 F. App'x 282 (10th Cir. 2005); *United States v. Goodman*, 337 F. App'x 756 (10th Cir. 2009); *United States v. Griebel*, 312 F. App'x 93 (10th Cir. 2008).

This was a federal prosecution of a drug trafficking organization that conducted the illicit distribution of methamphetamine, marijuana, and prescription drugs on the Wind River Reservation in central Wyoming. The Goodman drug trafficking operation was comprised predominately of family members to include the grandparents, parents, and children – more than 20 family members were involved. The investigation included the use of several court-authorized intercepts. The investigation revealed the Goodmans served 20 to 50 drug customers per day from one residence located on the Reservation. The principal source of the drugs was a man who transported the drugs from Mexico to the Reservation. All defendants were convicted and sentenced. Of significance was the

involvement of a family member who served as a tribal court judge at the time of her arrest. As an aider and abettor, she received a sentence of 63 months. Other sentences ranged from one year to 30 years. I prosecuted these matters from approximately 2005 until 2007 in my capacity as an Assistant United States Attorney. My role involved investigating the case, preparing and presenting the court-authorized intercept orders to the court, negotiating plea agreements, trying a two-week trial before a jury, and appearing at the plea and sentencing hearings.

Judge:

Honorable William F. Downes, Chief Judge (Retired)
United States District Court, District of Wyoming

Opposing Counsel:

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5. *United States v. Jimenez et al.*, No. 04-cr-107-D (D. Wyo.); *United States v. Cano-Varela*, 497 F.3d 1122 (10th Cir. 2007); *United States v. Parra*, 366 F. App'x 954 (10th Cir. 2010); *United States v. Parra*, 414 F. App'x 167 (10th Cir. 2011).

This was a federal prosecution of a drug trafficking organization that conducted the illicit distribution of methamphetamine and marijuana in central Wyoming and western Nebraska. Thirty-four defendants were charged in one indictment – the largest ever in Wyoming, on various drug, money laundering, and firearm related violations. The investigation included the District of Wyoming's first use of federal court-authorized intercepts. The recorded phone calls revealed that this organization transported more than 100 pounds of methamphetamine and more than 1,000 pounds of marijuana to the District of Wyoming. From there, the drugs were redistributed to numerous people in Wyoming and Nebraska. All 32 defendants apprehended were convicted and sentenced from one year to 30 years. I prosecuted this matter from 2005 to 2006 in my capacity as an Assistant United States Attorney. As the lead prosecutor, I was involved in the investigation, preparing and presenting the court-authorized intercept applications to the court, negotiating plea agreements, and appearing in court for the plea and sentencing

hearings.

Judge:

Honorable William F. Downes, Chief Judge (Retired)
United States District Court, District of Wyoming

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6. *United States v. Magallanez*, No. 02-CR-125-D (D. Wyo.), *aff'd*, 408 F.3d 672 (10th Cir. 2005).

This was a federal prosecution of a methamphetamine drug trafficker in northwestern Wyoming. Several of his associates cooperated with the government. Following a trial,

the jury convicted him of the lone offense for which he was charged. In a special interrogatory, the jury found his foreseeable drug quantity was less than that with which he was charged. At sentencing, the court found that his relevant conduct under the United States Sentencing Guidelines was in line with his initial charge. This conflict was the principal issue raised on appeal. Defendant was sentenced to 120 months based on the higher quantity rather than a range of 63 to 78 months on the lower quantity. On appeal, the Court of Appeals for the Tenth Circuit held the trial court's determination of his relevant conduct was proper despite the finding of the jury. In the wake of the Supreme Court's sentencing guidelines decision in *Booker v. United States*, 543 U.S. 220 (2005), this case was often cited by the Tenth Circuit on the issue of the required standard of proof at sentencing for matters not required to be determined by a jury. I prosecuted this case in 2003 in my role as Assistant United States Attorney. This included investigating the case, presenting it to a grand jury, trying it before a jury, arguing for an appropriate sentence, and writing the brief and arguing the case before the Tenth Circuit Court of Appeals.

Judge:

Honorable William F. Downes, Chief Judge (Retired)
United States District Court, District of Wyoming

Opposing Counsel:

Hardy Tate (Retired)

7. *State v. Kenyon*, No. 4321-COD (Fifth Judicial District, District Court, 2001), *aff'd*, 96 P.3d 1016 (Wyo. 2004).

This was a state prosecution of a first-degree murder case. Other charges included kidnapping, aggravated burglary, and battery (domestic violence). Defendant traveled from Nevada to Cody, Wyoming, and killed his estranged girlfriend's brother because he refused to reveal his sister's whereabouts. Prior to the killing, defendant attempted to duct tape the victim to a chair while pistol whipping the victim in the presence of the victim's fiancée and their two-year-old daughter. Approximately one week earlier, defendant held the girlfriend in an apartment for two days while he repeatedly assaulted her. After the homicide, defendant fled the area and was found approximately one month later in Las Vegas, Nevada. Following a two-week jury trial, defendant was convicted of all four counts, including first-degree murder. Under a new state law, he was the first defendant in Wyoming to be sentenced to life imprisonment without the possibility of parole. The matter was later appealed and affirmed by the Wyoming Supreme Court. I was the principal prosecutor and prosecuted this case from May 2001 until April 2002 in my capacity as Park County Attorney.

