

**UNITED STATES SENATE  
COMMITTEE ON THE JUDICIARY**

**QUESTIONNAIRE FOR JUDICIAL NOMINEES**

**PUBLIC**

1. **Name**: State full name (include any former names used).  
  
Stanley Blumenfeld, Jr. (Stan Blumenfeld)
  
2. **Position**: State the position for which you have been nominated.  
  
United States District Judge, Central District of California
  
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.  
  
Los Angeles Superior Court  
Pasadena Courthouse  
300 East Walnut Street  
Pasadena, California 91101  
  
Residence: La Cañada, California
  
4. **Birthplace**: State year and place of birth.  
  
1962; Patchogue, New York
  
5. **Education**: List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.  
  
1985 – 1988, UCLA School of Law; J.D., 1988  
  
1984 – 1985, New York University; M.A., 1985  
  
1981 – 1984, Binghamton University; B.A., 1984
  
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.

2006 – present  
Los Angeles Superior Court  
Pasadena Courthouse  
300 East Walnut Street  
Pasadena, California 91101  
Judge

2009 – present  
University of Southern California  
Gould School of Law  
699 Exposition Boulevard  
Los Angeles, California 90089  
Adjunct Professor

2011 – 2014  
Southwestern Law School  
3050 Wilshire Boulevard  
Los Angeles, California 90010  
Adjunct Professor

1993 – 2006  
O'Melveny & Myers  
400 South Hope Street  
Los Angeles, California 90017  
Partner (1998 – 2006)  
Special Counsel (1996 – 1998)  
Associate (1993 – 1996)

1989 – 1996  
United States Attorney's Office  
Central District of California  
300 North Los Angeles Street  
Los Angeles, California 90012  
Assistant United States Attorney (1989 – 1993)  
Special Assistant United States Attorney (1993 – 1996)

1988 – 1989  
United States Court of Appeals for the Ninth Circuit  
The Richard H. Chambers Courthouse  
125 South Grand Avenue  
Pasadena, California 91105  
Law Clerk to the Hon. Cynthia Holcomb Hall

1987  
Mitchell Silberberg & Knupp  
11377 West Olympic Boulevard

Los Angeles, California 90064  
Summer Associate

1986  
Rogers & Wells  
(merged with Clifford Chance)  
201 North Figueroa Street  
Los Angeles, California 90012  
Summer Associate

1985  
Langtry's (Valley Stream) Restaurant  
(closed)  
2034 Green Acres Mall, Sunrise Highway  
Valley Stream, New York 11581  
Bartender

1984 – 1985  
Josh Blake Parking  
Plaza Beach Club  
(closed)  
1751 Ocean Boulevard  
Atlantic Beach, New York 11509  
Manager, Valet Crew

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

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

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

Excellence in Teaching Award, Southwestern Law School (2015)

Adjunct Professor of the Year Award, USC School of Law (2014 – 2015)

Outstanding Healthcare Litigators of the Year (one of twelve), Nightingale's Healthcare News (2003)

Commendation Letter, FBI Director, for Work as Special Assistant U.S. Attorney (1996)

Commendation Letter, U.S. Department of Justice, for Superior Performance as

Instructor of Appellate Advocacy Course (1992)

U.S. Department of Justice Special Achievement Award for Superior Performance (1991)

Ranked 10th of 302 in Graduating Class, UCLA Law School (1988)

Order of the Coif, UCLA Law School (1988)

Editor-in-Chief, UCLA Law Review (1987 – 1988)

Staff Member, UCLA Law Review (1986 – 1987)

Hortense Fishbaugh Memorial Scholarship, UCLA Law School (1987)

Richard T. Drukker Prize, UCLA Law School (1987)

Corpus Juris Secundum Award, UCLA Law School (1987)

American Jurisprudence Prize Award in Wills & Trusts, UCLA Law School (1987)

American Jurisprudence Prize Award in Business Associations, UCLA Law School (1986)

American Jurisprudence Prize Award in Torts, UCLA Law School (1985)

Claudia L. Bernardo Award for Excellence in Humanities, Binghamton University (1984)

Phi Beta Kappa, Binghamton University (1984)

Outstanding Academic Performance in Harpur College, Binghamton University (1984)

Certificate of Outstanding Performance in Anthropology/Linguistics, Binghamton University (1983)

I also was specially recognized by a number of federal agencies for the work I did as an Assistant and Special Assistant U.S. Attorney.

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

American Bar Association (2004 – 2009, 2016 – present)

American Judges Association (2006 – 2010)

California Judges Association (2006 – present)

Los Angeles County Bar Association (2001 – 2011)  
Complex Courts Committee (2001)

Los Angeles Superior Court  
Criminal Court Committee (2008 – 2014)  
Criminal Psychiatrist/Psychologist Committee (2016 – present)  
Executive Committee (2011 – 2012)  
Research Attorney Committee (2009 – 2011)  
Technology Committee (2008 – 2012, 2015 – present)  
Trial Jurors Committee (2013 – present)  
Vice Chair (2018 – present)

10. **Bar and Court Admission:**

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

California, 1989

Membership lapsed in 2006 when I became a judge.

- 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.

U.S. Court of Appeals for the Ninth Circuit, 1989  
U.S. Court of Appeals for the Eleventh Circuit, 2001  
U.S. District Court for the Central District of California, 1989  
U.S. District Court for the Northern District of California, 1993  
U.S. District Court for the Eastern District of California, 1996

Memberships lapsed in 2006 when I became a judge.

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.

La Cañada Flintridge Country Club (1998 – 2016)

United States Trotting Association (2001 – 2007)

California Harness Horsemen's Association (2001 – 2006)

California Governor's Advisory Panel on Hate Groups (1999 – 2000)  
Co-General Counsel

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

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

**12. Published Writings and Public Statements:**

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

*Artful Pleading and Removal Jurisdiction: Ferreting Out the True Nature of a Claim*, 35 UCLA L. Rev. 315 (1987). 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.

Final Report, Governor's Advisory Panel on Hate Groups (January 2000). Copy supplied.

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

None.

- 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.

Below is a list of speaking events I am able to recall after a review of my files and the Internet. There may be others that I am unable to remember.

July 31, 2018: Speaker to a group of law students from the University of Southern California Law School, Pasadena Courthouse of the Los Angeles Superior Court, Pasadena, California. After the law students observed court proceedings, I led a brief discussion about the proceedings and the court and answered questions. I have no notes, transcript, or recording. The address of the University of Southern California Law School is 699 West Exposition Blvd, Los Angeles, California 90089.

May 2016 (approximate): Speaker to group of middle-school students visiting the California Court of Appeal (Second District), Los Angeles, California. The presentation was an overview of the trial and appellate courts followed by a question-and-answer session. I have no notes, transcript, or recording, and I do not recall the name of the middle school. The address for the California Court of Appeal (Second District) is 300 South Spring Street, Los Angeles, California 90013.

July 30 – July 31, 2015: Speaker to a group of law students from the University of Southern California Law School, Pasadena Courthouse of the Los Angeles Superior Court, Pasadena, California. After the law students observed court proceedings, I led a brief discussion about the proceedings and the court and answered questions. I have no notes, transcripts, or recordings. The address of the University of Southern California Law School is 699 West Exposition Blvd, Los Angeles, California 90089.

March 24, 2015: Speaker to a group of law students from Southwestern Law School, Pasadena Courthouse of the Los Angeles Superior Court, Pasadena, California. PowerPoint supplied.

