

**UNITED STATES SENATE  
COMMITTEE ON THE JUDICIARY**

**QUESTIONNAIRE FOR JUDICIAL NOMINEES**

**PUBLIC**

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

Jeffery Paul Hopkins

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

United States District Judge for the Southern District of Ohio

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 Bankruptcy Court for the Southern District of Ohio  
221 East Fourth Street, Atrium Two, Suite 800  
Cincinnati, Ohio 45202

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

1960; Camilla, Georgia

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.

1982 – 1985, The Ohio State University, College of Law; J.D., 1985

1978 – 1982, Bowdoin College; A.B., 1982

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.

1996 – present

United States Bankruptcy Court for the Southern District of Ohio  
221 East Fourth Street, Atrium Two, Suite 800  
Cincinnati, Ohio 45202

United States Bankruptcy Judge

1990 – 1996

U.S. Attorney's Office for the Southern District of Ohio  
303 Marconi Boulevard #200  
Columbus, Ohio 43215  
Chief of the Civil Division (1993 – 1996)  
Chief of the Financial Litigation Unit (1992 – 1993)  
Assistant United States Attorney (1990 – 1996)

1987 – 1990

Squire Patton Boggs  
2000 Huntington Center  
41 South Street  
Columbus, Ohio 43215  
Associate

1986 – 1987

United States Court of Appeals for the Sixth Circuit  
United States Courthouse  
100 East Fifth Street  
Cincinnati, Ohio 45202  
Law Clerk for the Honorable Alan E. Norris

1985 – 1986

Ohio Court of Appeals for the Tenth District  
373 South High Street, Floor 23  
Columbus, Ohio 43215  
Law Clerk for the Honorable Alan E. Norris

Teaching Affiliations:

1998 – 2011 (intermittently)

University of Cincinnati  
College of Law  
P.O. Box 210040  
Cincinnati, Ohio 45221-0040  
Adjunct Law Professor (uncompensated)

Other Affiliations (uncompensated):

2022 – present

American College of Bankruptcy  
P.O. Box 249  
Stanardsville, Virginia 22973

Vice President

2018 – present  
National Underground Railroad Freedom Center  
50 Freedom Way  
Cincinnati, Ohio 45202  
Director

2016 – present  
Law and Leadership Institute  
303 East Broad Street  
Columbus, Ohio 43215  
President

2012 – present  
Cincinnati Museum Center  
1301 Western Avenue  
Cincinnati, Ohio 45203  
Immediate Past-Chair (2022 – present)  
Chair (2017 – 2022)  
Board of Trustees (2012 – present)

2009 – 2013  
Cincinnati Art Museum  
953 Eden Park Drive  
Cincinnati, Ohio 45202  
Board Member

2008 – 2011  
Middlesex School  
1400 Lowell Road  
Concord, Massachusetts 01742  
Board of Trustees

2005 – 2011  
Cincinnati Symphony Orchestra  
1241 Elm Street  
Cincinnati, Ohio 45202  
Board of Directors  
Chair of Diversity and Inclusion Committee (2008 – 2011)  
Orchestra Board Structure and Engagement Ad Hoc Committee (2008 – 2011)

2004 – present  
Moritz College of Law National Council  
55 West 12th Avenue

Columbus, Ohio 43210

2004 – 2008  
CET Greater Cincinnati Public Television  
Community Service Advisory Council  
1223 Central Parkway  
Cincinnati, Ohio 45214  
Board Member

2003 – present  
Federal Bar Association  
1220 North Fillmore Street, Suite 444  
Arlington, Virginia 22201  
Board Member

2003 – 2009  
Bridges for a Just Community  
644 Linn Street, Suite 801  
Cincinnati, Ohio 45203  
Board Member

2000 – 2012  
Queen City Foundation  
P.O. Box 3145  
Cincinnati, Ohio 45201  
Chair (2006 – 2012)

2000 – 2009  
Working In Neighborhoods  
1814 Dreman Avenue  
Cincinnati, Ohio 45223  
Board member

1998 – 2007  
Mount St. Joseph University  
5701 Delhi Road  
Cincinnati, Ohio 45233  
Board of Trustees

1997 – 2009  
Allen Temple A.M.E. Church  
7080 Reading Road  
Cincinnati, Ohio 45237  
Board of Trustees

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.

William K. Thomas Distinguished Jurist Award, The Ohio State University, Moritz College of Law (2010)

American College of Bankruptcy, Fellow (2010)

American Law Institute (2009)

Middlesex School Athletic Hall of Fame (2008)

Leadership Cincinnati Steering Committee (2000 – 2003)

Leadership Cincinnati Class XXIII (1999 – 2000)

Cincinnati Academy of Leadership for Lawyers Class 3 Fellow (1998)

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 Bankruptcy Institute (2000 – present)

Board of Directors (2008 – 2014)

Director and Co-Chair of Legislative Committee (2008 – 2010)

American Bar Association (1985 – 1990, 2008 – present)

Business Law Committee (2008 – 2017)

Business Subcommittee on Bankruptcy Rules, Vice-Chair (2008 – 2011)

Standing Committee on Diversity in the Judiciary (2015 – 2017)

American College of Bankruptcy (2010 – present)

American Law Institute-American Bar Association (ALI-ABA), Fundamentals of Bankruptcy Law course, Instructor (2001 – 2012)

Black Lawyers Association of Cincinnati (1996 – present)

Cincinnati Bar Association (1996 – present)

Cincinnati BLAC/CBA Round Table (1996 – present)

Elected Co-Convener with Judge Timothy Black (2016 – present)

Columbus Bar Association (1985 – 1996)

Federal Courts Committee, Chair (1994 – 1995)

Martin L. King, Jr. Luncheon Committee, Chair (1993 – 1994)

Law Day Committee, Chair (1993)

Minorities in the Law Committee (1987 – 1993)

Law School Liaison Committee (1987 – 1993)

Bankruptcy Law Institute, Instructor (1998 – 2007, 2016, 2022)

Federal Bar Association (1998 – present)

Federal Judicial Center (1999 – present)

First Judicial District Pro Bono Committee (2007 – 2009)

Just The Beginning Foundation 2006 Cincinnati Biennial Conference, 'Til Victory is One, Co-Chair (2006)

Law and Leadership Institute (2016 – present)

Midwest Regional Bankruptcy Seminar, Executive Committee Member (2006 – present)

Midwest Regional Bankruptcy Seminar, Faculty Member (1996 – 1998, 2000 – present)

National Bar Association (1985 – 1990)

National Conference of Bankruptcy Judges (1996 – present)

President (2006 – 2007)

Education Committee, Orlando, Florida (October 2001)

Faculty, Indianapolis, Indiana (2021)

Faculty, Chicago, Illinois (2001)

Faculty, San Francisco, California (1999)

National Conference of Black Lawyers (1985 – 1990)

Ohio State Bar Association (1985 – 1990)

Robert B. Elliot Law Club (1985 – 1996)

Secretary (1988 – 1990)

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.

Ohio, 1985

There have been no lapses in membership. I have been an inactive member since my appointment to the United States Bankruptcy Court in 1996.

- 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 Sixth Circuit, 1990

United States District Court for the Southern District of Ohio, 1985

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.

Allen Temple AME Church, Board of Trustees (1997 – 2009)

Sigma Pi Phi Fraternity, Sire Archon, Alpha Delta Boulé (Past-President 2003)

- 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.

Sigma Pi Phi Fraternity is a fraternity comprised of mainly African American men. To the best of my knowledge, the Allen Temple AME Church does not currently discriminate nor did it formerly discriminate 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.

Editor, Bloomberg on Bankruptcy, *Holding Back the Invasion of Zombie Mortgages*, 29 BKY 233 (Issue No. 09, Mar. 2, 2017). Copy supplied.

*NCBJ Names Fellowship Program in Honor of Retired U.S. Bankruptcy Judge Cornelius Blackshear* (Apr. 2009). Copy supplied.

*Bridges: An Organization You Should Know About and the Lawyers and Judges Who Have Helped to Make This "A Just Community"* (Apr. 2009 CBA Report). Copy supplied.

With Ronald R. Peterson et al., *Lawyers in the Hot Seat, The State of Ethics & Professionalism*, 6 DePaul Bus. & Com. L.J. 557 (Summer 2008). Copy supplied.

*Calvin Buford & Andrew Kaplan: Co-Chairs of the Recruitment Committee Speak Candidly About Their Involvement in the Round Table and the Need for the Organization's Work to Continue*, BLAC/CBA Round Table Lantern, Issue 3 (Winter 2001). 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.

Judicial Conference of the United States, JCUS Observer Report: Report on the October 6, 2021 Session of the Judicial Conference of the United States (Oct. 6, 2021). Copy supplied.

Judicial Conference of the United States, JCUS Observer Report: Report on the March 16, 2021 Session of the Judicial Conference of the United States (Mar. 16, 2021). Copy supplied.

Judicial Conference of the United States, JCUS Observer Report: Report on the March 17, 2020 Session of the Judicial Conference of the United States (Mar. 17, 2020). Copy supplied.



American Bankruptcy Institute, Commission to Study the Reform of Chapter 11 (2012 – 2014). 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.

May 12, 2022: Panelist, Asset Appreciation in Consumer Cases, National Conference of Bankruptcy Judges, Laguna Beach, California (via Zoom). Video available at <https://www.youtube.com/watch?v=VmoEo5J84gU>.