Judge:

Honorable Hunter Patrick, District Judge (Retired)
Fifth Judicial District Court, State of Wyoming

Co-counsel:

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Opposing Counsel:

Wyatt Skaggs (Retired)
[Formerly Lead Death Penalty Counsel for State of Wyoming Public Defender's Office]

8. *State v. Pena*, No. 4312 -COD (Fifth Judicial District, District Court, 1996), *aff'd*, 98 P.3d 857 (Wyo. 2004).

This was a state prosecution of a first-degree murder case. Defendant killed his wife with multiple gun shots to her back. He then shot his wife's brother multiple times as he ran to his sister's aid. Defendant then fled the country for five years. While on the run defendant underwent plastic surgery to his face and fingers. Five years later a tip from a family member revealed his presence in a Colorado prison while he assumed a false identity. Following a one-week jury trial, defendant was convicted of first-degree murder for the death of his wife and second-degree murder for the death of her brother. He was sentenced to life imprisonment without the possibility of parole. The case was later appealed and affirmed by the Wyoming Supreme Court. I was the principal prosecutor and was involved in the case beginning in 1996 until defendant was apprehended and sentenced in 2002.

Judge:

Honorable John Perry, District Judge
Fifth Judicial District Court, State of Wyoming

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9. *State v. Vorhies*, No. Cr-0101-5-COD (Fifth Judicial District, Circuit Court, 2001);
State v. Cannady, No. Cr-0101-4-COD (Fifth Judicial District, Circuit Court, 2001).

This was a state prosecution of two big horn sheep poachers. In December 2001, the two

defendants shot and killed two trophy sized rams. The hunting season was closed and neither man possessed a license. Prior to their demise, the sheep were well known to locals and tourists visiting the area just outside Yellowstone National Park. On the day of their crimes, the Wyoming Game and Fish Department investigators caught the two men with the decapitated heads of the animals concealed in their truck. The carcasses had been left for waste. Both men had a history of prior game and fish violations. Defendants were convicted by a jury of all charges to include wanton destruction of trophy game animals. They were each sentenced to one year in jail and ordered to pay \$16,000 in restitution. I was the lead prosecutor and prosecuted this case in 2001 and 2002 in my capacity as Park County Attorney.

Judge:

Honorable Bruce Waters, Circuit Court Judge
Fifth Judicial Circuit Court, State of Wyoming

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10. *State v. Sanchez*, No. 4194-COD (Fifth Judicial District, District Court, 1999), *aff'd*, 41 P.3d 531 (Wyo. 2002).

This was a state prosecution of a second-degree murder case. A neighborhood argument escalated. Defendant went inside a residence and came out with a wooden club that he used to strike the victim in the head. The victim fell to the ground and was ultimately escorted to his residence by friends where he died in his sleep from blunt force trauma. After two weeks of trial, a jury took 30 minutes to find defendant guilty. He was then sentenced to life imprisonment. The case was later appealed and affirmed by the Wyoming Supreme Court. I was the principal prosecutor and participated in all aspects of the case in 1999 and 2000 as the Park County Attorney.

Judge:

Honorable Hunter Patrick, District Judge (Retired)
Fifth Judicial District Court, State of Wyoming

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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.)

As a United States Magistrate Judge, I am responsible for a broad range of duties so it requires I find ways to efficiently process the cases before me. There are three activities that I have used to improve the operation of the court. First, in the early months of my tenure I adopted a new procedure for handling civil discovery disputes. The procedure entails requiring counsel to first confer about the dispute and then to call my office in an effort to work through the dispute informally. Over the years this approach has worked in approximately 80 percent of all discovery disputes. It saves the parties considerable time and money and it allows me to get to know the cases better by having informal conversations with the attorneys about their cases. The other activity I have pursued is encouraging case resolution at the earliest possible point in the litigation. This is a service I spend considerable time on by offering court involved mediations. By offering mediations to the parties, I am helping to provide certainty, cost control, closure, and client control over the outcome of their cases. The final activity I have pursued, through the willingness of the district judges, is my participation in the random assignment of civil cases. With the consent of the parties, I have helped reduce the workload of the district judges and provided trial date certainty for the parties. My consent cases have continued to grow since I took the bench in 2012.

I also take an active role in the administration of our court. The district judges include me in our regular administrative meetings. I am also tasked with overseeing the appointments of the Criminal Justice Act panel attorneys in all criminal matters. From time to time, I sit in on interviews involving the hiring of key court personnel. I also co-chair our local civil and criminal rules committee with our Chief Judge. Finally, I chair the Magistrate Judge Merit Selection Panel when considering the reappointment of our

part-time magistrate judges.