Approximately 2012 – 2014: Speaker to groups of law students from the Southwestern Law School, Pasadena Courthouse of the Los Angeles Superior Court, Pasadena, California. In each event, after the law students observed court proceedings, I led a brief discussion about the proceedings and the court and

answered questions. This occurred approximately once a year during this time period. I have no notes, transcripts, or recordings. The address of the Southwestern Law School is 3050 Wilshire Boulevard, Los Angeles, California 90010.

June 23, 2011: Speaker, Brown Bag Lunch, Pasadena Bar Association, Pasadena, California. PowerPoint supplied.

October 26, 2001: Speaker, Fourth Annual Judges Symposium on the Law, Economics, and Public Policy of Health Care, Law and Organizational Economics Center, Chapman University, Orange, California. I spoke about class actions against managed care plans. Press coverage supplied. I have no notes, transcript, or recording. The address of the Law and Organizational Economics Center, Chapman University is One University Drive, Orange, California 92866.

March 21 – 22, 2001: Moderator, Second Annual Employers' Summit on Health Care, Bureau of National Affairs' Institute of Management and Administration and the International Business Forum, Washington, D.C. I moderated a panel of healthcare litigators discussing emerging issues affecting the healthcare plans employers choose, including ERISA preemption and HMO liability issues. Brochure supplied. I have no notes, transcript, or recording. The address of the International Business Forum is 100 Merrick Road, Rockville Center, New York 11570.

Approximately 2000: Panelist, Industry Conference, Washington, D.C. I gave an overview of California's Safe Drinking Water and Toxic Enforcement Act, created by Proposition 65, for a non-lawyer audience. I have no notes, transcript, or recording. I cannot recall the specific conference or event sponsor.

- 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.

*Principled Dissent*, Daily Journal (Los Angeles), Oct. 2, 2018. Copy supplied.

*Judicial Profile*, Daily Journal, May 11, 2016. Copy supplied.

*Southwestern Law School Names Parrish Interim Dean*, Metropolitan News-Enterprise, June 12, 2012. Copy supplied.

*Judicial Profile*, Daily Journal, Mar. 30, 2007. Copy supplied.

*Nominee Has History with Ninth Circuit*, The Recorder, Feb. 10, 2006. Copy supplied.



*HMO Postmortem; Bar Talk*, The American Lawyer, Oct. 2003. Copy supplied.

*Clashing laws bedevil police: COURT: A federal judge's ruling appears to conflict with a policy on citizens' arrests*, Press-Enterprise (Riverside, California), Aug. 12, 2001. Copy supplied.

*Federal Judge Throws Out O.J. Simpson Lawsuit*, Associated Press, Apr. 25, 2000. Copy supplied. Reprinted in multiple outlets.

*U.S. Judge Dismisses Simpson Suit Seeking Phone Call Records*, Los Angeles Times, Apr. 25, 2000. Copy supplied.

*O.J. Simpson*, City News Service, Apr. 24, 2000. Copy supplied.

*RICO Forfeitures Held Invalid in Obscenity Cases*, The Recorder, Mar. 13, 1992. Copy supplied.

*U.S. Wins Delay in Submitting Revised Census Data*, Daily News of Los Angeles, Aug. 17, 1991. 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.

2006 – present  
Los Angeles Superior Court  
Judge

On June 20, 2006, I was appointed a Los Angeles Superior Court Judge by Governor Schwarzenegger. The Los Angeles Superior Court is a state trial court with jurisdiction over state-law matters in Los Angeles County, including criminal, civil, family, juvenile, probate, and traffic cases. I took the oath of office on September 1, 2006. In June 2008, I was elected by the citizens of Los Angeles County to a six-year term on the court. In June 2014, I was re-elected to another six-year term.

Since taking the bench, I primarily have presided over criminal cases. My assignments have included: a misdemeanor pretrial and trial court; a felony preliminary hearing court; a felony long-cause trial court; and a felony pretrial and trial court. Throughout my career on the bench, however, I also have regularly presided over civil cases, hearing motions and conducting bench and jury trials. In addition, I sat in a probate court periodically from 2011 to 2013. In my current assignment, I preside over both criminal and civil jury trials in addition to hearing a felony pretrial calendar.

From 2011 to 2012, I served as a representative on the Executive Committee, the decision-making body of the Los Angeles Superior Court. From 2012 to 2013, I served as the supervising site judge in the Alhambra Courthouse, with oversight responsibilities

for the courthouse, including seven judicial departments. Since 2016, I have served as assistant supervising judge of the Northeast and North Central Districts, with oversight responsibilities for four courthouses (Pasadena, Alhambra, Glendale, and Burbank), which have thirty-six judicial departments.

2015 – 2016  
California Court of Appeal  
Judge, Pro Tem

I was assigned by the Chief Justice of the California Supreme to sit in Division 7 of the Second District of the California Court of Appeal from December 2015 to June 2016. The Second District of the California Court of Appeal has jurisdiction over appeals from the trial courts in the counties of Los Angeles, Ventura, Santa Barbara, and San Luis Obispo. Division 7 in that district hears appeals from Los Angeles County.

As a judge on the Court of Appeal, I served on panels that heard appeals from the Los Angeles Superior Court in criminal, civil, family, juvenile, and probate cases. I participated in oral argument, authored decisions, and reviewed opinions authored by others. I also participated in hearing a variety of writs filed by applicants.

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

I would estimate that I have presided over 200 trials, but I have presided over hundreds of other cases that have gone to judgment by means other than trial.

- i. Of these, approximately what percent were:

jury trials:	65%
bench trials:	35%
civil proceedings:	35%
criminal proceedings:	65%

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

The Los Angeles Superior Court does not maintain a readily accessible central repository to locate all of my rulings, and trial court rulings are generally not published. The following is a list of my opinions while sitting by assignment on the California Court of Appeal:

*A. D'Angelo & Sons, Inc. v. Annex Group Inc.*, No. B261785, 2016 WL 3397128 (Cal Ct. App. 2016).

*Allstate Ins. Co. v. Shawa*, No. B257459, 2016 WL 245458 (Cal Ct. App. 2016).

*Asha Vico S.L. v. Wellspring Industry, Inc.*, No. B260766, 2016 WL 1601891 (Cal Ct. App. 2016).

*CBRE, Inc. v. Mission Viejo Gateway, Inc.*, No. B255934, 2016 WL 3397580 (Cal Ct. App. 2016).

*Cvetkovic v. Cvetkovic*, No. B256815, 2016 WL 892077 (Cal Ct. App. 2016).

*Dushman v. Southern California Gas Co.*, No. B256291, 2016 WL 2908024 (Cal Ct. App. 2016).

*Frawley v. Los Angeles County MTA*, No. B254562, 2016 WL 1601801 (Cal Ct. App. 2016).

*In re Daniel G.*, No. B265830, 2016 WL 633331 (Cal Ct. App. 2016).

*In re Roman C.*, No. B260842, 2016 WL 2908432 (Cal Ct. App. 2016).

*In re Watson*, No. B259946, 2016 WL 3193481 (Cal Ct. App. 2016).

*J-M Mfg. Co. v. Phillips & Cohen LLP*, 247 Cal Ct. App. 4th 87 (2016).

*People v. Alfrey*, No. B262979, 2016 WL 1602030 (Cal Ct. App. 2016).

*People v. Cabrera*, No. B259041, 2016 WL 2908417 (Cal Ct. App. 2016).

*People v. Clutter*, No. B257359, 2016 WL 1601660 (Cal Ct. App. 2016).

*People v. Fedalizo*, 246 Cal Ct. App. 4th 98 (2016).