April 1, 2022: Co-Chair, Final Report to the Board of Directors of the Select Commission on Diversity, Equity and Inclusion, American College of Bankruptcy, Denver, Colorado. I spoke to the Board of Directors about the recommendations of the Commission on Diversity, Equity and Inclusion and our work throughout the year. I have no notes, transcript, or recording. The address for the American College of Bankruptcy is P.O. Box 249, Stanardsville, Virginia 22973.

February 1, 2022: Interviewee, Educational Video on Bankruptcy Judges' Role and the Process for Selecting and Appointing Bankruptcy Judges, Judicial Conference Committee on the Administration of the Bankruptcy System, Cincinnati, Ohio (virtual taping). The video is in production; copy of the questions asked and answered supplied.

November 12, 2021: Panelist, You Had Me at Hello: A View from the Bench, Bankruptcy Law Institute, Columbus Bar Association, Columbus, Ohio (via Zoom). PowerPoint supplied.

November 4, 2021: Panelist, Hot Topics Panel Consumer Practice Extravaganza, American Bankruptcy Institute, Alexandria, Virginia (virtual). Notes and written materials supplied.

October 6, 2021: Guest Speaker; ACB Board Presentation: The Case for DEI, American College of Bankruptcy, Indianapolis, Indiana. Speech supplied.

April 12 – 14, 2021: Panelist, To “Vest” or Not to Vest: Consumer Law Update, National Workshop for Bankruptcy Judges, Federal Justice Center, Virtual Sessions (via Zoom). PowerPoint supplied.

March 4, 2021: President, Welcome for Leaders for Justice Series, Food for Thought, Law and Leadership Institute, Columbus, Ohio (via Zoom). Speech supplied.

January 16, 2021: Guest Speaker, Third Annual 1L Law Student Case Competition, University of Cincinnati College of Law, Law Student Diversity Case Competition, Cincinnati, Ohio (via Zoom). Speech supplied.

November 6, 2020: President, Law and Leadership Institute November Fellows Workshop, Columbus, Ohio. I gave a speech on leadership and career success, and the importance of motivating oneself to achieve those goals. I have no notes, transcript, or recording. The address of Law and Leadership is 303 East Broad Street, Columbus, Ohio 43215.

March 5, 2020: Guest Speaker, NBLSA 52 Convention, National Black Law Students Association, Cincinnati, Ohio. Speech supplied.

September 20, 2019: Member, Bench Bar Awards, United States Bankruptcy Court for the Southern District of Ohio Bench Bar, Dayton, Ohio. Speech supplied.

August 19, 2019: Guest Speaker, Welcome to the Sixth Circuit Clerks, Sixth Circuit Clerks Conference, Committee on the Administration of the Bankruptcy System of the Judicial Conference of the United States, Cincinnati, Ohio. Speech supplied.

July 11, 2019: Guest Speaker, BLAC Round Table Summer Clerkship Reception, Black Lawyers Association of Cincinnati, Cincinnati Bar Association, Cincinnati, Ohio. Speech supplied.

May 3, 2019: Guest Speaker, Opening Remarks for Congressional Art Show, Cincinnati Museum Center, Cincinnati, Ohio. Speech supplied.

March 13 – 16, 2019: Panelist, Which Comes First: The Turnover or the Adequate Protection?, American College of Bankruptcy Class 30 Induction Ceremony and Conference, Coronado, California. PowerPoint supplied.

March 6, 2019: Guest Speaker, Financial Education Program, Winton Hills Academy, Cincinnati, Ohio. Notes supplied.

June 12, 2018: Guest Speaker, On the Practice of Law: Famous Bankruptcies, Bankruptcy Lawyers and the Legacy Left for 21st Century Attorneys, Federal Bar Association Judges' Night Dinner, Federal Bar Association, Cincinnati, Ohio. Speech supplied.

April 10, 2018: Chief Judge, State of the Court Address, United States Bankruptcy Court for the Southern District of Ohio, Dayton, Ohio. This speech was given over the span of three days at the three court locations: Dayton, Columbus, and Cincinnati. Speech supplied.

January 4, 2018: Immediate Past-Chair, Inaugural Address to the Board of CMC, Board of Trustees of the Cincinnati Museum Center, Cincinnati, Ohio. Speech supplied.

November 9, 2017: Guest Speaker, Morning Talk with Volunteer Lawyers for the Poor and Legal Aid Society, The Legal Aid Society, Cincinnati, Ohio. Speech supplied.

October 23, 2017: Chief Judge, Retirement Ceremony of the Honorable Lawrence Steven Walter, United States Bankruptcy Court for the Southern District of Ohio, Dayton, Ohio. Speech supplied.

September 29, 2017: Panelist, Evidentiary Panel Presentation, Credit Education Coalition, Columbus Bar Association, Columbus, Ohio. Outline supplied.

April 28, 2017: Guest Speaker, Remarks: Serving Our Diverse Community Awards Breakfast, City of Massillon, Massillon, Ohio. Speech supplied.

September 7, 2016: Guest Speaker, Introduction of the Honorable Judge John Andrew West, Cincinnati Bar Association, Bench Bar Social, Cincinnati, Ohio. Speech supplied.

October 29, 2015: Guest Speaker, Remarks for the Volunteer Lawyers for the Poor and Legal Aid Society Reception, The Legal Aid Society, Cincinnati, Ohio. Speech supplied.

October 14, 2015: Guest Speaker, Opening Remarks for Honorable R. Guy Cole, Jr. Reception, United States District Court for the Southern District of Ohio, Cincinnati, Ohio. Speech supplied.

March 11, 2015: Participant, Byrne Law Clerk Institute, Pepperdine College of Law, Malibu, California. Speech supplied.

February 6, 2015: Guest Speaker, Remarks for Investiture of Chief Judge Edmund A. Sargus, Jr., United States District Court for the Southern District of Ohio, Columbus, Ohio. Speech supplied.

December 18, 2014: Judge, Judges Professional Conduct Panel Discussion, Cincinnati Bar Association, Cincinnati, Ohio. Notes supplied.

May 20, 2014: Speaker, Bookin' It Back To School, Horizon Science Academy, Cincinnati, Ohio. Speech supplied.

January 31, 2014: Panelist, Views from the Bench: What Works and What Doesn't in Their Courtrooms, Why Parties Succeed and Don't Succeed in Wage & Hour Litigation, Novel Trial and Case Management Strategies, Examples of Bad Lawyering, Judicial Perspectives on Class Certification, and More, American Conference Institute, Miami, Florida. Notes supplied.

April 12, 2013: Speaker, Winton Woods Academy, Cincinnati, Ohio. Notes supplied.

January 21, 2013: Speaker, 30th Anniversary Martin Luther King, Jr. Day Celebration, Cincinnati Arts Association, Music Hall, Cincinnati, Ohio. Speech supplied.

November 29 – December 1, 2012: Panelist, 2012 Winter Leadership Conference, American Bankruptcy Institute, Tucson, Arizona. Video available at <https://www.youtube.com/watch?v=iP3RTaliphU>.

November 2, 2012: Speaker, Community Action Agency 48th Annual Luncheon, Cincinnati-Hamilton County Community Action Agency, Cincinnati, Ohio. Speech supplied.

October 16, 2012: Speaker, 30th Anniversary Speech for Volunteer Lawyers for the Poor, The Legal Aid Society, Cincinnati, Ohio. Speech supplied.

July 11 – 14, 2012: Panelist, So, You Wanna Buy a Car: Chryslers, Kias & Crawfish, National Association of Chapter Thirteen Trustees, The NACTT Academy for Bankruptcy Education, New Orleans, Louisiana. PowerPoint supplied.

May 16, 2012: Speaker, Robert A. Taft Information Technology High School, Cincinnati Public Schools District, Cincinnati, Ohio. Notes supplied.

January 30, 2012: Speaker, Pathways to the Bench: U.S. Bankruptcy Judge Jeffery P. Hopkins. Video available at <https://www.youtube.com/watch?v=KS6zBt-tHoo>.

October 13 – 15, 2011: Moderator, Hot Issues Not Addressed by the Rules or the Code – Pitfalls and Legislative Fixes, National Conference of Bankruptcy Judges, Business Law Section, Business Bankruptcy Committee, American Bar Association, Tampa, Florida. Notes supplied.

April 8, 2011: Speaker, Great Expectations! Portage County Can!, Scholarship Dinner, Kent State University, Kent, Ohio. Speech supplied.

March 7, 2011: Speaker, Introduction of the Honorable Judge John Andrew West, 62nd Annual Meeting and Glorifying the Lions Presentation for the Urban League of Greater Cincinnati, Cincinnati, Ohio. Speech supplied.

December 11, 2010: Guest Speaker, Observations Concerning the Practice of Law: A few of the DO's and DON'TS from a Judge's Perspective, Address to Phoenix School of Law Fall Graduates, West Chester, Ohio. Speech supplied.

August 20, 2010: Panelist, Refresher on Attorney Practice and Procedure, Midwest Regional Bankruptcy Seminar, Cincinnati Bar Association, Cincinnati, Ohio. The panel was on procedural basics and not-so-basic bankruptcy practices. I have no notes, transcript, or recording. The address for the Cincinnati Bar Association is 225 East Sixth Street, Cincinnati, Ohio 45202.

August 20, 2010: Moderator, Judges' Roundtable on Professionalism, Midwest Regional Bankruptcy Seminar, Cincinnati Bar Association, Cincinnati, Ohio. The panel was on attorney ethics and professionalism. I have no notes, transcript, or recording. The address for the Cincinnati Bar Association is 225 East Sixth Street, Cincinnati, Ohio 45202.

July 23, 2010: Panelist, Automatic Stay and Section 105 Injunctions, Federal Bar Association Western Michigan Bankruptcy Seminar Section, Federal Bar Association, Traverse City, Michigan. PowerPoint supplied.