When I was initially hired as a prosecutor in the United States Attorney's Office, I was appointed to be the lead attorney for the Organized Crime and Drug Enforcement Task Force (OCDETF). As an OCDETF prosecutor, one of the most significant legal activities I was involved in was a multi-defendant prosecution on and around the Wind River Reservation. I received a DOJ national award for an outstanding investigation and prosecution of individuals bringing large quantities of drugs to our tribal communities. These outsiders preyed on tribal members with preexisting addictions. More than 80 defendants were prosecuted, including a tribal court judge. Beyond the courtroom, when serving as the U.S. Attorney, I utilized our Law Enforcement Coordinating Committee to conduct regular training for state and federal law enforcement and prosecutors. I also supported and encouraged our trainings for the people living on or near the Wind River Reservation. This opened the door for frequent conversations with tribal and community leaders. While in the U.S. Attorney's Office I also supported and facilitated an active externship program to mentor and encourage students interested in the law.

Finally, as lawyers and judges, whether inside or outside the courtroom, we have a unique and special opportunity to make a difference in the lives of others. Throughout my legal career, I have focused on improving our system of justice and improving the wellbeing of people. For instance, I helped establish a drug court in Park County, Wyoming, and initiated and served on Wyoming's prescription drug abuse task force, and most recently I have been participating in the development of our court's re-entry program for Native Americans.

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

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

From 1997 to 2002, I served as a part-time instructor at Northwest Community College in Powell, Wyoming. The course I taught provided a general background into the American criminal justice systems to include criminal procedure, investigative techniques, crime statistics, various crimes and defenses, and juvenile law. Syllabus supplied.

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

None.

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

If confirmed, I do not have any plans, commitments, or agreements to pursue outside employment.

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 a United States Magistrate Judge, I follow the federal recusal statutes and Code of Conduct for United States Judges. I assess recusal concerns in accordance with 28 U.S.C. § 455 and will continue to do so if confirmed to be a district court judge. Cases most likely to present conflict issues would be those related to my sister and brother-in-law and their law firm, and when I practiced as a government lawyer approximately ten years ago. If confirmed, I would recuse myself in any matter in which I was a government lawyer or supervising government lawyer. If confirmed to be a district court judge, I will carefully review and address any real or potential conflicts in accordance with the Code of Conduct for United States Judges and all laws, rules, and practices governing such circumstances.

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

If confirmed as a district court judge, I would continue to resolve any potential conflict of interest by adhering to the Code of Conduct for United States Judges, 28 U.S.C. § 455, and all applicable policies and procedures of the United States

Courts.

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

Because nearly all my legal career has been in public service, I have been unable to provide direct pro bono representation to disadvantaged persons. However, I have placed an emphasis on and found other meaningful ways in which to serve the public.

During my eight years in Park County, Wyoming, I participated in Law Day activities to include mock trials, arguments, and legally related topics. These events were open to the public. In addition, I regularly assisted with the judicial component of the Wyoming Girl's State program. This included assisting with mock trials and basic trial skills. Further, I served four years on the Legal Services Committee for the Wyoming Bar Association. This committee sought ways in which lawyers could improve how legal services are provided to the needy. I also donated my time to numerous boards and commissions within the community.

When I lived in Casper, Wyoming, I was a regular volunteer speaker at the People's Law School where members of the public were invited to listen about different areas of the law. My teaching focused on criminal law and procedure. In addition, I frequently spoke to school-aged children about what it means to be a lawyer.

In 2007, I spent two days filming a public television program entitled *Inside a Wyoming Jury*. This program was organized and produced by the Wyoming Bar Association and Wyoming Public Television. The one-hour program utilized a real Wyoming murder case to help educate the public on the importance of jury service in our country. I played the role of the prosecutor. The program is periodically rebroadcast on Wyoming Public Television.

Since living in Cheyenne, Wyoming, beginning in 2008, I have actively participated in various legal related activities. I have annually participated in the Liberty Day presentations in fifth grade classrooms where I taught the students about the Constitution. I also donate my time by assisting local high school students compete in the "We the People" competition. I served on the Bench-Bar Relations Committee from 2015 to 2020. And I spend considerable time during the academic year volunteering at the University of Wyoming College of Law helping students with trial and appellate advocacy.

26. **Selection Process:**

- a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and

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

On June 11, 2021, I communicated with Governor Dave Freudenthal and Governor Mike Sullivan regarding an opening on the United States District Court in our district. On June 14, 2021, I sent a letter expressing my interest for the position to Senator John Barrasso and Senator Cynthia Lummis. Over the course of the next several months I maintained communications with both Governors and the offices of both Senators regarding the position. On October 25, 2021, I was contacted by the White House Counsel's Office to set up an interview with attorneys from that office. The interview occurred on October 26, 2021. Since November 2, 2021, I have been in contact with attorneys from the White House Counsel's Office and the Office of Legal Policy at the Department of Justice. On December 19, 2023, the President announced his intent to nominate me.

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

No.