*People v. Johnson*, No. B265665, 2016 WL 633416 (Cal Ct. App. 2016).

*People v. Jordan*, No. B266549, 2016 WL 3074254 (Cal Ct. App. 2016).

*People v. Love*, No. B252984, 2016 WL 1237146 (Cal Ct. App. 2016).

*People v. McCarter*, No. B255174, 2016 WL 3394472 (Cal Ct. App. 2016).

*People v. Minjares*, No. B265055, 2016 WL 3394414 (Cal Ct. App. 2016).

*People v. Morales*, No. B253249, 2016 WL 633787 (Cal Ct. App. 2016).

*People v. Newman*, No. B265945, 2016 WL 3196750 (Cal Ct. App. 2016).

*People v. Perez*, No. B262828, 2016 WL 1223509 (Cal Ct. App. 2016).

*People v. Preciado*, No. B256045, 2016 WL 509493 (Cal Ct. App. 2016).

*People v. Sanudo*, No. B264241, 2015 WL 9196145 (Cal Ct. App. 2015).

*People v. Seals*, No. B260985, 2016 WL 3342606 (Cal Ct. App. 2016).

*People v. Shirley*, No. B262383, 2016 WL 3397210 (Cal Ct. App. 2016).

*People v. Topper*, No. B260569, 2016 WL 3396239 (Cal Ct. App. 2016).

*People v. Villegas*, No. B257830, 2016 WL 878892 (Cal Ct. App. 2016).

*Rogers v. Automobile Club of So. Cal.*, No. B256085, 2016 WL 1253528 (Cal Ct. App. 2016).

*Smith v. Moghaddam*, No. B254775, 2016 WL 519869 (Cal Ct. App. 2016).

*Zadok v. Tarzana Springs, LLC et al.*, No. B252781, 2016 WL 542530 (Cal Ct. App. 2016).

- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature 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 (3) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

(1) *John Guerrero v. Whittier Unified High School Dist.*, No. BC562622 (L.A. Sup. Ct.).

I presided over this civil jury trial involving a claim of a sports injury to a child's head resulting from negligent coaching. The plaintiff sought several million dollars in damages. The jury found approximately \$325,000 in damages, but also concluded that plaintiff was partially at fault. The parties settled the case following the verdict. Minute order supplied.

Counsel for Plaintiff

Mark Geragos  
Geragos & Geragos  
644 South Figueroa Street  
Los Angeles, California 90017  
(213) 625-3900

Brian Kabateck  
Christopher Noyes  
Kabateck LLP

633 West Fifth Street  
Los Angeles, California 90017  
(866) 266-1800

Counsel for Defendant

Linda Bauermeister  
Robert Kostrenich  
Barber & Bauermeister  
1551 North Tustin Avenue  
Santa Ana, California 92705  
(714) 973-1075

(2) *J-M Mfg. v. Phillips & Cohen*, 247 Cal. App. 4th 87 (2016).

This case involved an appeal from the denial of a special motion to strike a defamation and trade libel complaint. The complaint arose out of a press release following a jury verdict in a federal lawsuit. The trial court denied the motion; and the Court of Appeal reversed. The majority concluded that the contents of the press release were protected as a matter of law; I concluded in dissent that the defamation question was one for the jury.

Counsel for Plaintiff/Respondent

Anthony Glassman  
Glassman Media Group, Inc.  
360 North Bedford Drive  
Beverly Hills, California 90210  
(310) 278-5100

Counsel for Defendant/Appellant

Richard Kendall  
Kendall Brill & Kelly LLP  
10100 Santa Monica Boulevard, Suite 1725  
Los Angeles, California 90067  
(310) 272-7900

(3) *People v. Campbell*, No. GA070740 (L.A. Sup. Ct.), *aff'd*, No. B243700, 2014 WL 1326589 (Cal. Ct. App. 2014).

I presided over a criminal jury trial in which the defendant was charged with murder and the sale of marijuana. The People principally alleged that the defendant killed his ex-girlfriend by using a chokehold and then concealed her body in a trash can with kitty litter that caused her body to mummify. The jury found the defendant not guilty of the murder charge but convicted him of the

lesser offense of voluntary manslaughter. The defendant was also convicted of the sale of marijuana. The judgment was affirmed on appeal. Minute order supplied.

Counsel for People

Steven Ipson  
Deputy District Attorney (now Commissioner)  
1040 West Avenue J  
Lancaster, California 93534  
(661) 483-5930

Counsel for Defendant

James J. Duffy  
Deputy Public Defender  
11234 East Valley Boulevard, Suite 113  
El Monte, California 91731  
(626) 575-4174

(4) *People v. Dorsey*, No. GA083947 (L.A. Sup. Ct.), *aff'd*, No. B252126, 2015 WL 1133130 (Cal. Ct. App. 2015).

I presided over a criminal jury trial in which the defendant was charged with murder and premeditated attempted murder resulting in great bodily injury. The People alleged that the defendant repeatedly stabbed and killed his wife and seriously beat his wife's sister using another dangerous and deadly weapon. The jury convicted the defendant of the murder of his wife; the jury found the defendant not guilty of premeditated attempted murder of the sister but guilty of the lesser included offense of attempted voluntary manslaughter with resulting great bodily injury. The judgment was affirmed on appeal. Minute order supplied.

Counsel for People

David Ayvazian  
Deputy District Attorney  
211 West Temple Street  
Los Angeles, California 90012  
(213) 257-2040

Counsel for Defendant

Frederick W. Brennan  
Deputy Public Defender (retired)  
2093 Touraine Lane

Half Moon Bay, California 94019  
(650) 713-5155 (unsure)

(5) *People v. Duarte*, No. GA089555 (L.A. Sup. Ct.), *aff'd*, No. B282474, 2018 WL 3725233 (Cal. Ct. App. 2018).

I presided over a criminal jury trial in a case in which the defendant was charged with, and convicted of, first degree murder by multiple stab wounds. The judgment was affirmed on appeal. Minute order supplied.

Counsel for People

Damiana Mundorff  
Deputy District Attorney  
300 East Walnut Street  
Pasadena, California 91101  
(626) 356-5620

Counsel for Defendant

Peter Oliverez  
Deputy Public Defender  
300 East Walnut Street  
Pasadena, California 91101  
(626) 356-5620

(6) *People v. Green*, No. GA085100 (L.A. Sup. Ct.), *aff'd*, No. B253014, 2014 WL 7150500 (Cal. Ct. App. 2014).

I presided over a criminal jury trial in which the defendant was charged with murder, arson, and residential burglary. The People alleged that the defendant beat and strangled his girlfriend to death and subsequently set fire to her body in her apartment. The jury convicted the defendant on all counts. The judgment was affirmed on appeal. Minute order supplied.

Counsel for People

Pamela Usher  
Deputy District Attorney (now Los Angeles Superior Court Judge)  
900 Third Street  
San Fernando, California 91340  
(818) 256-1871

Counsel for Defendant

Thomas Lee

Deputy Alternate Public Defender  
221 East Walnut Street #240  
Pasadena, California 91101  
(626) 356-5128

(7) *People v. Robbins*, No. GA088055 (L.A. Sup. Ct.), *on appeal*, No. B283582.

I presided over a criminal jury trial in a case in which the defendant was charged with, and convicted of, two counts of murder and two counts of arson in connection with a house fire. The appeal is pending. Minute order supplied.

