

January 9, 2023

By Email: [Phillip Brest@judiciary-dem.senate.gov](mailto:Phillip_Brest@judiciary-dem.senate.gov);  
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The Honorable Richard J. Durbin  
Chairman  
Committee on the Judiciary  
United States Senate  
Washington, D.C. 20515

The Honorable Charles E. Grassley  
Ranking Member  
Committee on the Judiciary  
United States Senate  
Washington, D.C. 20515

The Honorable Lindsey Graham  
Incoming Ranking Member  
Committee on the Judiciary  
United States Senate  
Washington, D.C. 20515

Re: The Honorable Robert Kirsch, J.S.C.  
Judicial Nominee to the United States District Court  
for the District of New Jersey

Dear Chairman Durbin, Ranking Member Grassley and Incoming Ranking Member Graham:

The undersigned have served as United States Attorney and as Assistant United States Attorneys for the District of New Jersey, as well as being experienced defense counsel in white collar criminal matters. Over the many years of our practice in New Jersey we have come to observe the Honorable Robert Kirsch, initially when he was an Assistant United States Attorney, and later as a Superior Court Judge sitting in Union County, New Jersey.

We interacted with Judge Kirsch when he led the investigation and prosecution of Medi-Hut, a publicly traded health care company, and its senior officials in a \$100 million securities fraud case. At the time, it may have been the largest stock fraud case in the United States. Medi-Hut was a small cap stock traded on the NASDAQ Exchange. Medi-Hut distributed medical devices as well as brand-name and generic over the counter and prescription drugs. Medi-Hut's corporate officers, including its chief executive officer, chief financial officer and its chief operating officer all participated in a scheme involving sham transactions which inflated revenue by creating false and inflated accounts receivable. Judge Kirsch's attention to detail and understanding of accounting principles enabled him to simplify the overwhelming evidence and

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convinced each of the defendants to plead guilty. Judge Kirsch's excellent work in marshalling the evidence compelled each defendant to negotiate a plea agreement to limit their exposure to incarceration rather than risk being found guilty after a trial and facing severe punishment. The guilty pleas included conspiracy to commit securities fraud and making false statements to the SEC.

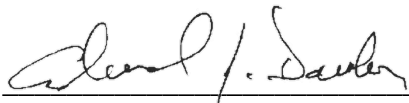
Judge Kirsch conducted the negotiations on behalf of the United States with the highest degree of professionalism, protecting the government's vital interests but in a manner that was respectful of counsel and while taking into account our clients' acknowledgment of guilt and remorse.

As a member of the Superior Court of the State of New Jersey, Judge Kirsch has demonstrated that he is even-handed, calm, studious, a hard worker exemplifying the best in our state court. Judge Kirsch is respectful of all litigants and their counsel. He has impeccable judgment and his judicial temperament is laudable. We heartily recommend Judge Kirsch for your consideration to promptly confirm the President's nomination of him to the United States District Court for the District of New Jersey.

We are available to respond to any questions your staff may have.

Thank you for your generous consideration of Judge Kirsch.

Respectfully,



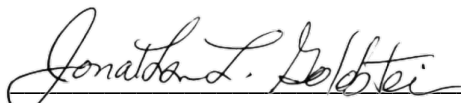
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