May 14, 2010: Award Recipient, Moritz College of Law William K. Thomas Distinguished Jurist Award Response, The Ohio State University, Moritz College of Law, Columbus, Ohio. Speech supplied.

September 29, 2009: Guest Lecturer, Bigelow Lecture, Middlesex School, Concord, Massachusetts. Speech supplied.

September 21, 2009: Speaker, Driving Diversity in Challenging Times, GE Diversity Conference, Evendale, Ohio. Speech supplied.

August 27, 2009: Speaker, Retirement and Portrait Ceremony of Honorable A. Thomas Small, Raleigh, North Carolina. Speech supplied.

December 18, 2008: Panelist, Judges Roundtable Discussion on Professionalism, Cincinnati Bar Association Seminar, Cincinnati, Ohio. Outline supplied.

May 17, 2008: Inductee, Hall of Fame Induction Ceremony, Middlesex School, Concord, Massachusetts. Speech supplied.

May 1, 2008: Panelist, Lawyers in the Hot Seat: The State of Ethics & Professionalism, DePaul Business & Commercial Law Journal Symposium, Chicago, Illinois. Transcript supplied.

February 8, 2008: Speaker, Dedication Ceremony for the Honorable Burton Perlman Judges' Conference Room, Cincinnati, Ohio. Notes supplied.

October 13, 2007: President, Introduction of Justice Clarence Thomas for the NCBJ Annual Meeting, National Conference of Bankruptcy Judges, Orlando, Florida. I introduced Justice Thomas and his fellow panelists for a program to discuss recent bankruptcy cases decided by the Supreme Court. I have no notes, transcript, or recording. The address for the National Conference of Bankruptcy Judges is 954 La Mirada Street, Laguna Beach, California 92651.

October 5, 2007: Speaker, Introduction of Chairman John Conyers, Jr., NAACP Annual Banquet, Columbus, Ohio. Speech supplied.

May 3 – 4, 2007: Presenter, Columbus Bar Association 2007 Institute, Columbus, Ohio. I presented on decorum and professionalism in the courtroom. I have no notes, transcript, or recording. The address of the Columbus Bar Association is 175 South Third Street, Suite 1100, Columbus, Ohio 43215.

December 9, 2006: Keynote Speaker, East Baker High School Historical Society, Newton, Georgia. Speech supplied.

September 22, 2006: Speaker, Booker/Fanfan Panel, Introduction of the Panelists for the Booker Fanfan Panel, Just The Beginning Foundation, Virtual CLE Seminar. Speech supplied.

September 21, 2006: Panelist, Pathways to Becoming a Lawyer and a Judge: Stories of African American Federal Judges, Just The Beginning Foundation, Cincinnati, Ohio. I participated in a question and answer session regarding the panelists' pathways to becoming a judge. I have no notes, transcript, or recording. The address for the Just The Beginning Foundation is 70 West Madison Street, Suite 2900, Chicago, Illinois 60602.

August 24 – 25, 2006: Moderator, Ethics & Professionalism in Bankruptcy Practice, Introductory Speech, Midwest Regional Bankruptcy Seminar, American Bankruptcy Institute, Cincinnati, Ohio. Notes and PowerPoint supplied.

April 8, 2006: Guest Speaker, Demanding Respect: Redefining Our Image, 10th Annual Colors of Leadership Conference, The University of Dayton, Office of Diverse Student Populations, Dayton, Ohio. Speech supplied.

March 2006 (specific date unknown): Speaker, Remarks on Derrick Bolen, United States Bankruptcy Court for the Southern District of Ohio, Cincinnati, Ohio. Outline supplied.

August 16, 2005: Speaker, Bookin' It Back To School, Mercy Health, Cincinnati, Ohio. Notes supplied.

April 9, 2005: Speaker, A View From The Bench, Cincinnati Bar Association, Cincinnati, Ohio. Notes supplied.

February 2, 2005: Guest Speaker, Character Talk at Bethany School, National Association of Episcopal Schools, Cincinnati, Ohio. Speech supplied.

January 21, 2005: Panelist, Judges' Roundtable Discussion, Chapter 13 and Chapter 7 Annual Seminar, Question and Answer Session, Cincinnati Bar Association, Cincinnati, Ohio. Notes and outline supplied.

January 13, 2005: Guest Speaker, REMEMBER, CELEBRATE, ACT, ...a day on, not a day off, Martin Luther King, Jr. Mayor's Commission Breakfast, 20th Annual Martin Luther King, Jr. Birthday Breakfast Committee, Canton, Ohio. Speech supplied.

May 27, 2004: Guest Speaker, Tribute to the Honorable Cornelius Blackshear, National Conference of Bankruptcy Judges, New York City, New York. Speech supplied.

January 23, 2004: Panelist, Judges' Roundtable Discussion, Chapter 13 and Chapter 7 Annual Seminar, Question and Answer Session, Cincinnati Bar Association, Cincinnati, Ohio. Notes and outline supplied.

December 2, 2003: Speaker, Remarks for Judge Alan E. Norris's Portrait Presentation, United States Court of Appeals for the Sixth Circuit, Cincinnati, Ohio. Remarks supplied.

July 26, 2003: Speaker, Fourth Annual Celebrate Housing Open House, Working In Neighborhoods (WIN), Cincinnati, Ohio. I spoke about reverse mortgages to an audience of new homeowners associated with the non-profit WIN. I have no notes, transcript, or recording. The address for Working In Neighborhoods is 1814 Dreman Avenue, Cincinnati, Ohio 45223.

May 7, 2003: Guest Speaker, Welcome to the Sixth Circuit Clerks, Sixth Circuit Clerks Conference, Committee on the Administration of the Bankruptcy System of the Judicial Conference of the United States, Cincinnati, Ohio. Speech supplied.

January 24, 2003: Panelist, Judges' Roundtable Discussion, Chapter 13 and Chapter 7 Annual Seminar, Question and Answer Session, Cincinnati Bar Association, Cincinnati, Ohio. Notes and outline supplied.

January 20, 2003: Guest Speaker, Martin Luther King Jr. School Assembly, Wester Reserve Academy, Hudson, Ohio. Speech supplied.

October 1, 2002: Moderator, Can't We All Just Get Along? Professional Partnerships Dissolution and Discharge Issues, National Conference of Bankruptcy Judges, Chicago, Illinois. Outline and PowerPoint supplied.

May 30, 2002: Guest Speaker, Lathrop School Fifth Grade Graduation, Canton, Ohio. Speech supplied.

March 22, 2002: Speaker, Judge Nathaniel Jones Retirement Reception, United States Court of Appeals for the Sixth Circuit, Cincinnati, Ohio. Speech supplied.

February 28, 2002: Judge, Black History Month Celebration 2002, United States Bankruptcy Court for the Southern District of Ohio, Cincinnati, Ohio. Speech supplied.

August 2, 2001: Speaker, Why should we trust the justice system?, National Underground Railroad Freedom Center, Cincinnati, Ohio. Speech supplied.

February 2001: Speaker, Introduction of Doctor Ron D. Wright, United States Bankruptcy Court for the Southern District of Ohio, Cincinnati, Ohio. Speech supplied.

July 31, 2000: Speaker, Welcoming Remarks, Welcome to the National Association of Colored Women's Club, Inc., Cincinnati, Ohio. Speech supplied.



February 29, 2000: Speaker, Motivational Address to High School and College Students, University of Cincinnati, Cincinnati, Ohio. I gave a speech on leadership and career success. I have no notes, transcript, or recording. The address for the University of Cincinnati is 2600 Clifton Avenue, Cincinnati, Ohio 45221.

May 16, 1998: Guest Speaker, What it Takes to be Successful in College, Advocates for Youth Education, The Phoenix Scholarship Luncheon, Cincinnati, Ohio. Speech supplied.

February 27, 1998: Speaker, Walnut Hills High School, Cincinnati, Ohio. Outline supplied.

January 27, 1998: Speaker, Speech in Honor of: The Reverend, Dr. Martin Luther King, Jr. (Are We Keepers of the Dream?), The Seven Hills Academy, Cincinnati, Ohio. Speech supplied.

August 29, 1997: Speaker, Address to the Indian River Juvenile Detention Center, The Indian River Juvenile Correctional Facility, American Correctional Association, Massillon, Ohio. Speech supplied.

January 20, 1997: Speaker, NAACP Luncheon, Martin Luther King, Jr., Urban League, Cincinnati, Ohio. Speech supplied.

November 13, 1996: Speaker, Address to the Federal Bar Association, Federal Bar Association (FBA) Luncheon, Cincinnati, Ohio. Outline and speech supplied.

June 7, 1996: Speaker, Response at Investiture Ceremony for Honorable Jeffery P. Hopkins, United States Bankruptcy Court for the Southern District of Ohio, Cincinnati, Ohio. Speech supplied.

April 9, 1982: Commencement Speaker, How Can We Justify the High Price of a Bowdoin Education?, Commencement Address, Bowdoin College, Brunswick, Maine. Speech supplied.

- 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.

*Judges' Journeys Recall Struggle and Success*, African American History Month, U.S. Courts, June 3, 2022. Copy supplied.

*BLAC-CBA Round Table: Round Table at 35, The Report, Cincinnati Bar Association, Mar./Apr. 2022. Copy supplied.*

Bill Cieslewicz, *Cincinnati Museum Center names federal judge to lead board*, Cincinnati Business Courier, Jan. 29, 2018. Copy supplied.

Steven M. Grazier, *'We're all the same' – Annual Diversity Awards*, The Independent (Massillon, OH), Apr. 29, 2017. Copy supplied. This article does not accurately reflect my remarks, which have been supplied in response to Question 12d.