Counsel for People

Rachel Bowers  
Deputy District Attorney  
211 West Temple Street, Suite 1200  
Los Angeles, California 90012  
(213) 257-2225

Counsel for Defendant

Michael Pentz  
Deputy Public Defender  
211 West Temple Street, Floor 19  
Los Angeles, California 90012  
(213) 974-7064

(8) *People v. Traslavina*, No. GA091092 (L.A. Sup. Ct.), *aff'd*, No. B268597, 2017 WL 527463 (Cal. Ct. App. 2017).

I presided over a criminal jury trial in a case involving a vehicle collision that resulted in the death of one person and serious injury to two others. The defendant was charged with murder, gross vehicular manslaughter while intoxicated, driving under the influence of alcohol causing bodily injury, and driving with a blood alcohol content of .08% or more causing injury. The jury acquitted the defendant of the murder charge, but convicted him on the other counts and found true the great bodily injury allegations. The judgment was affirmed on appeal. Minute order supplied.

Counsel for People

Sonia Govea  
Deputy District Attorney  
320 West Temple Street  
Los Angeles, California 90012  
(213) 974-6757



Counsel for Defendant

Richard Hutton  
Hutton & Khalaf  
1055 East Colorado Boulevard, Suite 225  
Pasadena, California 91106  
(626) 397-9700

(9) *People v. Tauch*, No. GA078974 (L.A. Sup. Ct.) *aff'd as modified*, No. B257033, 2015 WL 5445202 (Cal. Ct. App. 2015).

I presided over a criminal jury trial in which the defendant was charged with two counts of murder, lying-in-wait special circumstances, and firearm enhancements. The People alleged that the defendant shot and killed his ex-girlfriend and her new boyfriend. The jury convicted the defendant on both counts and found true the special circumstances allegations and firearm enhancements. A copy of the minute order reflecting the conviction is attached. The judgment was affirmed on appeal with two modifications to the sentence.

Counsel for People

David Ayvazian  
Deputy District Attorney  
211 West Temple Street  
Los Angeles, California 90012  
(213) 257-2040

Counsel for Defendant

Jesus Lopez  
Deputy Alternate Public Defender  
211 West Temple Street  
Los Angeles, California 90012  
(213) 974-0209

(10) *People v. Yanez*, No. GA089267 (L.A. Sup. Ct.), *aff'd*, No. B259266, 2015 WL 4880540 (Cal. Ct. App. 2015).

I presided over a criminal jury trial in a case in which the defendant was charged with, and convicted of, committing a lewd or lascivious act with a child under the age of 14, aggravated sexual assault of a child, attempted sodomy by force, and oral copulation with a child. The judgment was affirmed on appeal. Minute order supplied.

Counsel for People

Melanie Buccat  
Deputy District Attorney  
150 West Commonwealth Avenue  
Alhambra, California 91801  
(626) 308-5302

Counsel for Defendant

Matthew D. Kohn  
844 25th Street  
Santa Monica, California 90403  
(310) 828-6116

- 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) *Allstate Insurance v. Shawa*, No. B257459, 2016 WL 245458 (Cal. Ct. App. Jan. 20, 2016).

Counsel for Plaintiffs/Appellants

James J. Perkins  
Colman Law Group  
500 North Brand Boulevard, Suite 2200  
Glendale, California 91203  
(818) 546-8686

Ladell Hulet Muhlestein  
Manning & Kass, Ellrod, Ramirez, Trester LLP  
801 South Figueroa Street, 15th Floor  
Los Angeles, California 90017  
(213) 624-6900

Counsel for Defendants/Respondents

Carol K. Lucas  
Efrat M. Cogan  
Buchalter, P.C.  
1000 Wilshire Boulevard, Suite 1500  
Los Angeles, California 90017  
(213) 891-0700

(2) *Dushman v. Southern California Gas Co.*, No. B256291, 2016 WL 2908024

(Cal. Ct. App. May 16, 2016).

Counsel for Plaintiff/Appellant

Jeffrey M. Schwartz  
Schwartz Law, P.C.  
647 Camino De Los Mares, Suite 225  
San Clemente, California 92673  
(888) 730-0529

Counsel for Defendant/Respondent

Jeremy J. Gray  
Early Sullivan Wright Gizer & McRae  
6420 Wilshire Boulevard, Floor 17  
Los Angeles, California 90048  
(323) 301-4660

(3) *Frawley v. Los Angeles County Metro. Transp. Auth.*, No. B254562, 2016  
WL 1601801 (Cal. Ct. App. Apr. 19, 2016).

Counsel for Plaintiff/Respondent

David F. Tibor  
The Tibor Law Firm  
4500 Park Granada, Suite 202  
Calabasas, California 91302  
(818) 312-1529

Joseph M. Lovretovich  
JML Law  
5855 Topanga Canyon Boulevard, Suite 300  
Woodland Hills, California 91367  
(818) 610-8800

Douglas G. Benedon  
Gerald M. Serlin  
Benedon & Serlin  
22708 Mariano Street  
Woodland Hills, California 91367  
(818) 340-1950

Counsel for Defendant/Appellant

Linda B. Hurevitz  
Philip Reznik

Ballard Rosenberg Golper & Savitt  
15760 Ventura Boulevard, Floor 18  
Encino, California 91436  
(818) 508-3700

Christine T. Hoeffner  
153 South Sierra Avenue, Unit 1413  
Solana Beach, California 92075  
(818) 269-5905

(4) *J-M Mfg. Co. v. Phillips & Cohen LLP*, 247 Cal. App. 4th 87, 105 (dissent).

Counsel for Plaintiff/Respondent

Anthony Glassman  
Glassman Media Group, Inc.  
360 North Bedford Drive  
Beverly Hills, California 90210  
(310) 278-5100

Counsel for Defendant/Appellant

Richard Kendall  
Kendall Brill & Kelly LLP  
10100 Santa Monica Boulevard, Suite 1725  
Los Angeles, California 90067  
(310) 272-7900

(5) *People v. Dorsey*, No. GA083947 (L.A. Sup. Ct.). Copy supplied.

Counsel for People

David Ayvazian  
Deputy District Attorney  
211 West Temple Street  
Los Angeles, California 90012  
(213) 257-2040

Counsel for Defendant

Frederick W. Brennan  
Deputy Public Defender (retired)  
2093 Touraine Lane  
Half Moon Bay, California 94019  
(650) 713-5155 (unsure)

(6) *People v. Fedalizo*, 246 Cal. App. 4th 98 (2016).

Counsel for People /Respondent

Mary Sanchez  
Noah Paul Hill  
Deputy Attorneys General  
300 South Spring Street  
Los Angeles, California 90013  
(213) 269-6000

Counsel for Defendant/Appellant

Richard B. Lennon  
California Appellate Project  
520 South Grand Avenue, 4th Floor  
Los Angeles, California 90071  
(213) 243-0300

(7) *People v. Love*, No. B252984, 2016 WL 1237146 (Cal. Ct. App. Mar. 29, 2016).

Counsel for People /Respondent

Marc A. Kohm  
Kathy S. Pomerantz  
Deputy Attorneys General  
300 South Spring Street  
Los Angeles, California 90013  
(213) 269-6000

Counsel for Defendant/Appellant

Carlo Andreani  
582 Market Street, Suite 811  
San Francisco, California 94104  
(415) 398-9870

(8) *People v. Seals*, No. B260985, 2016 WL 3342606 (Cal. Ct. App. June 8, 2016).

Counsel for People /Respondent

Michael R. Johnsen  
Wyatt E. Bloomfield  
Deputy Attorneys General

300 South Spring Street  
Los Angeles, California 90013  
(213) 269-6000

Counsel for Defendant/Appellant

Christian C. Buckley  
9921 Carmel Mountain Road # 355  
San Diego, California 92129  
(858) 538-6054

(9) *People v. Tauch*, No. GA078974 (L.A. Sup. Ct.). Copy supplied.

Counsel for People

David Ayvazian  
Deputy District Attorney  
211 West Temple Street  
Los Angeles, California 90012  
(213) 257-2040

Counsel for Defendant

Jesus R. Lopez  
Deputy Alternate Public Defender  
211 West Temple Street, Floor 18  
Los Angeles, California 90012  
(213) 974-0209

(10) *Rogers v. Automobile Club of Southern California*, No. B256085, 2016 WL 1253528 (Cal. Ct. App. Mar. 30, 2016).

Counsel for Plaintiff/Appellant

Timothy G. Blood  
Leslie E. Hurst  
Blood Hurst & O'Reardon  
701 B Street, Suite 1700  
San Diego, California 92101  
(619) 338-1100

Harvey Rosenfield  
Pamela Pressley  
Consumer Watchdog  
2701 Ocean Park, Suite 112  
Santa Monica, California 90405

(310) 392-0522

Laura Antonini  
Consumer Education Foundation  
West Hollywood, California 90046  
(949) 929-2612

Counsel for Defendants/Respondents

John T. Brooks  
Sheppard Mullin Richter & Hampton  
501 West Broadway, 19th Floor  
San Diego, California 92101  
(619) 338-6500

Jessica L. MacKanes  
Shustak Reynolds & Partners  
401 West A Street, Suite 2250  
San Diego, California 92101  
(619) 696-9500

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

None of my decisions, to my knowledge or recollection, has been appealed to the United States Supreme Court.

- 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.

(1) *People v. Garcia*, No. B266805, 2017 WL 1787949 (Cal. Ct. App. May 5, 2017). I presided over a jury trial in this case in which the People filed a petition to commit the defendant to the custody of the Department of Mental Health as a sexually violent predator. The jury found the petition true, and the defendant successfully appealed based on a change in the law subsequent to the trial.

At trial, the People introduced, without objection, expert evidence that relied upon case-specific information about the defendant's prior conduct. On appeal, the defendant objected to the admission of this evidence based on a subsequent change in the law. The Court of Appeal concluded that the defendant could object for the first time on appeal because "at the time of trial, [California] Supreme Court precedent allowed for the admission of case-specific hearsay in expert testimony as a means of establishing the basis of the expert's opinion." The appellate court found that subsequent Supreme Court authority made such

evidence inadmissible, requiring reversal. Unreported decision attached.

(2) *People v. Gurrola*, No. B215857, 2010 WL 2765065 (Cal. Ct. App. July 14, 2010). I presided over a jury trial in a case in which the defendant was charged with, and convicted of, first degree murder, three counts of attempted murder, one count of aggravated assault and one count of felony cruelty to an animal, with “true” findings on related firearm and gang enhancements. The Court of Appeal affirmed the judgment in all respects other than to reverse and remand to correct sentencing errors. Unreported decision attached.

(3) *People v. Soto*, No. B250369, 2015 WL 1598079 (Cal. Ct. App. Apr. 10, 2015). I presided over a jury trial in a case in which the defendant was charged with, and convicted of, robbery, attempted robbery, commercial burglary, and possession of a firearm as a felon, with special allegations of use of a gun and prior felony convictions. The Court of Appeal affirmed the judgment in all respects except for one (on insufficient evidence grounds) — namely, the jury’s “true” finding that the defendant suffered a prior conviction and the court’s corresponding finding that the conviction was a “serious” felony within the meaning of the three strikes law. Unreported decision attached.

- 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 trial judge on the Los Angeles Superior Court, all my decisions are unpublished, and the vast majority, approximately 80% or more, are issued from the bench in open court. The decisions issued from the bench are recorded in two ways: (i) in summary form through a “minute order” prepared by my judicial assistant and stored electronically; and (ii) in complete form through stenographic notes prepared by my court reporter.

As a judge sitting by assignment on the California Court of Appeal in Division 7 of the Second District, approximately 95% of my decisions were unpublished but filed and stored electronically on Lexis and Westlaw.

- 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.

The Los Angeles Superior Court does not maintain a readily accessible central repository to locate all of my rulings. The following is a list of my available significant opinions (copies supplied):

*People v. Alvarez*, No. 7BF01814 (Apr. 23, 2007).

*People v. Banks*, No. GA087284 (Mar. 8, 2013).



*People v. Barnes*, No. GA076378 (Jan. 22, 2013).

*People v. Bloss*, No. GA096305 (May 1, 2017).

*People v. Cabrera*, No. B259041, 2016 WL 2908417 (Cal. Ct. App. 2016).

*People v. Casillas*, No. 7GN05588 (Apr. 4, 2008).

*People v. Fedalizo*, 246 Cal. App. 4th 98 (2016).

*People v. Garcia*, No. GA091466 (May 2, 2014).

*People v. Gurrola*, No. GA066930 (Feb. 9, 2009), *aff'd* (except for sentencing), No. B215857, 2010 WL 2765065 (Cal. Ct. App. July 14, 2010)

*People v. Jenkinson*, No. 7BF04164 (Nov. 20, 2007).

*People v. Love*, No. B252984, 2016 WL 1237146 (Cal. Ct. App. 2016).

*People v. Minjares*, No. B265055, 2016 WL 3394414 (Cal. Ct. App. 2016).

*People v. Nguyen*, No. GA083997 (Nov. 16, 2012).

*People v. Ochoa*, No. 7BF02414 (Aug. 8, 2007).

*People v. Quezada*, No. 7BF02600 (Aug. 23, 2007).

*People v. Rincon*, No. GA063382 (July 23, 2012).

*People v. Rivas*, No. 6BF05106 (Feb. 23, 2007).

*People v. Ross*, No. OPS01204 (Jun. 18, 2010).

*People v. Salazar*, No. 9GN00077 (July 9, 2009).

*People v. Seals*, No. B260985, 2016 WL 3342606 (Cal. Ct. App. 2016).

*People v. Smith*, No. GA074419 (May 13, 2009).

*People v. Torres*, No. 7BF03364 (Oct. 3, 2007).

*People v. Villegas*, No. 257830, 2016 WL 878892 (Cal. Ct. App. 2016).

- 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 a federal court of appeals.

14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:
- a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;
  - b. a brief description of the asserted conflict of interest or other ground for recusal;
  - c. the procedure you followed in determining whether or not to recuse yourself;
  - d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

I review every case assigned to me to determine whether there is an actual conflict, or a potential appearance thereof, and to decide whether I should disclose information that is reasonably relevant to the question of recusal, even if I conclude there is no actual basis for recusal. I can recall only one case in which I decided to recuse myself. In *People v. Tamrazian*, No. GA101152 (still pending), the husband of my judicial assistant was a potential witness in the case, and I recused myself to avoid any appearance of impropriety given that I might have been called upon to evaluate his testimony at a suppression or other hearing.

In addition to my own screening, California law has two principal mechanisms for disqualifying a judge: a party can file what is tantamount to a peremptory challenge, resulting in the automatic disqualification of a judge if the challenge is timely filed (see Cal. Civ. Proc. Code § 170.6); and a party can file a motion to disqualify for cause (see Cal. Civ. Proc. Code § 170.1).

I have received peremptory challenges over the years, but not many. I have not tracked those challenges and am unaware of any accessible mechanism to obtain that information. If a peremptory challenge is filed in my court, I follow the procedure mandated by statute: if it is timely filed, the challenge is granted. Under this automatic recusal system, I would not necessarily know if a party has filed a peremptory challenge against me if the challenge is filed in another court that assigns cases to me at the time the assignment is announced.