Daniel Gill and Deborah Swann,  *Holding Back the Invasion of the Zombie Mortgages*, Bankruptcy Law Reporter, Bloomberg BNA, Mar. 2, 2017. Copy supplied.

*Judge Jeffery P. Hopkins*, The Cincinnati Herald, Jan. 26, 2013. Copy supplied. This article does not accurately reflect my remarks, which have been supplied in response to Question 12d.

Dan Horn, *Violent night in 1943 shaped judge's life*, Cincinnati.com, Feb. 28, 2012. Copy supplied.

Hon. John C. Ninfo, II United States Bankruptcy Court Western District of New York, *Credit Abuse Resistance Education (Care) Program Making a Difference in Young Lives Before Disaster Strikes*, Norton Bankruptcy Law Adviser, 2007 No. 2 Norton Bankr. L. Adviser 2, Feb. 2007. Copy supplied.

Bill Price, *Black Judges Network Conference Inspires Local Teens*, WCPO 9 News, Sept. 22, 2006. Copy supplied.

*Committed Leader Judge Jeffery P. Hopkins '85 is Paying Forward*, Alumni Relations: This Month @ Moritz, Mar. 2006. Copy supplied.

Jan H. Kennedy, *MLK Day Not a Black Holiday*, The Repository (Canton, OH), Jan. 14, 2005. Copy supplied. This article does not accurately reflect my remarks, which have been supplied in response to Question 12d.

Sameer Yerawadekar, *Behind the Bow Tie: Judge Alan E. Norris U.S. Court of Appeals for the Sixth Circuit*, Judicial Profile, Federal Lawyer, 51-JUN Fed. Law. 12, June 2004. 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 1996 I have served as a United States Bankruptcy Judge on the United States Bankruptcy Court for the Southern District of Ohio. I was appointed to this position by the United States Court of Appeals for the Sixth Circuit. Under § 1334 of Title 28, the bankruptcy court, which is a unit of the district court, has jurisdiction over proceedings that arise under Title 11 (the Bankruptcy Code) or arise in or are related to a case under Title 11. In addition to dealing with controversies that arise solely under Title 11, bankruptcy judges preside over cases that involve the Securities Investor Protection Act (SIPA) that are removed from the district court to bankruptcy court for liquidation of proceedings.

In 2012, while maintaining a full caseload in Ohio, I also served by designation as a visiting Bankruptcy Judge in the Middle District of Florida in the Ft. Myers Division by appointment of the United States Court of Appeals for the Eleventh Circuit. There, I presided over several complex Chapter 11 bankruptcy cases, including matters involving a silicon mine, a large multiplex resort hotel, condominiums, and shopping mall, and various other businesses valued in the multiple millions of dollars. I also carried a significant consumer bankruptcy caseload that required me to apply the laws of the state of Florida and various other states.

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

I have presided over approximately 3,000 cases that have gone to verdict or judgment.

- i. Of these cases, approximately what percent were:
- |               |      |
|---------------|------|
| jury trials:  | 0%   |
| bench trials: | 100% |
- ii. Of these cases, approximately what percent were:
- |                       |     |
|-----------------------|-----|
| civil proceedings:    | 99% |
| criminal proceedings: | 1%  |

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

See attached list of opinions.

- 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. *Bavely v. Daniels (In re Daniels)*, 641 B.R. 165 (Bankr. S.D. Ohio 2022)

The Chapter 7 debtor managed multiple commercial real estate development companies that were owned (along with the debtor's house and virtually all the debtor's personal property) by a trust in the debtor's wife's name. Those companies supported a lavish lifestyle for the debtor, both through the trust's disbursements to his wife and through the debtor's unfettered use of the business accounts for his personal expenses. Neither the debtor nor the companies he managed had filed tax returns since 2012. The Chapter 7 trustee filed two adversary proceedings seeking to (1) deny the debtor a discharge for failure to maintain records and (2) make the assets of the trust and one of the companies available to the debtor's creditors under theories of substantive consolidation and alter ego. Following a two-day trial, I held that the debtor had failed to maintain records under § 727(a)(3) by (1) failing to provide several years' worth of tax returns for himself or his businesses and (2) providing a proverbial "document dump" of paper records that forced the plaintiff to try to reconstruct the debtor's affairs. Finding that the debtor's excuses—lack of sophistication and inability to pay the accountant—were unconvincing, I denied the debtor a discharge. I declined to order consolidation of the debtor's estate with the two non-debtor entities, finding that the plaintiff had failed to meet the stringent requirements of this extraordinary remedy.

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2. *Nationwide Judgment Recovery v. Holtz (In re Holtz)*, Ch. 7 Case No. 20-1043, 2021 WL 5596413 (Bankr. S.D. Ohio Nov. 17, 2021)

The debtor was among a class of “net winners” in a Ponzi scheme, against whom a North Carolina District Court entered a judgment under the North Carolina Uniform Fraudulent Transfers Act. After the debtor filed bankruptcy, the plaintiff, an assignee of the judgment debt, filed an adversary proceeding asserting that the debt was nondischargeable, or alternatively that the debt was the subject of a constructive trust and thus excluded from the bankruptcy estate altogether. I denied the plaintiff’s motion for summary judgment, holding that § 523(a)(19) renders nondischargeable only debts that result from securities law violations or securities fraud committed *by* the debtor and that, because this debt resulted from the fraudulent actions of another (the operator of the Ponzi scheme), § 523(a)(19) does not except it from discharge. Similarly, I denied summary judgment under § 523(a)(2)(A) because the underlying judgment contained no findings of fraud or wrongdoing on the part of the debtor in receiving the transfers. Finally, I held in abeyance any final decision on the plaintiff’s constructive trust claim pending supplemental briefing on that topic. The plaintiff appealed my decision to the Bankruptcy Appellate Panel (BAP), but that appeal was voluntarily dismissed after the parties settled their dispute.

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3. *Stoner v. Keirns (In re Keirns)*, 628 B.R. 911 (Bankr. S.D. Ohio 2021)

Prepetition, the plaintiffs hired the defendant to perform renovations to the plaintiffs’ properties. Contending that the defendant defrauded them and violated

the Ohio Consumer Sales Practices Act (“CSPA”), the plaintiffs brought an action alleging the defendant’s debts to them were nondischargeable under § 523(a)(2), (4), and (6). The defendant moved to dismiss for failure to state a claim and for lack of jurisdiction. Alternatively, the defendant asked me to abstain from hearing the CSPA claims. Finding that the complaint adequately stated a claim on all counts and that a bankruptcy court has both the jurisdiction and constitutional authority to liquidate an underlying state law claim in connection with a nondischargeability proceeding, I denied the motion to dismiss or abstain.

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4. *In re Eagle-Picher Indus., Inc.*, Ch. 11 Case No. 91-10100, 2020 WL 8184392 (Bankr. S.D. Ohio Apr. 23, 2020)

At the request of the Sherwin-Williams Company, which was a defendant in lead-related personal injury litigation in Wisconsin, the District Court for the Eastern District of Wisconsin issued two subpoenas to the Eagle-Picher Personal Injury Settlement Trust. The trust sought to quash the subpoenas, alleging potential violations of the permanent channeling injunction and the trust agreement by which it was established. I held that although Sherwin-Williams could not implead the trust without violating the channeling injunction, the trust was not insulated from responding to validly issued third-party discovery. Under Federal Rule of Civil Procedure 45(f), I found that exceptional circumstances warranted the transfer of the remainder of the motion to quash to the Wisconsin district court for adjudication.

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5. *In re Scholl*, 605 B.R. 163 (Bankr. S.D. Ohio 2019)

After their rental property was destroyed by a fire in the 59th month of their Chapter 13 plan, the debtors received insurance proceeds substantially in excess of the value established at confirmation. The debtors sought to retain the entirety of the insurance proceeds to rebuild or replace the lost rental property. The trustee objected and sought an increase in payment to unsecured creditors. The parties reached a resolution that would allow the majority of funds to be retained by the debtors, with less than half going to the trustee to disburse to unsecured creditors. I rejected the proposed resolution as a violation of the good faith requirement of 11 U.S.C. § 1325(a)(3) and the best interests of creditors requirement of 11 U.S.C. § 1325(a)(4).

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6. *In re Inner City Props., LLC*, Ch. 11 Case No. 13-11552, 2016 WL 5498688, 2016 Bankr. LEXIS 1660 (Bankr. S.D. Ohio Mar. 25, 2016)

A creditor objected to a \$1.2 million proof of claim filed by the mother of the debtor's sole member. The mother characterized the claim as loans to the debtor. Following an evidentiary hearing, I disallowed all but \$240,000 of the claim, concluding that the mother advanced these funds to her son and not to the debtor directly.

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Monica Kindt



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7. *Vande Ryt v. Peace (In re Peace)*, 546 B.R. 65 (Bankr. S.D. Ohio 2015), *aff'd*, 581 B.R. 856 (B.A.P. 6th Cir. 2018)

The debtor's former neighbors filed an adversary complaint, seeking a determination that an alleged debt predicated upon water run-off damage to their former homestead caused by debtor's alteration of two parcels of land was nondischargeable. I found that, in unreasonably interfering with the flow of surface water, the debtor acted in conscious disregard to his duty of care. I accordingly found the debt—which I also liquidated—to be nondischargeable under 11 U.S.C. § 523(a)(6). Following the decision, the debtor filed a motion to set aside the judgment, which I denied. The debtor appealed the denial to the BAP, which affirmed.