As for challenges for cause, I do not recall that any attorney has ever sought to disqualify me or otherwise has asked me to recuse myself. I do recall, however, three cases in which a self-represented litigant has filed a disqualification motion, as set forth below.

(1) *People v. Gibson*, No. 8GN02721. On the last day of evidence in a jury trial, the defendant, who was representing herself, filed a disqualification motion, generally asserting that I conspired with another judge and commissioner and altered and destroyed evidence, among other things. In declining to recuse myself (and finding the allegations had no merit), I followed the procedure set forth in section 170.4 of the California Code of Civil Procedure, which provides in relevant part: “[I]f a statement of disqualification is untimely filed or if on its face it discloses no legal grounds for disqualification [supported by specific facts], the trial judge against whom it was filed may order it stricken.” (Cal. Civ. Proc. Code § 170.3(c)(1); see *In re Morelli*, 11 Cal. App. 3d 819, 843 (1970).)

(2) *People v. Anderson*, No. GA098719. The defendant, who was representing himself, filed a motion to disqualify me, generally disagreeing with my rulings in his case. I followed the procedure set forth in section 170.4 of the California Code of Civil Procedure and supporting case law, striking the statement of disqualification, noting a moving party must set forth specific facts constituting grounds for disqualification and that a party’s disagreement with a court’s rulings is not a legal basis for disqualification.

(3) *Hitterer v. Dolzenko*, No. 16P03601. The defendant, who was representing herself, filed a motion to disqualify me, generally asserting that I had no jurisdiction to hear her case. Following the procedure set forth in section 170.4 of the California Code of Civil Procedure, I ordered stricken her statement of disqualification on the grounds that the motion was untimely and failed to specify facts that would support the requested relief.

**15. Public Office, Political Activities and Affiliations:**

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

None.

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

None.

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

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

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

I served as a law clerk to Judge Cynthia Holcomb Hall on the Ninth Circuit Court of Appeals from 1988 to 1989.

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

I have not practiced law alone.

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

1989 – 1996

United States Attorney's Office

Central District of California

300 North Los Angeles Street

Los Angeles, California 90012

Assistant United States Attorney (1989 – 1993)

Special Assistant United States Attorney (1993 – 1996)

1993 – 2006

O'Melveny & Myers LLP

400 South Hope Street

Los Angeles, California 90017

Partner (1998 – 2006)

Special Counsel (1996 – 1998)

Associate (1993 – 1996)

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

I have not served as a mediator or arbitrator.

b. Describe:

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

I practiced law from 1989 to 2006 in pretrial, trial, and appellate litigation before state and federal courts, mediators, and arbitrators.

From 1989 to 1993, I served as an Assistant U.S. Attorney in the Civil Division of the U.S. Attorney's office, where I represented federal agencies in the trial and appellate courts on a wide range of matters, including statutory and constitutional challenges, federal tort claims, contract law, civil forfeiture, immigration law, administrative law, federal employment law, and environmental law. I appeared in the federal trial court fairly regularly on motions, conferences, and trial and appeared in the federal appellate court to argue a number of appeals. I left the U.S. Attorney's office in 1993, although I was subsequently appointed a Special Assistant U.S. Attorney to work on a lawsuit with another government lawyer in defending the United States and an FBI agent. We tried the case before a jury in 1994; and we argued the appeal before the Ninth Circuit in 1996.

In 1993, when I entered private practice at a large law firm, I worked as trial and appellate counsel in four principal practice areas: commercial; white collar; environmental; and healthcare litigation. I served as co-chair of the healthcare practice group, which focused on class-action multi-district litigation in the healthcare industry, and as co-chair of the environmental law group. I appeared in trial and appellate courts, as I had done while I was at the U.S. Attorney's office, but on a less frequent basis.

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

From 1989 – 1993, I represented the United States and its various federal agencies and officials. I was in the general litigation section of the civil division and worked on cases assigned to me by my supervisors. Although I did not specialize, I was often assigned cases involving statutory and constitutional challenges. From 1993 – 2006, I represented individuals and companies in commercial, white collar, environmental, and healthcare litigation (in that order of concentration over time). In the last several years of my practice, I devoted substantial time to class action healthcare litigation.

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

My practice from 1989 to 2006 was exclusively in litigation. From 1989 to 1993, when I was at the U.S. Attorney's office, I appeared in federal trial courts frequently on motions, conferences, and trial and appeared in the federal appellate court to argue a number of appeals. As a Special Assistant U.S. Attorney from

1993 to 1996, I co-tried a case before a federal jury and argued an appeal before the Ninth Circuit Court of Appeals. While in private practice from 1993 to 2006, I appeared in trial and appellate courts, as I had done while I was at the U.S. Attorney's office, but on a less frequent basis.

i. Indicate the percentage of your practice in:

- |                             |     |
|-----------------------------|-----|
| 1. federal courts:          | 67% |
| 2. state courts of record:  | 33% |
| 3. other courts:            | 0%  |
| 4. administrative agencies: | 0%  |

ii. Indicate the percentage of your practice in:

- |                          |     |
|--------------------------|-----|
| 1. civil proceedings:    | 98% |
| 2. criminal proceedings: | 2%  |

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.

To the best of my recollection, I tried twelve cases during my career as a lawyer and was sole counsel on five of the cases, chief counsel on four of the cases, co-counsel on two of the cases, and associate counsel on one of the cases.

i. What percentage of these trials were:

- |              |     |
|--------------|-----|
| 1. jury:     | 33% |
| 2. non-jury: | 67% |

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

I have never practiced before the U.S. 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:

- the date of representation;
- 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) *In re Managed Care Litigation*, Master File No. 00-1334-MD.

I represented WellPoint Health Networks (and its Blue Cross/ Blue Shield subsidiaries), a defendant in multi-district litigation, from May 2000 to 2006. A class of all physicians and non-physician healthcare providers in the United States sued the major managed care companies, alleging that the defendants engaged in a RICO conspiracy and other wrongdoing. The plaintiffs challenged the business practices of these companies with a particular focus on the payment practices to providers. WellPoint entered into a settlement in 2005.

Dates of Representation: 2000 – 2006

Presiding Judge: Hon. Federico Moreno

Co-counsel

George C. Demos  
O'Melveny & Myers LLP  
400 South Hope Street  
Los Angeles, California 90071  
(213) 430-6000

Craig A. Hoover  
Hogan Lovells  
555 Thirteenth Street, NW  
Washington, D.C. 20004  
(202) 637-5600

Counsel for Plaintiffs

Joe R. Whatley, Jr.  
WhatleyKallas  
2001 Park Place North  
1000 Park Place Tower  
Birmingham, Alabama 35203  
(205) 488-1200

Archie C. Lamb, Jr.,  
Levin Papantonio, P.A.  
316 South Baylen Street  
Pensacola, Florida 32502  
(850) 435-7000

Harley S. Tropin  
Kozyak Tropin & Throckmorton  
2525 Ponce de Leon, 9th Floor  
Coral Gables, Florida 33134  
(305) 372-1800

Aaron S. Podhurst  
PodhurstOrseck  
One S.E. 3rd Avenue, Suite 2300  
Miami, Florida 33131  
(305) 358-2800

Counsel for Co-Defendant Aetna

Richard J. Doren  
Gibson Dunn  
333 South Grand Avenue  
Los Angeles, California 90071  
(213) 229-7000

Counsel for Co-Defendant Cigna

David Bono  
CLF Massachusetts  
62 Summer Street  
Boston, Massachusetts 02110  
(617) 350-0990

Counsel for Co-Defendant Coventry

V. Robert Denham  
Robins Kaplan LLP  
711 Fifth Avenue South Suite 201  
Naples, Florida 34102  
(239) 430-7070

Counsel for Co-Defendant Healthnet

Mark Filip  
Kirkland & Ellis  
300 North LaSalle  
Chicago, Illinois 60654  
(312) 862-2000

Counsel for Co-Defendant Humana



K. Lee Blalack II  
O'Melveny & Myers LLP  
1625 Eye Street, NW  
Washington, DC 20006  
(202) 383-5300

Counsel for Co-Defendant Pacificare

William E. Grauer  
Cooley LLP  
1114 Avenue of the Americas, 46th Floor  
New York, NY 10036  
(212) 479-6000

Counsel for Co-Defendant United Healthcare

Jeffrey S. Klein  
Weil, Gotshal & Manges LLP  
767 Fifth Avenue  
New York, New York 10153  
(212) 310-8000

Edward Soto  
Weil, Gotshal & Manges LLP  
1395 Brickell Avenue  
Miami, Florida 33131  
(305) 577-3100

(2) *Lai v. Merrill Lynch*, NASD DR Arb. No. 00-05094.

I represented respondent Merrill Lynch in a two-week arbitration brought by a businessman and others against Merrill Lynch, seeking \$4,500,000 and unspecified punitive damages for breach of fiduciary duty. They asserted that Merrill Lynch caused them to lose money during the stock market crash in the early 2000s by failing to properly supervise them. The panel ruled in favor of Merrill Lynch.

Dates of Representation: 2001 – 2002 (approximate)

Presiding Arbitrator: James D. Knotter

Co-counsel

Austen L. Parrish  
Maurer School of Law  
211 S. Indiana Avenue  
Bloomington, Indiana 47405

(812) 855-8885

Counsel for Petitioner

Doug J. Rovens  
Rovens Lamb LLP  
1500 Rosecrans Avenue, Suite 418  
Manhattan Beach, California 90266  
(310) 536-7830

(3) *CPW v. Verizon Wireless*, No. CV-789684.

I represented Verizon Wireless in a case in which the plaintiff asserted various contract and misrepresentation claims, alleging that Verizon Wireless caused more than \$100 million in damages to Plaintiff's retail wireless phone business. We began trial for approximately two weeks, as the judge decided motions and preliminary matters. Verizon Wireless obtained significant favorable rulings, and the case settled shortly before jury selection.

Dates of Representation: 2000 – 2002 (approximate)

Presiding Judge: Hon. Frank Cliff (Ret.)

Co-counsel

Mark C. Holscher  
Kirkland & Ellis  
Los Angeles, California 90071  
333 South Hope Street, 29th Floor  
(213) 680-8400

Counsel for Petitioner

Gary A. Angel  
177 Post Street  
San Francisco, California 94108  
(415) 788-5935

(4) *Vallier v. Jet Propulsion Laboratory*, 120 F. Supp. 2d 887 (C.D. Cal. 2000), *aff'd* (9th Cir. 2001).

I represented the defendants, Caltech and Jet Propulsion Laboratory ("JPL"), in a multi-party toxic tort action. The plaintiffs alleged that the disposal of chemicals at JPL during World War II, when JPL was designing missiles for the U.S. Army, contaminated the nearby water supply, causing the plaintiffs to get cancer and other serious illnesses. The district court denied Caltech's petition to be certified as a "government employee." The case ultimately settled.

Dates of Representation: 1997 – 2001 (approximate)

Presiding Judge: Hon. Judge C. Snyder (Ret.)

Co-counsel

James Asperger  
Quinn Emanuel Urquhart & Sullivan, LLP  
865 South Figueroa Street  
Los Angeles, California 90017  
(213) 443-3000

Counsel for Plaintiffs

Thomas V. Girardi  
1126 Wilshire Boulevard  
Los Angeles, California 90017  
(213) 262-6777

Clifford Pearson  
Pearson, Simon & Warshaw, LLP  
15165 Ventura Boulevard, Suite 400  
Sherman Oaks, California 91403  
(818) 788-8300

(5) *California CNG v. Southern California Gas*, No. CV 95-00281-JSL.

I represented Defendant Southern California Gas Company in an antitrust case challenging the Gas Company's program to develop the market for compressed natural gas vehicles. The district court granted summary judgment in favor of the Gas Company, and the Ninth Circuit affirmed.

Dates of Representation: 1995 – 2001 (approximate)

Presiding Judge: Hon. J. Spencer Letts (deceased)

Co-Counsel

Henry Thumann  
O'Melveny & Myers LLP  
1625 Eye Street, NW  
Washington, DC 20006  
(202) 383-5300

Counsel for Plaintiffs

John D. Arya  
507 East Travis Boulevard  
Fairfield, California 94533  
(818) 945-6950

Counsel for Co-Defendant Henderson Engineering

Elena R. Baca  
Paul Hastings LLP  
515 South Flower Street, 25th Floor  
Los Angeles, California 90071  
(213) 683-6000

(6) *Corcoran v. Fletcher*, No. CV 98-5817-WJR.

I represented the plaintiff in a civil rights case alleging wrongful arrest and challenging the constitutionality of the Montebello Police Department's citizen's arrest policy. The case ended in a jury verdict in favor of the plaintiff following a two to three week jury trial. The district judge then entered an order declaring the arrest policy to be unconstitutional. *Corcoran v. Fletcher*, 160 F. Supp. 2d 1085 (C.D. Cal. 2001).

Dates of Representation: 1998 – 2001 (approximate)

Presiding Judge: Hon. Judge W. Rea (deceased)

Co-counsel

Austen L. Parrish  
Maurer School of Law  
211 S. Indiana Avenue  
Bloomington, Indiana 47405  
(812) 855-8885

Counsel for Defendants

Michael R. Capizzi  
Jones & Mayer  
3777 North Harbor Boulevard  
Fullerton, California 92835  
(714) 446-1400

(7) *People v. Utai*, No. 98W050Z.

Dates of Representation: 1998 – 1999 (approximate)

Presiding Judge: Hon. David A. Thompson (now on the Court of Appeal)

I represented the defendant in a criminal case charging him with assault with a deadly weapon. After a one week trial, the jury rendered a defense verdict.

Counsel for the People

Denise E. Shaw  
78206 Varner Road, Suite D #282  
Palm Desert, California 92211  
(760) 808-9901

(8) *Ting v. United States*, No. CV 86-06610-RG.

I represented the defendants, the United States and an FBI agent, in a civil rights action. The FBI agent, as part of a SWAT team, shot the plaintiff after he attempted to shoot federal agents as they tried to arrest him. The plaintiff was rendered a quadriplegic. I was retained by the U.S. Department of Justice as a Special Assistant U.S. Attorney to try the case and work on the appeal with another government lawyer. The case ended in a defense verdict following a three-week jury trial, which was affirmed on appeal.

Dates of Representation: 1992 – 1996 (approximate)

Presiding Judge: Hon. Richard A. Gadbois (deceased)

Co-counsel

John E. Nordin  
609 Deep Valley Drive, Suite 200  
Rolling Hills Estates CA 90274  
(310) 896-2380

Counsel for Plaintiff

Mark P. Robinson (deceased)

(9) *Flores by Galvez-Maldonado v. Meese*, 942 F.2d 1352 (9th Cir. 1991).