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8. *In re Basil St. Partners, LLC*, 477 B.R. 856 (Bankr. M.D. Fla. 2012)

The alleged debtor filed a motion to convert an involuntary Chapter 7 case to a case under Chapter 11. The petitioning creditor and its manager objected and filed an emergency motion to appoint a Chapter 11 trustee if the case was converted.

Sitting by designation in the case by appointment of the United States Court of Appeals for the Eleventh Circuit, I held an evidentiary hearing after which I granted the motion to convert the case and appointed a trustee. Earlier in the case, the alleged debtor had filed a motion to dismiss the involuntary petition or to have the court abstain from hearing the matter, which I denied. *In re Basil St. Partners, LLC*, 477 B.R. 846 (Bankr. M.D. Fla. 2012). The debtor sought an interlocutory appeal of that order, which was stayed pending resolution of the debtor's motion to convert the case to Chapter 11 and was dismissed after the conversion was granted. *Basil St. Partners, LLC v. Antaramian Props., LLC*, Case No. 2:12-cv-235-FtM-99 (M.D. Fla. Jan. 17, 2013).

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9. *PNC Bank, N.A. v. Rolsafe Int'l, LLC (In re Rolsafe Int'l, LLC)*, 477 B.R. 884 (Bankr. M.D. Fla. 2012)

A bank filed an adversary proceeding against the Chapter 11 debtor and its former landlord that, after evicting the debtor, had disposed of certain of the bank's collateral. Sitting by designation in the case by appointment of the United States

Court of Appeals for the Eleventh Circuit, I conducted a detailed analysis of my jurisdiction over the dispute between the non-debtor entities and found that the parties had entered into an enforceable settlement agreement.

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10. *Lutz v. Chitwood (In re Donahue Sec., Inc.)*, 318 B.R. 667 (Bankr. S.D. Ohio 2004), *aff'd*, 337 B.R. 160 (S.D. Ohio 2005)

A trustee appointed under the Securities Investor Protection Act (SIPA) filed an adversary complaint against three former employees of debtor, an insolvent registered broker-dealer, asserting claims of negligence and breach of fiduciary duty. The defendants filed a motion to dismiss for failure to state a claim. I found that none of the employees owed a fiduciary duty or duty of care that was breached and accordingly dismissed the complaint. The trustee appealed my decision to dismiss its claim of negligent supervision to the district court; the district court affirmed.

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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. *Bavely v. Daniels (In re Daniels)*, 641 B.R. 165 (Bankr. S.D. Ohio 2022)

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2. *Nationwide Judgment Recovery v. Holtz (In re Holtz)*, Ch. 7 Case No. 20-1043, 2021 WL 5596413 (Bankr. S.D. Ohio Nov. 17, 2021)

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3. *Stoner v. Keirns (In re Keirns)*, 628 B.R. 911 (Bankr. S.D. Ohio 2021)

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4. *In re Eagle-Picher Indus., Inc.*, Ch. 11 Case No. 91-10100, 2020 WL 8184392 (Bankr. S.D. Ohio Apr. 23, 2020)

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5. *In re Scholl*, 605 B.R. 163 (Bankr. S.D. Ohio 2019)

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6. *In re Inner City Props., LLC*, Ch. 11 Case No. 13-11552, 2016 WL 5498688,  
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7. *Vande Ryt v. Peace (In re Peace)*, 546 B.R. 65 (Bankr. S.D. Ohio 2015)

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8. *In re Basil St, Partners, LLC*, 477 B.R. 856 (Bankr. M.D. Fla. 2012)

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9. *PNC Bank, N.A. v. Rolsafe Int'l, LLC (In re Rolsafe Int'l, LLC)*, 477 B.R. 884  
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10. *Lutz v. Chitwood (In re Donahue Sec., Inc.)*, 318 B.R. 667 (Bankr. S.D. Ohio 2004), *aff'd*, 337 B.R. 160 (S.D. Ohio 2005)

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

None.

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.

*In re Underhill*, Ch. 7 Case No. 10-10061 (Bankr. S.D. Ohio Oct. 10, 2012), *aff'd*, 498 B.R. 170 (B.A.P. 6th Cir. 2013), *rev'd*, 579 F. App'x 480 (6th Cir. 2014). I granted a creditor's motion to reopen the debtors' Chapter 7 bankruptcy case, and to administer undisclosed assets—namely, settlement proceeds from a cause of action initiated post-petition by an entity in which the debtors were sole members. Decision supplied. I found that the creditor met its burden under 11 U.S.C. § 541 to prove that the settlement proceeds were property of the debtors' bankruptcy estate by demonstrating that events that gave rise to the cause of action occurred pre-petition, and thus the cause of action was sufficiently rooted in the debtors' pre-bankruptcy past. Although the BAP affirmed the decision, the Sixth Circuit reversed. The Sixth Circuit found that “[p]re-petition conduct or facts alone” are insufficient to “root” a claim in the past; instead, a cause of action qualifies as property of the bankruptcy estate only if the claimant suffered a pre-petition violation or legal injury. The panel held that because the record lacked evidence of a pre-petition violation or legal injury—specifically, evidence that would sustain a cause of action for tortious interference with contract under Ohio law (the debtors' underlying cause of action)—the evidence was insufficient to consider the settlement proceeds as property of the bankruptcy estate.

*In re Wallingford*, Ch. 13 Case No. 11-11984 (Bankr. S.D. Ohio. Sept. 21, 2011), *rev'd sub nom. Wallingford v. Green Tree Serv., LLC (In re Wallingford)*, No. 1:12-cv-55, 2012 WL 3779954 (S.D. Ohio Aug. 31, 2012), *aff'd*, 524 F. App'x 205 (6th Cir. 2013). The debtors' proposed Chapter 13 plan sought to “cram down” the secured claim of a creditor holding a security interest in a mobile home and the land it sat on. The creditor objected to confirmation, arguing the mobile home constituted real property and its claim was thus not subject to modification under 11 U.S.C. § 1322(b)(2). I sustained the creditor's objection to confirmation, finding that the mobile home was real property under Ohio law because, even though its title had not been surrendered to the clerk of court, the mobile home was affixed to the land. Decisions supplied. The district court reversed, holding that Ohio law and Sixth Circuit precedent require both that the property be affixed to the land and that its title be surrendered to become real property.

*In re Wells*, 378 B.R. 557 (Bankr. S.D. Ohio 2007). *Wells* held that an automobile lessor was entitled to an administrative claim where the Chapter 13 debtor assumed the car lease and made direct payments, separate from plan payments, until he defaulted. There was never any direct appeal of my decision in *Wells*, but it has been overturned *sub silentio* by a divided court in *In re Parmenter*, 527 F.3d 606 (6th Cir. 2008). A per curiam ruling in *Parmenter*, with one dissenting judge, concluded that the lessor was not entitled to payment as an administrative claim

holder. Applying the doctrine of *res judicata* to the confirmed plan, the appeals court held that the estate was not obligated to pay the lessor for breach of the assumed lease where the plan provided that the debtor, not the estate, would pay the lessor directly.

*In re Condon*, Ch. 7 Case No. 05-23836 (Bankr. S.D. Ohio Apr. 3, 2006), *rev'd*, 358 B.R. 317 (B.A.P. 6th Cir. 2007). The Chapter 7 debtor moved to convert the case to Chapter 13. I denied the motion, concluding that it was filed in bad faith. The finding of bad faith was premised upon inaccuracies in the schedules, minimal payment to creditors under the proposed Chapter 13 plan, and a desire to discharge significant debt that may have been nondischargeable under Chapter 7. The BAP vacated the decision, concluding that the debtor had not engaged in a prepetition pattern of egregious behavior sufficient to support a finding of bad faith.

*In re Hamilton Foundry & Machine Co., Inc.*, Ch. 7 Case No. 00-15561 (Bankr. S.D. Ohio Sept. 26, 2003), *rev'd sub nom. Glass, Molders, Pottery, Plastics & Allied Workers Int'l Union Locals 45-B & 455 v. CIT Grp./Bus. Credit, Inc.*, No. C-1-03-853 (S.D. Ohio Sept. 28, 2004), *appeal dismissed*, No. 05-3017 (6th Cir. May 11, 2005). Decisions supplied. A labor union filed a motion to surcharge collateral of a secured creditor to reimburse expenses the union incurred under a collective bargaining agreement. The issue presented was whether surcharge was warranted when the bankruptcy estate did not incur any expense in the sense of having to pay out costs to an administrative creditor. I denied the motion, concluding that the Supreme Court's narrow construction of 11 U.S.C. § 506(c) in *Hartford Underwriters v. Union Planters Bank* did not permit surcharge where the estate never incurred an expense. The district court reversed, holding that surcharge is not dependent upon whether estate funds were expended. The district court decision was appealed, but the Sixth Circuit dismissed the appeal, holding that the district court's decision was not a final appealable judgment. The parties subsequently settled the matter.

*In re Dubauskas*, Ch. 7 Case No. 02-16653 (Bankr. S.D. Ohio Apr. 1, 2003), *rev'd*, No. 03-8037 (B.A.P. 6th Cir. Jan. 9, 2004). Decisions supplied. The debtor's ex-spouse sought relief from stay to pursue state court dissolution proceedings, including a request for equitable distribution of the marital residence that was titled solely in the debtor's name. I denied the motion for relief from stay to the extent that it sought an equitable distribution of the residence, concluding that the residence was estate property to be preserved for the benefit of all creditors. The BAP reversed, holding that the ex-spouse was not stayed from obtaining equitable distribution of the residence.