I represented the federal government on appeal before a Ninth Circuit en banc panel. The plaintiffs brought a class action challenging the constitutionality of an INS regulatory policy governing the detention of minors pending deportation proceedings when those minors were unaccompanied by a parent, legal guardian, or adult relative at the time of their arrest. The policy allowed for the release to a parent, legal guardian or adult relative (i.e., a brother, sister, aunt, uncle, grandparent), or an adult designated by a parent or legal guardian. The plaintiffs argued that the policy should allow for the release not only to a parent, legal guardian, or adult relative, but to any other responsible adult party. The Ninth Circuit, in a split decision, agreed and found the INS regulation to be

unconstitutional. The government appealed, and the U.S. Supreme Court decided in favor of the government. *Reno v. Flores*, 507 U.S. 292 (1993).

Dates of Representation: 1990 – 1992

Presiding Judges: Hon. J. Clifford Wallace, Hon. Thomas Tang, Hon. Mary Schroeder; Hon. D.W. Nelson, Hon. William Canby, Hon. William Norris, Hon. Charles Wiggins, Hon. Melvin Brunetti, Hon. David Thompson, Hon. Edward Leavy, and Hon. Pamela Rymer

Co-counsel

Ian Fan (deceased)

Counsel for Plaintiffs

Carlos Holguin  
Peter A. Schey  
Center for Human Rights and Constitutional Law  
256 South Occidental Boulevard  
Los Angeles, California 90057  
(213) 388-8693

(10) *Adult Video Ass'n v. Barr*, 960 F.2d 781 (9th Cir. 1992).

I represented the United States in a lawsuit brought by the Adult Video Association seeking a declaration that federal RICO's criminal provisions are facially unconstitutional when enforced against obscenity offenses. The United States obtained a dismissal in the district court. The Ninth Circuit affirmed in part and reversed in part. The U.S. Supreme Court granted certiorari and vacated the judgment. *Reno v. Adult Video Ass'n*, 113 S. Ct. 3028 (1993). On remand, the Ninth Circuit affirmed in part and reversed in part. The panel, following a Supreme Court decision issued after the panel's original opinion, reversed its ruling with respect to post-trial criminal forfeiture provisions.

Dates of Representation: 1990 – 1993

Presiding Judges: Hon. Thomas Tang, Hon. Stephen Reinhardt, and Hon. Charles Wiggins

Counsel for Plaintiff

John H. Weston  
Weston, Garrou & Mooney  
12121 Wilshire Blvd, Suite 525  
Los Angeles, California 90025  
(310) 442-0072

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.)

My most significant outside legal activities have involved teaching and serving as a judge in moot court competitions. I have taught at two different law schools, and for a period of time, I taught all year round, including the summer. Throughout the years, I also have served on panels for moot court competitions. On the court, I have served in leadership roles, including as the supervising site judge of the Alhambra courthouse and the assistant supervising judge for two districts (which include the Glendale, Burbank, Alhambra, and Pasadena courthouses).

When I was in private practice, former Secretary of State Warren Christopher invited me to serve as co-general counsel for a blue ribbon panel he co-chaired with former Governor George Deukmejian. Then-Governor Gray Davis asked this panel to conduct a comprehensive study of the laws relating to hate groups and to prepare a report with proposals for combating the threat posed by such groups, including constitutionally permissible changes in the law. The panel published its report in January 2000 with recommendations in the areas of legislation, education, and law enforcement, among others.

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.

Criminal Law & Procedure, University of Southern California Law School, 2013 – present. This class is an introduction to criminal law and constitutional criminal procedure as part of a summer program for students who generally go on to pursue a Masters of Law (LLM) degree. I do not have a syllabus for this class.

Trial Advocacy, University of Southern California Law School, 2013 – present. This class is an introduction to trial advocacy as part of a summer program for students who generally go on to pursue a Masters of Law (LLM) degree. I do not have a syllabus for this class.

Constitutional Criminal Procedure, University of Southern California Law School, 2013 – 2017. This course explored the constitutional doctrines that limit the authority of police and prosecutors in the investigation and prosecution of crimes. The principal topics covered in the course included search and seizure, confessions, and the right to counsel. Syllabus attached.

Remedies, University of Southern California School of Law, 2009 – 2014. This course explored the civil law of remedies, including: (i) compensatory damages; (ii) punitive damages; (iii) coercive remedies; (iv) restitutionary remedies; and (v) ancillary remedies. Syllabus attached.

Constitutional Criminal Procedure, Southwestern Law School, 2011 – 2014. This course explored the constitutional doctrines that limit the authority of police and prosecutors in the investigation and prosecution of crimes. The principal topics covered in the course included search and seizure, confessions, and the right to counsel. Syllabus attached.

Legal Research & Writing, Teaching Assistant, UCLA Law School, 1987. I assisted in teaching a course on legal research and writing to first-year law students. I do not have a syllabus for this course.

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

None.

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

No.

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

See attached Financial Disclosure Report.

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

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

- a. Identify the family members or other persons, parties, categories of litigation, and financial arrangements that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain



how you would address any such conflict if it were to arise.

My daughter, Carolyn Small, is an Assistant United States Attorney in the Central District of California. If confirmed, I would establish a screening procedure to identify, and avoid presiding over, any case in which she represents, or has represented, the government. The only other potential conflict of interest that might arise would be in a case involving a company in which I own stock or a similar financial interest. If confirmed, I would consider divesting my interest in individual securities and would disclose my interest in any investment to the parties. In all events, I would follow applicable ethical rules and guidelines in determining whether to recuse myself and/or disclose potential conflicts of interests to the parties.

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

If confirmed, I will review each case for any actual or potential conflicts following all applicable laws, rules, and guidelines, including 28 U.S.C. § 455 and Canon 3 of the Code of Conduct for United States Judges.

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.

When I was in private practice, I worked on a number of pro bono matters, both as an attorney directly responsible for the work and as a supervising attorney overseeing the work. I do not recall all such matters, but I do remember representing an indigent criminal defendant who was acquitted of assault charges after a one-week jury trial. I also generally recall supervising other attorneys on one or more cases assigned to O'Melveny & Myers by the Ninth Circuit's pro bono program, including an immigration appeal by an individual who was denied asylum and withholding of removal. In addition, I served as co-general counsel for the California Governor's Advisory Panel on Hate Groups co-chaired by former Secretary of State Warren Christopher and former Governor George Deukmejian (1999 – 2000). This panel focused on the threat posed to victims of hate groups and proposed ways to combat that threat.

I do not recall the amount of time I spent on each pro bono matter, but I do remember devoting approximately two full weeks preparing for and trying the criminal case and many additional hours on pretrial proceedings. I also remember devoting numerous hours conducting research, attending meetings, and assisting in the preparation of the final report of the Governor's Advisory Panel on Hate Groups.

26. **Selection Process:**

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

In August 2017, an official from the White House Counsel's Office contacted me to ask if I had an interest in a judicial position. On September 7, 2017, I interviewed with attorneys from the White House Counsel's Office and the Office of Legal Policy at the Department of Justice. Since that time, I have been in contact with officials from the White House Counsel's Office and the Office of Legal Policy at the Department of Justice. I interviewed with members of Senator Feinstein's Judicial Advisory Commission on November 9, 2017, and on July 13, 2018, and with members of Senator Harris's Judicial Advisory Commission on June 25, 2018. On October 10, 2018, the White House announced that the President intended to nominate me, and on November 13, 2018, the President submitted my nomination to the Senate. On January 3, 2019, the Senate returned my nomination under Rule XXXI. On January 30, 2019, the President announced his intent to renominate me, and on February 6, 2019, the President submitted my nomination to the Senate.

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

No.