*In re Landrum*, 267 B.R. 577 (Bankr. S.D. Ohio 2001). In *Landrum*, deciding a matter of first impression, I held that a mortgagee (the lender) was precluded by Ohio law from recovering attorneys' fees as part of its arrearage claim in a

Chapter 13 case. Relying primarily on a decision from the Supreme Court of Ohio, and its interpretation by the Sixth Circuit BAP, I found that stipulations for the payment of attorneys' fees included within non-commercial promissory notes between parties of unequal bargaining power, including mortgages, are contrary to public policy and void. I concluded that that rule from *Miller v. Kyle*, 85 Ohio St. 186 (1911), applies to fee stipulation provisions not only when a mortgage is foreclosed upon, but also in the context of a mortgagor's reinstatement of a defaulted loan, like in the case at hand. Thus the fee provision at issue was void. The Bankruptcy Court for the Northern District of Ohio had also previously reached the same conclusion. *See In re Lake*, 245 B.R. 282, 287 (Bankr. N.D. Ohio 2000). *Landrum* has never been explicitly overruled, but in an unrelated case, the District Court for the Southern District of Ohio disagreed with the analysis. *See Davidson v. Weltman, Weinberg & Reis*, 285 F. Supp. 2d 1093 (S.D. Ohio 2003). In *Davidson*, the court held that the rule from *Miller* does not apply to fee stipulation provisions that arise as a condition of reinstatement of a defaulted loan as opposed to those that arise "in connection with the enforcement of the mortgage contract, i.e., the default itself." *Id.* at 1102. The court relied in part on an Ohio appellate decision issued after *Landrum* to come to this conclusion, reasoning that *Miller's* public policy concerns are not at issue in the context of reinstatement because the mortgagor has no obligation to seek reinstatement. *Id.* (discussing *Wash. Mutual Bank v. Mahaffey*, 796 N.E.2d 39 (Ohio Ct. App. 2003)).

*Bavely v. Powell (In re Baskett)*, Ch. 7 Case No. 96-13531, Adv. No. 96-1216 (Bankr. S.D. Ohio Oct. 22, 1997), *rev'd*, 219 B.R. 754 (B.A.P. 6th Cir. 1998), *on remand*, Ch. 7 Case No. 96-13531, Adv. No. 96-1216, 1999 WL 1038266 (Bankr. S.D. Ohio Aug. 11, 1999), *aff'd*, No. 99-8060 (B.A.P. 6th Cir. Mar. 22, 2000). I denied a defendant's motion to set aside a default judgment entered against him, holding that the defendant had not asserted a meritorious defense to the complaint. The BAP reversed, concluding that the default was due to excusable neglect and that one of the defendant's defenses could have merit. On remand, I conducted a trial on the merits and granted judgment in favor of the plaintiff, which was affirmed on 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.

I estimate that in my 26 years as a judge, I have issued roughly 115 unpublished opinions, representing 43 percent of my total opinions. Since 2005, all published and unpublished decisions I have issued have been filed and stored on the Federal Courts' Case Management/Electronic Case Filing (CM/ECF) system. Decisions issued prior to CM/ECF are maintained by the Clerk's Office in accordance with the Guide for Judicial Policy.

- 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.

*Olowe v. U.S. Dep't of Educ. (In re Olowe)*, Ch. 7 Case No. 99-14094, Adv. No. 99-1143 (Bankr. S.D. Ohio Apr. 20, 2001) and *Hawk v. Univ. of Cincinnati (In re Hawk)*, Ch. 7 Case No. 99-16408, Adv. No. 00-1011 (Bankr. S.D. Ohio Apr. 19, 2001). Copy supplied.

*Justice v. Bureau of Workers' Comp. (In re Justice)*, 224 B.R. 631 (Bankr. S. D. Ohio 1998).

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

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

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

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

I have searched my records and the court's electronic records and have been unable to locate an instance when a litigant or party requested my recusal.

The United States Bankruptcy Court for the Southern District of Ohio maintains an automated system that flags newly assigned cases based on the recusal criteria that each judge identifies. This system permits a judge to identify potential conflicts *ex ante* and then decide whether to recuse *sua sponte* in a newly assigned case.

I follow the federal recusal statutes and the Code of Conduct for United States Judges. If I were to have any personal or financial interest in a matter, I would recuse, but I have sought to minimize the need for recusal by avoiding investments and other relationships likely to cause recusal. For example, I do not currently own any individual shares, stocks, bonds, or equities in any public or private companies or businesses. If any issues as to potential recusal arise, I review the Code of Conduct and applicable statutes and I am always prepared to seek advice from the Committee on Codes of Conduct of the Judicial Conference (or one of its individual members or counsel to the Committee).

I realize that I must recuse in any proceeding in which my impartiality might reasonably be questioned. Accordingly, I have identified that I shall be recused in any case involving the Dinsmore & Shohl LLP law firm, as my father owns shares in a closely held family company that once had a civil lawsuit filed against it in 2002 and Dinsmore & Shohl served as plaintiffs' counsel. The lawsuit resulted in a favorable decision by the Supreme Court of Georgia on behalf of the company that my father owns the shares in, but I have continued to recuse in any case involving Dinsmore & Shohl to avoid any perceived conflict. I likewise have recused myself from cases that would have substantial involvement of counsel from a local firm, Strauss Troy Co., LPA, as one of its attorneys has represented my family in personal matters. Finally, and more recently, I have recused myself from all cases involving the law firm Graydon Head & Ritchey LLP since the time my daughter first received an offer to work there as a summer associate and later as an associate. Even though my daughter no longer works for Graydon Head & Ritchey LLP, I have continued to recuse from all cases and matters involving the law firm given her history of employment with the firm.

Aside from the matters discussed above involving the Dinsmore & Shohl, Strauss Troy, and Graydon Head & Ritchey LLP law firms, I recused myself *sua sponte* in the case of *Earls v. United States of America (In re Earls)*, Ch. 13 Case No. 13- 14649, Adv. No. 14-1043 (Bankr. S.D. Ohio Nov. 20, 2014), because it involved an attorney with whom I had worked closely for many years during my time as an Assistant United States Attorney.

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;

From 1985 to 1986, I served as a law clerk to the Honorable Alan E. Norris, Appeals Court Judge for the Tenth District Court of Appeals for Ohio. From 1986 to 1987, I served as a law clerk for the Honorable Alan E. Norris, Circuit Judge for the United States Court of Appeals for the Sixth Circuit.

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

I have never practiced alone.

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

1987 – 1990  
Squire Patton Boggs, LLP  
2000 Huntington Center  
41 South High Street  
Columbus, Ohio 43215  
Associate

1990 – 1996  
U.S. Attorney's Office for the Southern District of Ohio  
303 Marconi Boulevard Suite 200  
Columbus, Ohio 43215  
Chief of the Civil Division (1993 – 1996)  
Chief of the Financial Litigation Unit (1992 – 1993)  
Assistant United States Attorney (1990 – 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 in alternative dispute resolution proceedings.

b. Describe:

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

From 1985 to 1986, I served as law clerk to the Honorable Alan E. Norris, Appeals Court Judge for the Tenth District Court of Appeals for Ohio. From 1986 to 1987, I continued serving as law clerk for Honorable Alan E. Norris upon his appointment to the United States Court of Appeals for the Sixth Circuit.

From 1987 to 1990, I worked as an associate attorney for Squire Patton Boggs, LLP (formerly Squire, Sanders and Dempsey), a global business law firm, in its Columbus, Ohio office. My work there involved a variety of civil subject matters, including labor and employment litigation, breach of a commercial contract over the sale of a business, commercial zoning and title work for businesses involving real estate, and health care litigation.

From 1990 to 1996, I served as an Assistant United States Attorney for the Southern District of Ohio. As an Assistant United States Attorney (from 1990 to 1992), I had sole responsibility for all bankruptcy cases involving the United States filed in the Eastern Division (Columbus). I worked on a variety of bankruptcy matters—all at trial-stage—drafting pleadings, conducting discovery, and representing in court agencies such as the Small Business Administration, the Department of Agriculture, the Internal Revenue Service, and the Department of Housing and Urban Development.

From 1992 to 1993, I served as Chief of the Financial Litigation Unit. I continued to conduct trial work in bankruptcy cases on behalf of the United States, but I also supervised other Assistant U.S. Attorneys and paralegals. My duties included prosecuting civil cases against individuals and entities under the Federal Debt Collection Procedures Act, civil forfeiture statutes, and False Claims Act.

From 1993 to 1996, I served as Chief of the Civil Division. In this role, my duties expanded to include a variety of other litigation on behalf of the United States. My supervisory responsibilities increased to cover all Assistant United States Attorneys carrying a civil caseload in the Southern District of Ohio. In addition to financial litigation trial work, I defended



against cases and supervised litigation brought by plaintiffs against the United States or its officers, agents, and employees under the Federal Tort Claims Act and based on alleged constitutional torts under *Bivens*.

Since 1996, I have served as a Bankruptcy Court Judge on the United States Bankruptcy Court for the Southern District of Ohio.

From 2014 to 2021, I served as Chief Judge of the Bankruptcy Court for the Southern District of Ohio and while carrying a full case load in Cincinnati and Columbus, I also performed administrative responsibilities over the Court and Clerk's office, pursuant to 28 U.S.C. §§ 154 – 156.

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

During my years in private practice at Squire Patton Boggs from 1987 to 1990, my clients consisted of large and small companies, corporate executives, real estate developers, non-profits, public-school boards, colleges, and universities. I specialized in civil litigation, including drafting motions, various pleadings, and conducting discovery. My cases involved a variety of subject matters, including breach of a commercial contract to purchase a business, real estate and zoning law, labor and employment disputes, and securities law.

As an Assistant United States Attorney from 1990 to 1996, I represented the United States and a variety of its agencies, departments, and agents in civil litigation before the district and bankruptcy courts. I specialized in affirmative civil enforcement litigation under the False Claims Act, civil asset forfeiture statutes, and Federal Debt Collection Procedures Act. I also defended the United States and its departments, agencies, employees, and officers in civil litigation brought by plaintiffs under employment discrimination laws and the Federal Tort Claims Act. In this capacity, I represented the United States in civil litigation brought by plaintiffs who had allegedly suffered personal injury, death, or property damage caused by negligent or wrongful acts or omissions of federal employees. I also defended federal agents, employees, and officers, including judges, in cases based on alleged constitutional torts, or *Bivens* actions.

- 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.

At Squire Patton Boggs from 1987 to 1990, my practice was almost entirely civil litigation. I appeared in court occasionally.

As an Assistant U.S. Attorney, my practice was entirely civil litigation in federal court. I appeared in court frequently—approximately twice a week. After becoming Chief of the Financial Litigation Unit and Chief of the Civil Division from 1992 to 1996, I assumed more supervisory duties and appeared in court less frequently.

- i. Indicate the percentage of your practice in:
  - 1. federal courts: 98%
  - 2. state courts of record: 1%
  - 3. other courts: 0%
  - 4. administrative agencies: 1%

- ii. Indicate the percentage of your practice in:
  - 1. civil proceedings: 99%
  - 2. criminal proceedings: < 1%

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

I tried at least two cases in reported decisions to verdict, judgment, or final decision, one as lead counsel and one as co-counsel in the United States District Court for the Southern District of Ohio as an Assistant U.S. Attorney, from 1990 to 1996. I also tried a substantial number of matters in the United States Bankruptcy Court that appear mainly in unreported decisions. The United States Bankruptcy Court records are no longer available for those years, so I do not have an exact number.

As an associate attorney with Squire Patton Boggs from 1987 to 1990, I served as co-counsel in one matter tried to final decision before an Ohio administrative law judge.

- i. What percentage of these trials were:
  - 1. jury: 0%
  - 2. non-jury: 100%

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

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

- 17. **Litigation:** Describe the ten (10) most significant litigated matters which you personally

handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

- 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. *Wright v. Morris*, No. 2:93-cv-01149 (S.D. Ohio 1995) (Dlott, J.); 111 F.3d 414 (6th Cir. 1997) (Engel, Merritt, & Moore, JJ.); 111 F.3d 132 (table), 1997 WL 178874 (6th Cir. 1997) (Engel, Merritt, & Moore, JJ.)

At the trial court level, I served as lead attorney on behalf of the United States, representing three defendants—the Director of the Bureau of Prisons, the Federal Property Resources Service, and the Director of the Bureau of Land Management—all of whom were dismissed on a successful motion for summary judgment. The final judgment was appealed, and was ultimately included in a consolidated appeal before the Sixth Circuit that presented the question of whether the administrative exhaustion requirement of the Prison Litigation Reform Act of 1996 (the “PLRA”)—enacted while the consolidated matters were pending on appeal—applied retroactively to appeals pending on its enactment date. Because the appeal implicated a federal statute, I filed a brief on behalf of the United States. The Sixth Circuit held that the PLRA did not apply, and in its opinion on the merits of the appeal, the circuit court affirmed the district court’s grant of summary judgment. The dates of my representation were 1995 to 1996.

Counsel for Co-Defendants:

Gary David Andorka  
Maguire Schneider Hassay, LLP  
1650 Lake Shore Drive  
Columbus, OH 43204  
(614) 224-1222

Suzanne Ellen Kelly  
The Law Office of Suzanne E. Kelly, LLC  
752 North State Street, Suite 193  
Westerville, OH 43082  
(614) 483-8951

Richard Paul Fahey  
Retired

John Hamrick Burtch  
Current Address Unknown

2. *Duryee v. U.S. Dep't of the Treasury*, 6 F. Supp. 2d 700 (S.D. Ohio 1995) (Holschuh, J.)

I represented the Secretary of the Treasury for the United States in this action seeking a determination of the federal government's interests in the assets of an insolvent insurance company. Following appeals to the Sixth Circuit and Supreme Court, the district court found in the United States' favor. The matter involved two competing statutes—a federal statute that would give the government first priority and an Ohio statute that would give the United States fifth priority. Which statute governed the priority of the United States' claim depended on whether the Ohio Revised Code statute at issue was subject to the McCarran-Ferguson Act, 15 U.S.C. § 1012(b), which exempts state laws that regulate the “business of insurance” from federal preemption. On appeal of the district court's first decision (finding that the Ohio statute did not regulate the “business of insurance” and was thus preempted), the Supreme Court of the United States held that certain provisions of the Ohio law were subject to preemption by the federal priority statute and certain provisions were not. *U.S. Dep't of Treasury v. Fabe*, 508 U.S. 491, 510 (1993). On remand, the district court ruled in the United States' favor, holding that the preempted portions of the Ohio law were not severable from the remainder of the statute and that the Ohio statute was therefore invalid and inapplicable to the United States' claim. I represented the United States at the trial court level but not in the Sixth Circuit and Supreme Court appeals. The dates of my representation were 1994 to 1995.

Co-Counsel:

James R. Rishel  
Deceased

Counsel for Plaintiff:

Joseph E. Kane  
Current Address Unknown

3. *U.S. Postal Serv. v. Klass*, No. 90-00450 (S.D. Ohio 1995) (Beckwith, J.), *aff'd*, No. 94-3830, 1996 WL 20504 (6th Cir. Jan. 18, 1996) (Martin, Jones, Cohn, JJ.)

I served as lead trial counsel for the Postmaster General for the United States Postal Service. The defendant operated a scam mail order business. Several thousand customers had been defrauded by the time postal inspectors and other federal authorities discovered the scam. The case did not meet the criminal prosecution guidelines set by the U.S.

Attorney. I pursued the case civilly under a companion statute to mail fraud. I successfully instituted a freeze of more than \$300,000 held in bank accounts owned by the defendant. Those funds were later returned to the victims of the scheme. After receiving a judgment in district court, I successfully argued the case on appeal in the Sixth Circuit. The district court judgment was affirmed, and the victims of the fraud were able to recover a portion of their losses. The dates of my representation were 1993 to 1996.

Counsel for Defendant:

Max Kravitz  
Deceased

Janet Kravitz  
Kravitz, Brown & Dortch, LLC  
65 East State Street, Suite 200  
Columbus, OH 43215  
(614) 545-5355

Robert Ullman  
Deceased

4. *In re Newtowne, Inc.*, No. 93-50474 (Bankr. S.D. Ohio 1994) (Calhoun, J.)

I served as lead trial attorney in this case, representing the Secretary of the Treasury. The case involved a complex tax and bankruptcy matter. The Internal Revenue Service (IRS) held certain tax claims against the debtor's company and its officers as responsible parties under the Internal Revenue Code. The United States received favorable treatment of its tax claim following lengthy negotiations. The dates of my representation were 1993 to 1996.

Counsel for Debtor:

Thomas R. Noland  
Retired

Hon. Guy R. Humphrey  
United States Bankruptcy Court  
Southern District of Ohio  
120 West Third Street  
Dayton, OH 54502  
(937) 225-2863

J. Anthony Kington  
Taft Stettinius & Hollister LLP

65 East State Street, Suite 1000  
Columbus, OH 43215  
(614) 334-6141

5. *Stephen Clark v. Sec'y, Dep't of the Air Force*, No. 93-447 (S.D. Ohio) (Kemp, Mag. J.)

I served as co-counsel, representing the Secretary of the Air Force in this Title VII employment discrimination action. The plaintiff, a civilian employee at Wright-Patterson Air Force Base, alleged employment discrimination based on race arising from his failure to receive a promotion. Among other relief, the plaintiff's complaint sought monetary damages (including back pay and front pay) and placement in the job that he had been refused. I conducted witness interviews, depositions, and other discovery. I also helped draft pre- and post-trial briefs in the case. The case consumed two full days of trial in front of a magistrate judge. The magistrate judge issued a report and recommendation finding in favor of the United States. To the best of my recollection, the district court issued a decision affirming the magistrate judge's report and recommendation after the plaintiff objected. The dates of my representation were 1992 to 1994.

Counsel for Plaintiff:

Ralph Breitfeller  
Kegler Brown Hill & Ritter  
65 East State Street, Suite 1800  
Columbus, OH 43215  
(614) 462-5427

6. *United States v. Edmonds Mech.*, No. 2:93-cv-367 (S.D. Ohio 1993) (Graham, J.)

I served as lead trial attorney in this litigation representing the Secretary of Veterans Affairs. I brought a subrogation claim against the defendant to recover medical costs incurred by the V.A. Hospital. A veteran of the U.S. Armed Forces had been the victim of an auto accident and was not at fault. I successfully recovered monetary damages on behalf of the United States related to the veteran's treatment and care provided by the V.A. Hospital. The dates of my representation were 1992 to 1994.

Counsel for Defendant:

Gary Brinsfield  
Deceased

7. *Ernst & Young, Inc. v. Internal Revenue Service (In re Ernst & Young, Inc.)*, 129 B.R. 147 (Bankr. S.D. Ohio 1991) (Sellers, J.), *vacated and remanded*, 135 B.R. 521 (S.D. Ohio 1991) (Holschuh, J.); *see also* 135 B.R. 517 (S.D. Ohio 1991) (Holschuh, J.)

I served as co-counsel for the Secretary of the Treasury, Internal Revenue Service in this complex bankruptcy case relating to the receivership of a foreign corporation. A Canadian airline corporation had been placed in receivership (in Canada), and after the IRS had requested payment of certain taxes, the receiver filed a related bankruptcy proceeding in the Southern District of Ohio pursuant to a now-repealed section of the Bankruptcy Code, § 304. The case involved questions of whether the IRS had waived its sovereign immunity and whether it could be enjoined from enforcing its tax liens against the corporation's assets in the United States. On appeal, the district court held that the IRS had not waived sovereign immunity and that the Anti-Injunction Act barred Ernst & Young's (the Canadian receiver) suit for injunctive relief. As the result, the IRS was permitted to execute against the debtor's assets located in the United States in order to satisfy the taxes due. The dates of my representation were April to August 1991.

Co-Counsel:

D. Michael Crites  
Dinsmore & Shohl LLP  
191 West Nationwide Boulevard, Suite 200  
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(614) 628-6934

Henry J. Riordan  
U.S. Department of Justice  
3606 14th Street South  
Arlington, VA 22204  
(703) 486-1696

Counsel for the Debtor/Plaintiff:

Daniel F. Gosch  
Dickinson Wright  
200 Ottawa Avenue, Northwest, Suite 1000  
Grand Rapids, MI 49503  
(616) 336-1015

Richard K. Stovall  
Allen Stovall Neuman & Ashton LLP  
17 South High Street, Suite 1220  
Columbus, OH 43215  
(614) 591-9575

William Randolph Case  
Retired

8. *In re Davis*, No. 90-28050 (Bankr. S.D. Ohio 1991) (Calhoun, J.)

I served as lead trial attorney on behalf of the Secretary of the Treasury for the United States in this case. The plaintiffs were members of a tax protestor group and gun store owners. The Internal Revenue Service (IRS) seized all of the plaintiffs' firearms over their refusal to pay federal income taxes. Thereafter, the plaintiffs filed for bankruptcy relief and sought return of the weapons seized and an order from the court, contending that the IRS had violated the automatic stay. The bankruptcy judge rejected the plaintiff's arguments, finding there was no adequate protection for the payment of the government's tax claims and no violation of the automatic stay by the IRS in retaining possession of the firearms. The parties ultimately reached an agreement over payment of the taxes, and the firearms were returned. The dates of my representation were 1989 to 1992.

Counsel for Plaintiffs:

Lee Mittman  
Deceased

John W. Kennedy  
Strip Hoppers Leithart McGrath & Terlecky Co., LPA  
575 South Third Street  
Columbus, OH 43215  
(614) 228-6345

9. *Paul Revere Life Ins. Co. v. Brock*, No. 2:86-cv-01204 (S.D. Ohio 1990) (Holschuh, J. & Abel, Mag. J.), *aff'd in part, rev'd in part*, No. 90-3573, 1991 WL 59941 (6th Cir. Apr. 19, 1991) (Martin, Milburn, & Engel, JJ.), *following remand, rev'd and remanded*, Nos. 92-4227 & 92-4228, 28 F.3d 551 (6th Cir. 1994) (Jones, Martin, & DeMascio, JJ.), *on remand*, 970 F. Supp. 621 (S.D. Ohio 1997) (Holschuh, J.)

I represented the United States in this interpleader action. The plaintiff was an insurance company holding proceeds of a disability insurance policy subject to the claims of numerous parties. The district court granted my motion for summary judgment and held that the United States had first priority over the proceeds. The matter went through two rounds of appeals and remands from the Sixth Circuit. I represented the United States on appeal by filing an amicus brief. I did not take an active role in arguing the case on appeal. The United States was ultimately awarded first priority on its tax lien, including interest. The dates of my representation were 1992 to 1994.

Co-Counsel:

Stephen A. Sherman  
U.S. Department of Justice, Tax Division  
P.O. Box 55  
Ben Franklin Station  
Washington, DC 20044



(202) 307-6404

Counsel for Plaintiff:

David Warren Alexander  
Squire Patton Boggs LLP  
41 South High Street  
Suite 2000  
Columbus, OH 43215  
(614) 365-2801

Counsel for Co-Defendants:

Ronald Benjamin Noga  
Solo Practitioner  
223 Winthrop Road  
Columbus, OH 43214  
(614) 326-1954

Alan Frederick Berliner  
Thompson Hine LLP  
41 South High Street  
Suite 1700  
Columbus, OH 43215  
(614) 369-3200

10. *Nye v. Gorman*, No. 89-cv-00160 (S.D. Ohio 1989) (Graham, J.)

I served as defense co-counsel for the Thomas W. Ruff Furniture Company in this civil action. The plaintiffs in the case were potential buyers of the company. The parties signed a letter of intent to help guide the negotiations. When negotiations fell apart, the plaintiffs sued my client for breach of the letter of intent. The plaintiffs alleged that the letter of intent constituted a binding contract and that my client was compelled to complete the sale of the business to them. I conducted the discovery in the litigation, performed the legal research pertaining to the issues, and assisted with drafting the answer and pre-trial motions. The district court ultimately granted a dispositive motion in favor of my client and the lawsuit was dismissed. The dates of my representation were February to August 1989.

Co-Counsel:

Alan Briggs  
Retired

Counsel for Plaintiffs:

John Kulewicz  
Vorys, Sater, Seymour and Pease LLP  
52 East Gay Street  
P.O. Box 1008  
Columbus, OH 43216  
(614) 464-5634

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

In addition to my practice and work on the bench, I have also given lectures on bankruptcy and insolvency law, trial practice and procedures, evidence, and ethics and professionalism throughout the United States and in Brazil. And I have served on several committees of the United States Judicial Conference by appointment of two Chief Justices of the United States Supreme Court. In addition to these roles, I have held leadership positions within the American Bar Association, the American Bankruptcy Institute, the American College of Bankruptcy, the National Conference of Bankruptcy Judges, the American Bankruptcy Institute Midwest Regional Bankruptcy Seminar, and the American Law Institute.

Locally in my community, I have worked with several organizations to improve the administration of justice. For example, I currently serve as the co-convenor of the Black Lawyers Association of Cincinnati - Cincinnati Bar Association- (BLAC-CBA) Roundtable—a program that seeks to encourage the hiring of African Americans and other minority attorneys in law firms and businesses in Greater Cincinnati. I have also served on the Steering Committee for the Cincinnati Academy of Leadership for Lawyers (CALL)—a leadership institute for lawyers and judges that seeks to instill the virtues of professionalism, mentorship, and ethical behaviors in lawyers recently admitted to the bar.

I have never 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.

In the spring semesters of 1999, 2000, 2001, 2005, 2009, and 2011, I served as an adjunct law professor at the University of Cincinnati, intermittently teaching the fundamentals of

bankruptcy law. Syllabi 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.

None.

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

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.

Since becoming a United States Bankruptcy Judge in 1996, I have followed the federal recusal statutes and the Code of Conduct for United States Judges, and I have sought to minimize the potential for conflicts of interest by avoiding investments and other relationships likely to warrant recusal. If confirmed, I will continue to follow the Code of Conduct for United States Judges, and all other applicable principles covering recusal.

- 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 continue to follow the federal recusal statutes and the Code of Conduct for United States Judges. If any issue of a potential conflict were to arise, I would carefully review the applicable statutes and the Code and, if necessary, would seek advice from the Code of Conduct Committee of the Judicial Conference (or its counsel). In cases of uncertainty, I would err on the side of disqualification.

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.

While in private practice (1987 – 1990), I prepared incorporation documents for several IRC § 501(c)(3) non-profit organizations. One such project I performed legal work for was AmeriFlora '92—an international horticultural exhibition held in Columbus, Ohio. I also chaired a number of Columbus Bar Association committees, including the Law Day Committee that sponsored an annual Naturalization Ceremony and luncheon attended by new citizens and their families, judges, and members of the bar. That event took many hours of planning and preparation.

As a United States Bankruptcy Judge, I am prohibited from practicing law and therefore from directly handling pro bono cases. However, I have found other ways to participate in serving the disadvantaged. For example, I have worked with the Foundation of the American College of Bankruptcy, the Cincinnati Legal Aid Society/Volunteer Lawyers Project, and the Ohio State Bar Association's Pro Bono Taskforce, helping to secure pro bono representation for underserved populations, including the indigent and homeless veterans. I spent nearly a decade (2000 – 2009) as a board member of a non-profit organization called Working in Neighborhoods (WIN), which advises low-income individuals on saving for, purchasing, owning, and maintaining private homes and engages in foreclosure prevention services. In this capacity, I was instrumental in forming a committee of senior lawyers from major Cincinnati firms to perform pro bono legal services for WIN clients. I have also been involved with a local chapter of Credit Abuse Resistance Education (CARE), a program through which bankruptcy and financial services professionals volunteer to educate students and young adults on financial literacy. And for the past several years, I have served as a board member or chair of multiple nonprofit charities, the leading example of which is my service as President of the Law and Leadership Institute, a statewide pipeline educational enrichment program that inspires and prepares high school students in underserved communities for college and professional success through legally-based curricula and leadership training.

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.

I wrote to Senator Sherrod Brown on December 18, 2021, expressing my interest in being considered for the vacancy arising on May 18, 2022. On May 17, 2022, Senator Brown called me to tell me that he and Senator Rob Portman were recommending me to the President for nomination. On May 22, 2022, I was interviewed by attorneys from the White House Counsel's Office. On May 23, 2022, I completed and submitted to Senator Brown's office the Ohio Federal District Court Nomination Application. Since May 23, 2022, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On August 1, 2022, my nomination was submitted 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.